

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 40 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
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| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
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| | WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | | | |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 11 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 4/16/2019 | 000237-000251 |
| 17 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT | 8 | 5/16/2019 | 001025-001037 |
| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS | 59 thru 60 | 4/14/2020 | 007401-007717 |

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| | COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | | | |
| 16 | DEFENDANT IN INTERVENTION'S OPPOSITION TO PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER | 8 | 5/10/2019 | 000975-001024 |
| 287 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |
| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |

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| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 374 | DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 10/30/2020 | 048131-048141 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |

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| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITITES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

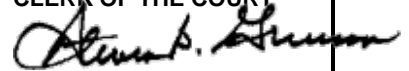
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
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057



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC,)
et al.,)

Plaintiffs,)

vs.)

STATE OF NEVADA DEPARTMENT OF)
TAXATION,)

Defendant.)

CASE NO. A-19-786962-B
DEPT NO. XI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

TUESDAY, AUGUST, 13, 2019

EVIDENTIARY HEARING - DAY 17

VOLUME I OF II

RECORDED BY: JILL HAWKINS, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

APPEARANCES:

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NATHANAEL R. RULIS, ESQ.
MAXIMILIEN D. FETAZ, ESQ.
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BRIGID M. HIGGINS, ESQ.
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WITNESSES FOR THE DEFENSE:

PHILLIP PECKMAN

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LAS VEGAS, CLARK COUNTY, NEVADA, AUGUST 13, 2019, 9:22 A.M.

*** * * * ***

MR. GUTIERREZ: Yes, Your Honor. We're going to call Shane Terry first.

THE COURT: Okay.

MR. GUTIERREZ: After Mr. Terry, we're going to have Phillip Peckman on behalf of Thrive.

THE COURT: Okay.

MR. GUTIERREZ: And after Mr. Peckman, I'll have Alex Yemenidjian on behalf of Essence.

THE COURT: Okay.

MR. GUTIERREZ: And that's all our witnesses, Your Honor.

THE COURT: So you've got three.

MR. GUTIERREZ: Yes.

THE COURT: And then after that will you be done?

MR. GUTIERREZ: We'll be done after that, Your Honor.

THE COURT: Do any of the other defendants in intervention plan on calling any witnesses today? Because we're trying to wrap up all of the evidence today.

Okay. Is there going to be a rebuttal case other than the issue I've talked about with Mr. Gentile on the bond.

MR. GENTILE: That depends on what the testimony is.

THE COURT: I understand. But right now do you think you're going to have a rebuttal case?

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1 MR. GENTILE: As of right now, no.

2 THE COURT: Okay.

3 MR. CRISTALLI: And, Your Honor, with regard to
4 Mr. Terry, I know he's not an intervenor in this case. I know
5 that he is an applicant. We do not have his application. We
6 have not had an opportunity to review it even in a redacted
7 form. I think we should have an opportunity if he's going to
8 get up and testify as it relates to these proceedings, and we
9 would like that chance to be able to understand the ownership
10 structure of his company. Unless --

11 THE COURT: What's the name of his company?

12 MR. CRISTALLI: I believe it's TapRoots, and the
13 applicant name I believe is Grassroots, but I may be wrong on
14 that.

15 UNIDENTIFIED SPEAKER: That would be -- it's TapRoot.

16 MR. CRISTALLI: Well, the applicant --

17 THE COURT: So it's not NuVeda any more?

18 MR. RULIS: The LLC is --

19 No. It's TR --

20 THE COURT: Because they were here yesterday, and
21 they told me he had sold.

22 MR. RULIS: Okay. It is not NuVeda any more. It is
23 TRNV -- TRNVP098, LLC.

24 THE COURT: So does anyone have his application so
25 someone can ask him if it's okay to look at it?

1 (No audible response)

2 THE COURT: It's a yes or no.

3 UNIDENTIFIED SPEAKER: I don't know.

4 THE COURT: So I'm guessing nobody has it. All
5 right. That will be a slight delay.

6 Mr. Gutierrez, I've got to work that out before he
7 takes the stand.

8 MR. GUTIERREZ: I understand.

9 THE COURT: So are you going to --

10 MR. GUTIERREZ: I don't know that his application --

11 THE COURT: Are you going to are you going to
12 caucus --

13 MR. GUTIERREZ: -- has been produced.

14 THE COURT: That's why we're having a discussion.

15 MR. GUTIERREZ: Yeah. I think it was just the
16 parties.

17 THE COURT: So that's why we're having the
18 discussion. It needs to be made available in some form or
19 other. And so I need you all to caucus, perhaps with
20 Mr. Terry, because he's the one who will have to give some
21 consent related to that before we go forward.

22 So you guys do that while I'm sitting here waiting.

23 MR. GUTIERREZ: Do we have the -- does the State have
24 the unredacted version?

25 MR. BHIRUD: Not on me, probably back in my office.

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1 MR. GUTIERREZ: Yes.

2 THE COURT: That would be at Washington and Las Vegas
3 Boulevard.

4 MR. BHIRUD: Yeah.

5 MR. CRISTALLI: And I'm assuming we're going to have
6 a redaction issue on top of that.

7 THE COURT: I don't know, Mr. Cristalli. I've got
8 multiple steps to go through.

9 (Pause in the proceedings.)

10 THE COURT: Did you have an opportunity --

11 MR. GUTIERREZ: Your Honor, Mr. Terry is getting the
12 application. I think what we would agree to is to produce the
13 same unredacted portions that have been produced by the
14 intervening defendants.

15 THE COURT: Okay.

16 MR. GUTIERREZ: He's going to email it to us that we
17 can get those portions over so maybe we can start with
18 Mr. Peckman first.

19 THE COURT: Okay.

20 MR. GUTIERREZ: And then see if we can get that
21 straightened out if that works.

22 THE COURT: Is that agreeable to everyone?

23 MR. GENTILE: Yes, Your Honor.

24 THE COURT: All right. That'll be the plan. Thank
25 you. Good solution, gentlemen.

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1 So I'm still missing Mr. Khan, and since I'm four
2 minutes early, I can't start until at least 9:30.

3 (Pause in the proceedings.)

4 (Proceedings recessed at 9:27 a.m., until 9:32 a.m.)

5 THE COURT: All right. Mr. Gutierrez, are you ready
6 to start?

7 MR. GUTIERREZ: We're ready, Your Honor. We're going
8 to start with Mr. Peckman.

9 THE COURT: Perfect timing, Mr. Khan.

10 MR. KAHN: Thank you, Your Honor. Glad I'm not late,
11 but --

12 (Pause in the proceedings.)

13 THE COURT: Your next witness.

14 MR. GUTIERREZ: Your Honor, we call Phillip Peckman.

15 THE COURT: Mr. Peckman, if you'd come forward,
16 please.

17 **PHILLIP PECKMAN**

18 [having been called as a witness and being first duly sworn,
19 testified as follows:]

20 THE CLERK: Thank you. Please be seated. Please
21 state and spell your name for the record.

22 THE WITNESS: Phillip Craig Peckman. P-e-c-k-m-a-n.

23 THE COURT: Good morning, Mr. Peckman. You've been
24 here for several days. You can sit down. There are M&Ms in
25 the dispensers. There are more binders than you -- than you

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1 could possibly imagine, and there's water in the pitcher. If
2 you need a break at any time, you let us know.

3 THE WITNESS: I may have to stand up on occasion
4 because of my sore back.

5 THE COURT: Please, please feel free to stand up if
6 you need to.

7 THE WITNESS: If that's okay.

8 THE COURT: And if your voice drops or you get too
9 far from the mic, we will remind you to keep your voice up.

10 THE WITNESS: This is it right here.

11 THE COURT: Okay. But if you need to stand up, you
12 just do so, sir. And if you need a break, let us know.

13 You may proceed, Counsel.

14 MR. GUTIERREZ: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MR. GUTIERREZ:

17 Q Good morning, Mr. Peckman. Could you give us an
18 overview of your educational background.

19 A I'm from Iowa. I went to school at Creighton
20 University in Omaha, Nebraska. I have degrees in economics,
21 political science and accounting. I also went to University of
22 Iowa. I went to Drake Law School. I passed the bar in Iowa,
23 and I practiced law in Iowa before I moved here.

24 Q And just give us an overview of your work experience
25 after law school.

1 A After law school I practiced law. I was inclined to
2 like tax. I joined a national accounting firm called McGladrey
3 and Poland. I moved out here in 1980 where I became managing
4 partner of that firm here, and I was there, and my whole
5 experience with McGladrey was 16 years.

6 In 1990, I left McGladrey and Poland, and I joined a
7 company here called Greenspun, and, the Greenspun Corporation,
8 I joined them as the COO in 1990. I left as a CEO 16 years
9 later.

10 Q And tell us, what's your current involvement with the
11 marijuana industry?

12 A I'm one of the owners of a company called Thrive.

13 Q Do you have any other roles in addition to owners?

14 A I am one of the -- I am the advisory manager. I have
15 emphasis not in operations, but in the political side,
16 lobbying, raising money, accounting, taxation, acquisition,
17 things like that.

18 Q So those are some of the duties you perform --

19 A Yes.

20 Q -- as part of that role?

21 A Yes.

22 Q Okay. And how did you get involved with Thrive?

23 A Years ago, probably 2013, when the medical licenses
24 were coming on board, several of us talked about it, and so a
25 group of us made applications for licenses.

1 Q Okay. And who else is involved with the ownership of
2 Thrive?

3 A There's seven of us: Mitch Britten is our CEO and
4 one of the major owners; Nick Mamula, local resident; Julie
5 Murray; David Brown; myself; and Tom Hallback [phonetic].

6 Q Is Ed Findlay and owner as well?

7 A Oh, yeah. I'm sorry. Ed Findlay, yes, he's an owner
8 too.

9 Q Are you aware of the ownership structure of Thrive?

10 A Yes.

11 Q Okay. And it's my understanding there's a holding
12 company; is it CPCM Holdings LLC?

13 A Yes, there is.

14 Q And can you describe the ownership structure for us
15 from a -- for the LLCs.

16 A The owners own their interest in CPCM, and there are
17 three companies below that, all of them have licenses. One is
18 MB which is basically Mitch Britten [indiscernible] grow.

19 The other one is Commerce. That has a Springfield
20 license.

21 The other one is Cheyenne. That has a dispensary
22 license.

23 And they've been around since 2014.

24 Q Okay. So Cheyenne Medical LLC is a separate LLC with
25 its own medical marijuana license; is that correct?

1 A Yes.

2 Q And then Commerce Park Medical LLC has its own
3 license as well; is that correct?

4 A Yes.

5 Q And you said they were formed in what year?

6 A 2014.

7 Q Okay. There's been a suggestion in this Court that
8 Thrive created these LLCs, Commerce Park Medical and Cheyenne
9 Park specifically to apply for the 2018 process. Is that true?

10 A No. They been around since 2014.

11 Q Okay. So they're not newly created entities? Is
12 that fair to say?

13 A No, they're not.

14 Q Now, during the 2018 application process, did Thrive
15 apply for licenses under Commerce Park LLC and Cheyenne Medical
16 LLC?

17 A Yes.

18 Q Okay. Now, are you aware of any statute or
19 regulation that says an entity can only apply for one license
20 per jurisdiction?

21 A No.

22 Q Are you aware of other companies, including companies
23 on the plaintiffs' side had used separate LLCs to file multiple
24 applications in the same jurisdiction?

25 A Yes.

1 MR. GENTILE: Objection to foundation.

2 THE COURT: Overruled.

3 BY MR. GUTIERREZ:

4 Q Would Tryke be one of those companies?

5 A Yes.

6 Q Okay. And NuVeda as well?

7 A NuVeda, yes.

8 Q Now, Mr. Peckman, you said you did lobby on behalf of
9 the company for Thrive; is that fair?

10 A Yes.

11 Q Okay. Are you aware of the 2016 ballot initiative?

12 A Yes.

13 Q I want to ask you a few questions about it. So we
14 can turn to NRS 453D.020 -- or -020. Now, this should come up
15 on your screen, but --

16 (Pause in the proceedings.)

17 THE COURT: And, sir, if you want to look at the real
18 book too, you can if that's helpful.

19 MR. GUTIERREZ: Your Honor, do we have the book for
20 him?

21 THE COURT: I do.

22 MR. GUTIERREZ: Thank you.

23 THE COURT: At least I think I do.

24 (Pause in the proceedings.)

25 THE COURT: Sir, I apologize. This is an entire

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1 replacement volume. There's no pocket part anymore. So
2 hopefully that one will work.

3 BY MR. GUTIERREZ:

4 Q All right. Mr. Peckman, if you could turn to
5 453D.020.

6 A Okay.

7 Q Let me know when you have that in front of you.

8 THE COURT: Wait, sir. I think I gave you the wrong
9 book. That's 433. And it is still in the pocket part which is
10 the very back with those little looseleaf --

11 THE WITNESS: A, B, C. These go A, B, C.

12 I have 453D here. I have --

13 THE COURT: So that book, the whole -- go all the way
14 to the back.

15 THE WITNESS: Oh, thank you. A, B, C --

16 THE COURT: Keep going. There's a looseleaf thing
17 stuck in the back.

18 THE WITNESS: Oh, back here. I'm sorry about that.

19 THE COURT: It's okay. It's a lawyer thing called a
20 pocket part.

21 THE WITNESS: Yes, I have it.

22 MR. GUTIERREZ: Okay. Excellent.

23 BY MR. GUTIERREZ:

24 Q Now, Mr. Peckman, what's your understanding of what
25 the intent is of the ballot initiative for 2016?

1 A It was on the ballot to have a vote of the people to
2 determine whether or not Nevada should have recreational
3 marijuana.

4 Q Is one of the intent to generate taxable revenue for
5 the State, specifically for public education?

6 A Yes.

7 Q Okay. And are you aware that the State eventually
8 moved forward with adopting regulations, permanent regulations
9 for recreational marijuana?

10 A Yes.

11 Q Okay. And just if you could go down to 453D.200.

12 A Are you going to put that on the screen also?

13 Q Yes.

14 A Okay.

15 Q And then we talked about this a lot, and I know
16 you've been in court, but you see the language that says,

17 The department shall adopt all
18 regulations necessary or convenient to carry
19 out the provisions of this chapter.

20 Have you seen that before?

21 A Yes, I have.

22 Q And what was your understanding as to what that
23 meant?

24 A That the State agency is responsible for getting
25 ready to implement recreational marijuana, and so they have an

1 obligation to put things in procedure so we can -- so we can
2 apply for applications and open.

3 Q The very next sentence, if you read down, it talks
4 about,

5 The regulations must not prohibit the
6 operation of marijuana establishments, either
7 expressly or through regulations, that make
8 their operation unreasonably impracticable.

9 And we've talked about that. Have you seen that
10 language?

11 A I have.

12 Q And as someone who owns a marijuana establishment,
13 can you tell us what would be unreasonably impracticable, like
14 what type of regulations could cause a burden on your company.

15 A In the application process or --

16 Q During the application process.

17 A Well, it doesn't really apply to us, but background
18 checks on all owners would be impossible, especially for large
19 public companies.

20 Q And tell us about that. If there's an imposition to
21 do background checks on every single minority-level shareholder
22 of a company, you believe that can cause a burden on a company?

23 A For larger companies it would. I mean, our company
24 is small. We have seven owners, and we have one at 1 and a
25 half percent. And all of our owners, including the small one,

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1 had background checks on -- I've heard most of the testimony
2 for a large company, and it's hard to find out who the actual
3 owners are, either directly or beneficial owners.

4 Q Okay.

5 A And when you buy a piece of stock in a company, it's
6 held usually in a street name. So you buy it, and your account
7 said Merrill, and Merrill was the owner.

8 If you're the beneficial owner, you have to contact
9 Merrill to find out that I'm an owner.

10 If you're part of a mutual fund, they're the owner.
11 A mutual fund might have 200,000 beneficial owners of that
12 fund. You'd have to contact them to see if they would give you
13 the names of all of them. It's also possible a mutual fund can
14 own a mutual fund. So you'd have another 3- or 4,000 people.

15 Plus, ownership changes daily. So one day you might
16 have, if you could get to all those people, it could be
17 hundreds of thousands or maybe even a billion. If you could
18 get all those people, they would change the next day. They
19 would change the next day.

20 So there's also an ongoing process that the State
21 has, you know, to review ownership, and they can do that
22 whenever they want to.

23 Q You said something. You said that it wouldn't apply
24 to Thrive. Can you explain that more. You said earlier Thrive
25 had seven owners?

1 A We have seven owners.

2 Q Okay. And did Thrive have any owners with less than
3 5 percent ownership interest?

4 A Yes. Julie Murray.

5 Q Okay. And did Thrive have all of its owners
6 background checked for the 2018 application process?

7 A We did.

8 MR. GUTIERREZ: At this time, Your Honor, I'd like to
9 move to admit Proposed Exhibit 5062, which is a portion of
10 Thrive's application that contains Attachment B, which is the
11 owner, officer and board member attestation form.

12 THE COURT: Any objections?

13 MR. KEMP: No objection, Your Honor.

14 THE COURT: Be admitted.

15 (Defense Exhibit Number 5062 admitted)

16 THE COURT: And does Mr. Peckman have a copy?

17 MR. GUTIERREZ: May I approach?

18 THE COURT: You may.

19 BY MR. GUTIERREZ:

20 Q Mr. Peckman, have you seen this portion of Thrive's
21 application before?

22 A I have.

23 Q Okay. And on this first page, can you tell us what
24 that is.

25 A That's called the member attestation form.

1 Q And Mitch Britten is one of the owners of Thrive?

2 A He is.

3 Q So Mitch Britten signed prior on August 21st, 2018,
4 consenting to a background check; is that correct?

5 A Yes.

6 Q If you go to the next page, David Brown, is he also
7 an owner of Thrive?

8 A He is.

9 Q And did he sign agreeing for a background check?

10 A Yes.

11 Q Can you go to the next page.

12 Edward Findlay, is he also an owner of Thrive?

13 A He is.

14 Q And he agreed to a background check --

15 A He did.

16 Q -- it looks like on August 20th, 2018; is that
17 correct?

18 A Yes.

19 Q Thomas Hallback, the next page, is also an owner; is
20 that correct?

21 A Yes.

22 Q And he agreed to a background check?

23 A He did.

24 Q And the next one is Nickolas Mamula, and he agreed to
25 the background check as well?

1 A He did.

2 Q And finally, the last was Julie Murray. Did she
3 agree to have a background check?

4 A She did.

5 Q And Julie has less than a 5 percent ownership
6 interest; is that --

7 A She does.

8 Q -- in Thrive; is that correct?

9 A She does.

10 Q Okay. Hypothetically, if it was --

11 THE COURT: There are M&Ms in the trucks?

12 BY MR. GUTIERREZ:

13 Q Hypothetically, if there was a ruling that the
14 background checks were required for everybody with less than
15 5 percent ownership interest, would Thrive have complied with
16 that portion?

17 A Yes, we would.

18 Q Okay. I want to turn your attention to the
19 severability clause in the initiative which is at 453D.600.

20 A -600?

21 Q Yes. It should be on your screen as well.

22 A Yes.

23 Q Have you seen this provision in the ballot initiative
24 before?

25 A Yes.

1 Q Okay. Tell us what it is.

2 A That's pretty standard language. I'm not sure in
3 every initiative, but in most contracts, things like that,
4 there's a severability clause. You know, for some reason, you
5 know, if someone is -- if something is not enforceable or it
6 violates the Constitution or something like that, and the rest
7 of the either contract or something like this, the initiative,
8 is you can implement it without that provision. Then you -- a
9 provision you don't use.

10 Q So taking the intent of the ballot initiative, which
11 is to have recreational use marijuana, would there be a way to
12 sever a portion of the statute that would -- if it was found to
13 be unconstitutional?

14 MR. GENTILE: Objection. Calls for a legal
15 conclusion.

16 THE COURT: Overruled.

17 THE WITNESS: Of course, you could. If something was
18 just impossible to do, the overall intent of the initiative is
19 still able to be carried out, just like it basically says in
20 here, then you would do that because that would be the overall
21 intent of the initiative is to implement recreational marijuana
22 in the State.

23 BY MR. GUTIERREZ:

24 Q Now, Mr. Peckman, were you -- did you do any
25 lobbying, or did you speak on behalf of Thrive at all for any

1 of the -- during the adoption period of the permanent
2 regulations in 2018?

3 A No, I did not. We have lobbyists and lawyers that
4 participated mostly, plus various organizations in the State
5 that did that. Plus all the many of the owners, plaintiffs and
6 intervenors, all had many of them that were involved. Of
7 course, we talk all the time. The industry is small and pretty
8 close. So we all know what's going on.

9 Q So did the industry had the ability to weigh in on
10 the adoption of the permanent regulations?

11 A It had the ability and obligation obviously, and the
12 department of tax, or really any government agency before they
13 can adopt any kind of regulations, they have public hearings,
14 public input. We had workshops, and we give input to what the
15 industry says, you know.

16 Q Are you familiar with how regulations work in
17 general?

18 A Absolutely. I used to lobby on behalf of the
19 Greenspun Corporation.

20 Q Okay. Can you tell us in general how regulations are
21 adopted.

22 A It's pretty standard for every agency, and so I'll
23 just give you kind of a generality. There's obligation to have
24 all these public hearings, which they do, and an obligation for
25 these workshops, which they do. They ask people what they

1 think, not only people in the industry, but people outside the
2 industry that have concerns about whether this lab testing or
3 packaging or advertising, you know, or locations, you know,
4 where they would be better served, you know, close to this and
5 close to that. So there's all kinds of input.

6 Within the department in general they prepare some
7 kind of a draft. Obviously here they had some old regulations
8 in the medical, and they somewhat go off those because that
9 really was the intent here is to not upset medical the best you
10 can. So they prepared draft, the department, and, you know,
11 the department as part of the executive branch, obviously, and
12 so they're represented by the Attorney General. So the
13 Attorney General has one or two staff lawyers there that in
14 general would participate in the drafting of the regulations to
15 make sure they comply.

16 The executive branch, they have an obligation to
17 submit those to the legislative branch, you know, which they
18 do. After that particular process, they go to the LCB, which
19 LCB basically approves all language for laws and regulations.
20 So they send up a draft. It might be called the P draft or
21 proposed draft, something like that, and it goes to that
22 agency. They put all the numbers on it, and code sections or
23 administrative code section, things like that, and they look at
24 whether it complies -- in this case, they would look whether it
25 complied with the initiative and, or -- and/or whether it was

1 constitutional. But they do that every time they pass a law.
2 Every state agency does the same thing. So they take a look at
3 that, and then they say, hey, this works. That doesn't work.
4 You can't do that, whatever.

5 They send that back, and the department will take a
6 look at that and go, well, we can't do that. So they chat.
7 They might even chat with some of the industry members or other
8 people out there at how do you think we should do that. That
9 doesn't make sense. That doesn't apply to the initiative. It
10 doesn't work.

11 Then it goes back up, and it's renumbered again with
12 the, usually in the LCB, and then after that comes back for one
13 final, then it goes to the LCB, and so assuming the LCB has
14 approved it, it goes to the tax commission.

15 The tax commission is, I think, an independent body,
16 I believe, appointed by the governor. It's citizens. It goes
17 to the tax commission. They vote on it. They voted it on
18 here. I think it was unanimous, but again I don't really know
19 for sure. So it goes to the tax commission. Assuming they do
20 approve --

21 By the way, they could reject it if it's not
22 constitutional or does not apply with the initiative.

23 They did not. So we can assume that they thought
24 they did comply all these regulations.

25 And then it goes to the legislative commission which

1 is a group of senators and assembly members. I can't remember
2 how many, maybe 13.

3 They have --

4 By the way, each step here, there is public
5 testimony, public hearing. People have the right to say and
6 are encouraged to comment on those. The industry did. Almost
7 every single plaintiff, almost every industry association said,
8 hey, if these regulations work, please pass them. They comply.
9 We want to get started. We want to get started with the whole
10 application process, things like that. So it goes to the, as I
11 said, it goes to the commission.

12 But like I say, the commission, and they vote on it
13 too, and as soon as they vote on it, then they go back to the
14 department so they can -- they have final regulations, and so
15 they can implement those as they know they comply with the
16 initiative and with the Constitution.

17 Q You mentioned something about the regulations for
18 recreational should match the medical regulations. Is there a
19 provision in the ballot initiative or statute that discusses
20 that?

21 A The ballot initiative has a clause in there. I guess
22 I don't -- unless you want to read it to me -- basically that
23 says that the initiative is not supposed to do anything to
24 interfere with the medical marijuana.

25 Q Is that 453D200, Subsection 1K?

1 A Can I go back here? And straighten out one more
2 question here that you asked me just a minute ago?

3 Q Yes.

4 A Is that allowed?

5 Q Yes.

6 A I wanted to let you know that the thousands and
7 thousands and thousands of hours that went into public hearing
8 and workshops and back and forth that everybody participated
9 in, I don't know if it was 10,000 hours or not, but it was a
10 large number and days and days and weeks and months of trying
11 to draft regulations and give input for the regulation.

12 Q And that was through workshops and the Governor's
13 task force as well; correct?

14 A Uh-huh. Yes. That's true.

15 Q Okay. Now, this provision, this we talked about with
16 the medical matching the recreational, which is in 200,
17 453D.200(1)(k), which says,

18 Procedures and requirements to enable a
19 dual licensee to operate medical marijuana
20 establishments and marijuana establishments
21 at the same location.

22 A Yeah. The intent was people had medical licenses so
23 obviously they're going to apply for recreational licenses.
24 Then there are rules in place for med. The idea was you'd try
25 not to have different sets of rules that would interfere; you

1 know, you have to operate one way for med and one way for rec.
2 And so the idea was unless you absolutely had to was to make it
3 so the locations could have both med and rec.

4 Q And you -- you've been in court when there's been
5 testimony about diversity used as a scoring criteria?

6 A Sure.

7 Q What is your opinion on whether diversity is directly
8 and demonstrably related to the operation of marijuana
9 establishments?

10 A 100 percent it is without any question whatsoever.

11 Q Can you tell us why.

12 A I'll just defer to Frank Hawkins. His testimony,
13 very clear. Frank is an honest guy. He knows about diversity.
14 And we all do, and so yes, it is directly related to the
15 operation of a successful business.

16 Q Is there any objection by the industry prior to the
17 adoption of the regulations about the use of diversity in the
18 scoring criteria?

19 A None.

20 Q There's a provision in the statute that talks about
21 proposed location. Are you familiar with that proposed
22 location?

23 A Are you talking about the initiative?

24 Q Yes.

25 A Yes.

1 Q Could you tell us what some of the problems would be
2 with having to secure property prior to submitting an
3 application.

4 A The industry had that problem on medical marijuana,
5 and then where you had to a secure a location in order to, I
6 think, apply for a license. So some people got a location,
7 then got local government approval. Then some of those people
8 didn't get licenses. So the unintended consequences was
9 obviously litigation because local government, you know, wanted
10 to, you know, issue a license, and some people, you know,
11 obviously didn't qualify for a license. So that had to be
12 fixed just to base upon having a location.

13 That was attempted to be straightened out where it
14 was clear that you did not have to have a location in place to
15 apply for a license, and one of the significant reasons is that
16 it -- let's just say you had a location in place. Well, and
17 you bought it or paid for it or leased it, if you didn't get a
18 license, then you were out all that money.

19 But not only in addition to that, if you applied for
20 a license and you named a location, two days later, you could
21 move it, and so having a location picked out as part of the
22 application process really doesn't make any significant
23 difference in terms of selecting the quality of an applicant
24 and going through who gets a license since it's just another
25 procedure to open.

1 Q And there were 462 applications during 2018 around.

2 Does that --

3 A Yes.

4 Q -- sound about right to you?

5 A Yes, that's right.

6 Q And there were only 61 licenses awarded?

7 A I think that's right.

8 Q So under that reading, they would have -- there would
9 be 462 separate pieces of property that would have to be tied
10 up prior to an application process?

11 A I apologize. Just let me -- just a second.

12 Will you be able to hear me?

13 THE COURT: Sir, do you want us to take a break?

14 THE WITNESS: No. No. No.

15 THE COURT: Or are you just standing up?

16 THE WITNESS: No, just gravity.

17 THE COURT: If you're okay just standing up, it's
18 okay with me.

19 THE WITNESS: I'm okay. Can you hear me then okay?

20 MR. GUTIERREZ: I can hear you.

21 THE COURT: Jill says yes.

22 THE WITNESS: Okay. I'm sorry. Can you repeat that.

23 BY MR. GUTIERREZ:

24 Q The question was there was 462 applicants.

25 A Yes.

1 Q And 61 license winners. They would have to be --
2 there would be approximately 400 pieces of property that were
3 secured and tied up that would not have one license; is that
4 fair, in this -- under this process?

5 A Yes. That's exactly correct.

6 Q Now, did you have a role as an owner of Thrive in the
7 actual filling out of the application for Thrive in 2018?

8 A None.

9 Q And who was the -- who did on behalf of Thrive take
10 lead on that.

11 A Our CEO Mitch Britten with various consultants.

12 Q How many licenses did Thrive ultimately win in the
13 2018 process?

14 A We won six.

15 Q Okay. Did Thrive win a license in every jurisdiction
16 it applied for?

17 A No.

18 Q After being awarded the six licenses in December
19 of 2018, tell us what steps Thrive took to get open under those
20 licenses.

21 A To the extent that we could apply for or go to a
22 jurisdiction to seek approval and their local licensing, we
23 did. In particular, we went to the City of Las Vegas, and we,
24 with a location, went through their process for their
25 licensing, inspection and so forth, built out a location on

1 West Sahara, went through a I think we would probably call it a
2 preopening process because we already had a license from the
3 State and, you know, subject to that you have to go through a
4 process for opening.

5 And they do an inspection before you open. They're
6 making sure they do an inspection, that your plans comply, you
7 have cameras and things like that because they have a process,
8 you know, for the facility, that it complies, not the
9 particular licensees anymore because that's done, the facility
10 complies.

11 Then they inspect the product that you have when you
12 take it in because we have a system here proceed to sale, and
13 so every single product is numbered and accounted for, and the
14 State ensures that you start with that product.

15 So they do an inspection. Obviously the local
16 government does an inspection for all your building plans and,
17 you know, making sure that things follow their rules too.

18 And then so you get a local government approval.
19 Then the State comes through to walk through, and then you get
20 your final approval to open which we did and which we got 3500
21 West Sahara.

22 And then there was a injunction stopping us from
23 opening.

24 Q Okay.

25 A We had all -- everything that -- everything that you

1 needed to open by the local government or the State had been
2 done and approved.

3 Q Okay. All right. And Thrive complied with the
4 injunction and still is, but it did not open under its new
5 license from the City of Las Vegas?

6 A No, it did not.

7 Q Did Thrive have to take steps to move another license
8 in order to keep that location?

9 A We did. We had employees over there, about I think
10 27 is what I think we said, plus we had an ongoing lease of
11 about \$20,000 a month. We had an existing under a license over
12 on Commerce. So after we were -- which wasn't the best
13 location and, you know, you have it -- and like I said before,
14 you're allowed to move a location with local government
15 approval. It obviously has to be approved by the State once
16 again.

17 So as we couldn't open that location, since we had a
18 location that was modest shall we say on Commerce, and we were
19 already paying money, we decided to move that license. So we
20 went to the local jurisdiction, got their permission. We went
21 to the obviously to the State to get their permission and then
22 went through their normal procedures for opening like that, as
23 I said, testing inventory and so forth. Then we -- we did open
24 a few days ago that license, that location with an existing
25 license that had been moved.

1 Q To be clear, you had to move the Commerce Park
2 location, the license you've had since 2017, over to this
3 location?

4 A Yes. And we had to move the one that was under the
5 injunction, since we couldn't use it, back to commerce, and we
6 closed Commerce.

7 Q All right. And was there a local ordinance
8 requirement to get open by the City of Las Vegas within a
9 90-day period that you're aware of?

10 A Oh, yes, there was. Yes. And that's one of the
11 reasons we had to move on that location because the risk of
12 losing, you know, your license or trying to get it extended, by
13 the --

14 Q After obtaining notice that Thrive won six licenses,
15 did Thrive have to pay a license fee for those license?

16 A Yes. Each license had to pay a license fee to the
17 State. I think it was \$20,000. So we paid \$120,000 for our
18 licenses.

19 Q So did Thrive pay the \$20,000 per license?

20 A Yes.

21 Q Okay. Are you aware of the regulation that that
22 requires those fees to be paid within a 10 day period, or the
23 department can revoke the license?

24 A Yes. They could revoke the license if we don't pay.

25 Q Okay. And can you tell us how much money Thrive

1 spent to get open in Reno.

2 A Around \$700,000, maybe a little bit more.

3 Q What's the status of the Reno license?

4 A We're still in the application process. We're on the
5 city council I think for approval. I think that has to go a
6 couple of times, and obviously, assuming they did approve, we
7 have to go to the State for final inspection of the facility to
8 open.

9 Q Now, Mr. Peckman, you've been in court almost every
10 day during this proceeding; correct?

11 A Yes.

12 Q Were you here some time in mid July when some of the
13 cultivator owners testified about not being able to buy a
14 license?

15 A Yes.

16 Q Okay. Is that a -- as you sit here, is that a true
17 statement?

18 A Absolutely not.

19 Q Can you explain to us why that isn't.

20 A There's licenses for sale everywhere. There's two
21 licenses for sale in Reno, dispensaries, that there's at least
22 two licenses with a -- by the way, that was through a broker up
23 in Reno and a broker down here. All of our licenses are for
24 sale. I've talked to at Thrive both the old ones and the new
25 ones, I've talked to almost every single one of the

1 intervenors. They'd be happy to sell a license, new or old. I
2 can tell you that many of the plaintiffs' are for sale.

3 Tryke has hired an investment banker, and they've got
4 a book trying to sell that.

5 MedMen bought a license before. They have one of
6 their existing licenses for sale.

7 NEO, which is David Goldwater's company, their
8 company is for sale. They have a license.

9 You can look if you want to, public information,
10 through the Las Vegas Medical Association. They have a list --
11 they have a list of every single license that was bought or
12 sold in the last year, and some of the intervenors actually
13 have letters, LOIs to sell the licenses they initially got,
14 deposits. There's licenses for sale everywhere, and if you
15 don't know that, then you're not trying to buy one.

16 Q So none of the cultivators contacted you about buying
17 a license from Thrive?

18 A Never.

19 Q Have you been contacted by any of the plaintiffs at
20 all about after winning your licenses about potentially selling
21 one?

22 A Of course. I get contacted all the time by
23 plaintiffs and intervenors about wanting to sell any of our
24 licenses. Sure.

25 Q Did you ever have a meeting with Bob Groesbeck from

1 MM Development after winning your license?

2 A Sure.

3 Q And tell us about that meeting.

4 A Bob, his company MM, did not get a license. They had
5 an existing facility that they wanted to put the license in,
6 and so he's got a public company, and he didn't get one. He
7 contacted us and several of the people that got licenses asking
8 if we would sell them one, and we said, of course, we will sell
9 you one. Just make us an offer, and we'll see if we can
10 negotiate the purchase price. He never made us an offer, but
11 he did ask if we had one for sale, and we said we did, and we
12 would be happy to negotiate.

13 Q When was this meeting?

14 A It was a few days after the licenses were granted.

15 Q And Thrive would be willing -- Thrive was willing to
16 sell a license. There was just no offer made; is that correct?

17 A Absolutely. There was no offer made.

18 Q Now, Mr. Peckman, can you tell us what the harm would
19 be to your company if a Court granted injunction preventing you
20 from opening and going forward?

21 A Absent all the time and effort and all the money
22 spent on two locations for development, build-out, leasing, all
23 that money would be lost, and so it's combined, you know, if
24 you had included even the fees we paid for, probably a couple
25 million dollars.

1 Plus, plus not being able to open the new licenses,
2 at any of the six locations, and so the lost revenue and profit
3 on that, not only by us, but the entire industry and lost taxes
4 to the State, taxes to local government. If we are unable to
5 prevail in this litigation, we'll have to lay off employees.
6 So there'll be a loss of existing jobs, a loss of future jobs,
7 not only for us by anyone else.

8 Q And are you aware of a 12-month period under the
9 regulations to get open or lose your license? Under the --

10 A Yes. Yes. We are.

11 Q And is that a deadline that's still in place as you
12 sit here today?

13 A Yes, it is.

14 Q Okay.

15 A That expires in December. Without any type of
16 renewal or extension, every single license that has been
17 granted is subject to being lose it, or it's revoked or however
18 you want to say that, and it would be gone, and there would
19 have to be, assuming they would issue licenses in the future,
20 there would have to be another application process.

21 Q Has the State give you -- given you any formal
22 indication that it's going to extend that deadline?

23 A We don't know yet. We don't know if they're going to
24 extend that deadline or not.

25 Q Some of the plaintiffs have asked, testified about

1 wanting the process to be voided and redone, the entire
2 application. Can you tell us about some of the unintended
3 consequences that could happen if there is a complete redo of
4 the process given some of the exclusivity language.

5 A Well, we think that actually violates the initiative
6 by doing that. The idea of the initiative, if you want to look
7 at the language, basically said is the people of Nevada want
8 recreational marijuana, and it lists the number of licenses and
9 it asks the State to implement that. It asked the State to
10 draft the regulations, asked the State to collect all the
11 taxes.

12 And so if you, and if you understand the initiative,
13 the initiative was meant so that the existing licensees, that's
14 anybody who had a medical marijuana license, a dispensary, a
15 production license or a grow license, for the first 18 months,
16 only those people could apply. And that was, specific, that's
17 so the existing people could apply for licenses.

18 If, in fact, that was thrown out and the initiative,
19 the intent was I think violated and the people's intent was
20 violated, then the next process for an application could
21 include theoretically thousands of applications. We might not
22 get one. Any intervener, obviously, and anybody who's a
23 plaintiff may not get one. I mean, they didn't get one this
24 time around with the 400, how about 400,000 applications.

25 Q And that's because it would open it up to the entire

1 public, not just the existing entities --

2 A They have to.

3 Q One of the risks or harms that potentially could
4 affect the State would be if there's been money collected for
5 not only licensing fees, but application fees that could
6 potentially have to be returned?

7 A Yes. Yes. Absolutely.

8 Q I mean, just my rough math, at 462 applications, at
9 \$5,000 each, that's about 2.3 million?

10 A Yes. That's correct.

11 Q And 61 licenses at \$20,000 each for about
12 1.2 million; is that correct?

13 A That's correct.

14 Q Okay. You've heard testimony about a decrease in
15 market share as well from some of the plaintiffs. Do you
16 recall that?

17 A Yes, I do.

18 Q Do you think there's any way to say with certainty
19 whether there would be a decrease in market share if new
20 licenses were awarded?

21 A No, in our opinion, we applied. Obviously we all
22 applied for licenses because we wanted them, the plaintiffs and
23 the interveners. So we all think there was some value in
24 those. You know, we think the market will grow, and we know
25 there are licenses for sale. So obviously those licenses have

1 some value, and whether it's 1 million or \$20 million. So our
2 projections say that will, the entire industry and every store
3 will make money, and the old stores will make money.

4 I've heard the arguments that, you know, it takes
5 away from existing stores. There's no proof of that
6 whatsoever; right? This is -- this is even more speculative
7 than my statement that you'd be harmed that way, that your
8 market share would go down.

9 Plus, if you're a plaintiff in this case, and you're
10 a cultivator, you had no market share to begin with. So
11 nothing is going down for you, and that's a significant number
12 of the plaintiffs here.

13 MR. GUTIERREZ: Thank you, Mr. Peckman.

14 I would pass the witness, Your Honor.

15 THE COURT: Cross-examination.

16 MR. KEMP: Yes, Your Honor.

17 THE COURT: Mr. Kemp.

18 THE WITNESS: Once again, Your Honor, thank you.

19 THE COURT: Absolutely, sir.

20 If you'd rather take a break before Mr. Kemp starts,
21 we could.

22 MR. GENTILE: Your Honor, can we take just like the
23 two-minute break, seriously, so that counsel can consult?

24 THE COURT: Sure. Mr. Gentile, this is not a
25 requested break, which means the witness can talk to anybody he

1 wants.

2 Mr. Cristalli, could you come up here, please.

3 MR. CRISTALLI: Yes, Your Honor.

4 THE COURT: So five minutes, guys.

5 (Proceedings recessed at 10:15 a.m., until 10:23 a.m.)

6 THE COURT: Are we ready?

7 MR. KEMP: Yes, Your Honor.

8 THE COURT: You can sit down if you'd like. The rest
9 of you can stand up if you want. I know some people feel like
10 their backs feel better if they stand up occasionally. That's
11 okay with me.

12 Mr. Kemp, you're up.

13 CROSS-EXAMINATION

14 BY MR. KEMP:

15 Q Good morning, Mr. Peckman.

16 A Mr. Kemp.

17 Q I'd say it's good to see you again, but I've spent
18 quite a bit of time with you lately.

19 In any event, you said, quote, all of our licenses
20 are for sale referring -- that was what you said; right?

21 A 100 percent.

22 Q Okay. And prior to this application process, how
23 many licenses did Thrive have?

24 A Two.

25 Q So both of those licenses are for sale?

JD Reporting, Inc.

1 A Absolutely.

2 Q And they both have operating dispensaries?

3 A Yes, they do.

4 Q So you're not willing to sell the license without
5 selling the dispensary too, or are you?

6 A I'm sorry. I didn't understand that.

7 Q Are you willing just to sell the license and shut
8 down the dispensary?

9 A That's a negotiation between the buyer and the
10 seller. They may want to take over the location.

11 Q Has anyone ever actually made an offer on either one
12 of those two licenses?

13 A Make an offer. I guess I'd have to think what an
14 offer actually is. We probably have had eight or ten meetings
15 with various people asking if we are for sale or would we sell,
16 and at various public companies. Do I have -- did I have a
17 signed offer in place? I don't think so.

18 Q Okay. So you've never had an offer. And have you
19 listed them for sale?

20 A Other than telling the world that they're for sale, I
21 guess if that's listing, then that's listing.

22 Q So when you said all of your licenses are for sale,
23 were you meaning it in the sense that everything is for sale?

24 A No, not particularly.

25 Q Okay.

1 A No. There's -- licenses are bought and sold every
2 single day.

3 By the way, our cultivation is for sale too.

4 Q Okay. Let's refer to those two licenses. If I
5 offered you a million dollars today, would you sell them?

6 A I doubt it.

7 Q Two?

8 A No.

9 Q Five?

10 A Are you talking the two existing?

11 Q Yeah, the two existing. If I offered you 5 million,
12 would you sell it?

13 A No, I don't think so.

14 Q Ten?

15 A Are you talking cash?

16 Q Cash. If I give you 10 million cash today, would you
17 sell me the Sahara store, the 3500 West Sahara store?

18 A U.S. cash?

19 Q Is there another kind? Okay.

20 A No. No.

21 Q U.S. cash. No, you wouldn't sell?

22 A Probably not.

23 Q Okay.

24 A There is a higher price though I would sell.

25 Q A hundred million?

1 A Okay.

2 Q So when you say everything is for sale, you're
3 basically saying you haven't had any offers; you haven't listed
4 it, but in your mind everything is for sale?

5 A The people that come talk to us say would you sell a
6 license or this or that, or will you take public stock in this
7 or that since we haven't been inclined to say make us a solid
8 offer, and we'll sell it for that yet.

9 Q Okay.

10 A No.

11 Q Now, you recognize that there's 26 plaintiffs in this
12 litigation, at least 26; right?

13 A Okay. I haven't counted, but if you say there are,
14 then there are.

15 Q 25, 26, 27.

16 A Sure.

17 Q You're not testifying that all of them, even if they
18 had unlimited funds, could buy -- buy a license, do you -- are
19 you? I mean, you recognize there's a limited number of
20 licenses here?

21 A There always has been.

22 Q So you would agree with me that all 26 plaintiffs it
23 would be impossible for them each to buy a license, even if
24 they had unlimited funds; right?

25 A I don't know that. How many licenses do they want?

1 Q Okay. There were 10 licenses offered in this
2 procedure in Clark County, unincorporated Clark?

3 A Are you talking about the State?

4 Q Yeah.

5 A Well, if 26 people want licenses --

6 Q And there's only 10 -- and there's only 10 licenses.

7 A Oh, you're talking about in the county?

8 Q Uh-huh.

9 A Well, statewide there's a whole bunch of licenses for
10 sale.

11 Q Okay. Let's just focus on county by county first.

12 A Okay.

13 Q In Clark County, in this licensing procedure, there
14 were 10 licenses in unincorporated Clark, yes?

15 A Ten licenses as part of the application process, yes.
16 Yes.

17 Q And there were also 10 in the city of Las Vegas?

18 A Yes.

19 Q So you would agree with me that even if the 26
20 plaintiffs had a billion dollars a piece to offer, it's just
21 impossible for them all to buy a license because there's not
22 enough licenses?

23 A In those two jurisdictions, if we're -- but if you
24 want to go across the street you can buy a license.

25 Q What do you mean by that?

1 A Well, if you want to go over to Henderson, you can
2 buy one. North Las Vegas, usually they're separated by about a
3 thousand feet.

4 Q Henderson there's a moratorium. You can't open a
5 store in Henderson.

6 A There's a moratorium in a lot of places. It doesn't
7 mean you'll never be able to open a store.

8 Q So you would agree with me that the 26 plaintiffs,
9 even if they had unlimited funds, could not buy a license in
10 Clark County because there just aren't enough, an
11 unincorporated Clark County license?

12 A If all 26 plaintiffs wanted a license in Clark
13 County, then they couldn't get one. The same for most of the
14 intervenors too though.

15 Q Okay. And the same is true for the City of Las Vegas
16 and all the other jurisdictions if we went through?

17 A If you went one at a time, that's an accurate
18 statement.

19 Q Okay. And how about if I got the Winnemucca license?
20 Would you trade me your 3500 West Sahara license for the
21 Winnemucca license?

22 A I might. I don't know.

23 Q You would trade me a Winnemucca license for a City of
24 Las Vegas license at 3500 West Sahara?

25 A I might do that. Really, I'd have to know a little

1 bit more about Winnemucca. I'm sure it's a nice place. I
2 don't know how many people live there, or is there a store
3 there now?

4 Q No. There's a moratorium up in Winnemucca now.

5 A A moratorium doesn't mean anything to me.

6 Q A moratorium or a local government says you can't
7 open doesn't mean anything to you?

8 A Not particularly.

9 Q Why is that?

10 A Because that's subject to change. Right now the
11 county won't take licenses. As soon as this litigation is over
12 and the good guys prevail, then there will be licenses
13 available.

14 Q Meaning my clients?

15 A Of course. Of course.

16 Q All right. Now, Mr. Peckman, let's talk about the
17 3500 West Sahara store.

18 A Sure.

19 Q That's the one by the church; right?

20 A The church you go to.

21 Q If you want to come some time, then feel free.

22 A You call me. We'll go together on a Sunday morning.

23 Q It could be a marketing thing for you. Okay.

24 But anyway, with regards to the church --

25 A Yes, sir.

1 Q -- that church was subject to -- excuse me, that
2 store next to the church was subject to a TRO; correct?

3 A By this Court?

4 Q Yes.

5 A Yes, it was.

6 Q And there was a bond posted to secure that TRO in the
7 amount of \$450,000?

8 MR. GRAF: Well, objection, Your Honor. Misstates
9 evidence.

10 THE COURT: Overruled.

11 MR. GRAF: -- and is subject to a pending motion.

12 THE COURT: No speaking objections, Mr. Graf.

13 MR. GRAF: Thank you, Your Honor.

14 THE COURT: But overruled.

15 BY MR. KEMP:

16 Q There's still a bond posted for \$450,000; right?

17 A Yes. I think it's been funded. I'm not so sure, but
18 I think so.

19 Q Okay. And you've already opened a store because you
20 moved a license over to it. You opened it last week; right?

21 A Yes, we did.

22 Q So you have no damages there, and yet there's still
23 the \$450,000 bond posted?

24 A Well, we moved the license subject to the --

25 Q So you had --

1 A -- TRO to --

2 Q You would agree with me you had --

3 THE COURT: You've got to let him finish.

4 BY MR. KEMP:

5 Q Go ahead.

6 THE COURT: Sir, were you done?

7 THE WITNESS: We moved that license subject to the
8 TRO over to our location on Commerce where we can't open
9 because of the TRO. So that license is over there subject to a
10 injunction.

11 BY MR. KEMP:

12 Q Okay. But you opened the store on 3500 West Sahara
13 that you offered purported damages for to get the \$450,000
14 bond; right? You opened that store?

15 A With an existing license, yes.

16 Q So those damages that you brought to the Court with
17 regards to the 3500 West Sahara store, they don't exist
18 anymore; right?

19 A They exist over on Commerce, not on the 3500 West
20 Sahara.

21 Q The Commerce store, the one that you called not the
22 best location.

23 A No, it's not.

24 Q It's the one by the -- behind the old Wholesome Bread
25 facility? On Charleston.

1 A I didn't say behind, but it's over at Commerce and
2 Charleston.

3 Q Okay. It's close to that?

4 A Yes.

5 Q Okay. All right. Would you agree with me that the
6 bond amount for that store, if any, would be significantly less
7 than the west Sahara store?

8 A No, I wouldn't.

9 Q Do you think that --

10 A I think the bond for West Sahara was too low.

11 Q Okay. Fair enough.

12 Now, you talked about a meeting you had with
13 Mr. Groesbeck?

14 A Yes.

15 Q Okay. And you said, quote, That he never made you an
16 offer, unquote. Did I write that down right?

17 A He said to me -- I said, make us an offer. He said,
18 no. Tell me how much you want. You make me an offer first.

19 Q So you never made him an offer, and he never made you
20 an offer?

21 A He didn't want to -- he did not want to make an offer
22 because he said I don't want to negotiate with myself.

23 Q And just to make it clear, that was a provisional
24 unincorporated Clark County license that you were discussing;
25 correct?

1 A I don't know what provisional means. It's the
2 license?

3 Q Okay. It's one of the ones in the 2018 procedure?

4 A That is. True.

5 Q Okay. So let's call it a 2018 license.

6 A Right.

7 Q Fair. So he never made you an offer for the 2018
8 unincorporated Clark County license; correct?

9 A No, he did not.

10 Q And you never put a price on it?

11 A No, we did not.

12 Q Okay. Have you put a price on it for anybody at any
13 time?

14 A Someone asked if we would sell a location, existing
15 location for \$20 million. We said we would consider it. There
16 are offers out there for existing 2018 licenses and LOIs for
17 \$10 million. Would we sell one for that? That's very
18 possible, very possible.

19 Q Okay.

20 A We're waiting for an offer.

21 Q So my question was have you ever evaluated what that
22 license is worth, and you said yes, no, what?

23 A Are you talking old or new?

24 Q You, the 2018.

25 A We talk about it all the time in our company. If we

1 were to sell one and how much and to who.

2 Q So, yes, you've evaluated it?

3 A Yes. Yes, we have talked about it.

4 Q What's the number you put on it?

5 A It really depends on whether it's a cash or public
6 securities.

7 Q Let's assume it's cash as opposed to stock.

8 A 20 million.

9 Q So you think unincorporated Clark County license
10 could be had for 20 million? From your company?

11 A Yes, I do.

12 Q And once again, even if all the 25 plaintiffs had
13 20 million apiece and they wanted to buy, that's one license.
14 That's -- the other 24 get nothing or could get nothing.

15 A It depends about their financing. I'm assuming they
16 could borrow money --

17 Q I'm just talking numbers to you.

18 A -- to come up with the license that's valuable.

19 Q Assuming all 25 had 20 million, you just have one
20 license that you think could be had for that amount; right?

21 A I have one, but there's more than enough licenses in
22 the State for sale to sell to every one of the plaintiffs.

23 Q So there's -- okay. I thought we were past that.
24 There are not 26 licenses in unincorporated Clark County.

25 A Oh, I'm sorry. Yes.

1 Q Okay. If you want to go to Winnemucca and the cow
2 counties, I agree with you, but the licenses in unincorporated
3 Clark, City of Las Vegas, there are not enough to sell to all
4 the plaintiffs?

5 A In Southern Nevada there's probably 80 licenses. I'd
6 have to check for sure how many licenses there are, which
7 includes all of that.

8 Q Which includes the new 31, the 2018 ones, and the
9 existing; right?

10 A Yes, that's correct.

11 Q Okay. Now, with regards to the unincorporated Clark,
12 the 2018 licenses, other than yourself, do you know anybody
13 else in this room who's got a license that's got it up for
14 sale?

15 A Every single intervener I've talked to has
16 probably -- is willing to sell a license. I've talked to every
17 single one of them.

18 Q Okay. Is willing to sell a Clark County,
19 unincorporated Clark County 2018 license?

20 A Uh --

21 Q Every single one of them is willing to sell that?

22 A I'm not so sure every intervener got a Clark County
23 license. I'd have to check that out.

24 Q Okay. Let's talk about a couple specific
25 intervenors. It's your understanding that Essence is willing

1 to sell its two -- I think it has two -- 2018 unincorporated
2 Clark County --

3 A You'd have to talk to them, but in general.

4 Q No, I'm asking your understanding because you told
5 the Court that every single intervener is willing to sell a
6 license?

7 A I said my understanding every single, depending upon
8 the purchase price. I would -- I would suggest that if you
9 want to make an offer to Essence for a hundred million dollars,
10 they'd probably sell you a license.

11 Q So you don't know as we sit here today one way or the
12 other --

13 A What Essence --

14 Q -- whether anyone other than Thrive is willing to
15 sell a license --

16 A They're all -- they're all willing to negotiate to
17 sell a license subject to purchase price and closing and things
18 like that.

19 Q -- but you can't say under oath that anyone other
20 than Thrive is willing to sell an unincorporated Clark County
21 license for any price. You can't say that. You could
22 speculate, but you can't say that?

23 A I can only rely on what they have told me.

24 Q So Essence has told you that they would sell one of
25 the 2018 unincorporated Clark County licenses for 20 million.

1 Is that your testimony?

2 A Every single intervener I have talked to is willing
3 to negotiate to sell a license.

4 Q Has Essence told you that they're willing to sell one
5 of the 2018 --

6 A Yes, they have.

7 Q -- unincorporated Clark County licenses --

8 A That I don't know.

9 Q -- for --

10 A If you're asking about Clark County, I can't tell
11 you. The discussions are broad in terms of licenses.

12 Q Okay. Now, on location for just real quick.

13 A Sure.

14 Q Would I be correct that the -- Thrive put in five
15 applications; is that right?

16 A It put in six.

17 Q Okay. Six.

18 A Oh, I'm sorry. We put in nine and got six licenses.

19 Q And some of those applications you didn't have a
20 specific location? An identified location other than a UPS
21 store or; right?

22 A The -- you mean a place where you actually were going
23 to open it?

24 Q Right.

25 A No. No. That's true.

1 Q So did all six of them not have an identified
2 location, or five out of the six?

3 A Listen, I would say I don't think so, but you'd
4 really have to talk to our CEO.

5 Q Okay. So as I understand your testimony today, the
6 ballot initiative requires a location. The regulations
7 requires a location, but because it's hard for 462 people to
8 find a location across the State, that requirement should be
9 dismissed with --

10 MR. WIGHT: Objection. Misstates --

11 BY MR. KEMP:

12 Q -- is that your testimony?

13 MR. WIGHT: Testimony.

14 THE WITNESS: I don't understand.

15 THE COURT: Overruled.

16 THE WITNESS: I don't understand the question.

17 BY MR. KEMP:

18 Q You knew that location was required, yes?

19 A At time of applying, no, I didn't know that, and I
20 don't think that's accurate.

21 Q Okay. I don't want to -- in fact, I'm not going
22 to --

23 MR. KEMP: I'll pass the witness, Your Honor.

24 THE COURT: Thank you.

25 Cross-examination by any of the other plaintiffs?

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CROSS-EXAMINATION

BY MR. GENTILE:

Q Mr. Peckman, you have been an advisory manager for Thrive since its inception?

A Pretty close. Yes, I think that is accurate.

Q And would that go back to 2014?

A 2014 or '15, depending upon when we finalized all of the operating agreements, but that's pretty accurate.

Q All right. And so you have been paying attention to the accounting and the taxation since that time?

A Not as much as our CEO, but, yes, I'm aware of it.

Q Okay. Well, your testimony was that those were two of your five functions as a --

A Taxation in terms of income taxes, not State taxation.

Q Not State taxation, okay. So you're unaware of how much your Thrive stores pay the State in taxes?

A I could have a general range of State and local government.

Q Okay.

A Right. Sure.

Q You would agree, would you not, that Thrive, your store in North Las Vegas and your store on Commerce, which doesn't exist anymore, have been selling retail marijuana; right, recreational marijuana, to the public?

1 A Yes.

2 Q All right. And do you maintain a list of your
3 customers?

4 A Yes, I think we're obligated to.

5 Q Okay.

6 A That's a question for Mitch because he's the
7 operator.

8 Q All right. Do you ever interact with your customers?

9 A Do I?

10 Q Yeah, you, yourself. In other words, have you ever
11 been at a cocktail party or a country club or some kind of a
12 social event where you learn that somebody was a customer of
13 Thrive?

14 MS. SHELL: Objection. Relevance.

15 THE COURT: Overruled.

16 MR. GENTILE: I'm getting there.

17 THE COURT: You can answer.

18 THE WITNESS: I see people all the time that have
19 been into our store or other stores. Yes, I have.

20 BY MR. GENTILE:

21 Q Okay. When was the last time that you have spoken
22 with anybody, whether they were a customer of Thrive's or a
23 customer of some other store or not a customer at all of
24 anybody -- well, let me rephrase the question.

25 MS. SHELL: Please.

1 BY MR. GENTILE:

2 Q Do you know people who don't smoke marijuana?

3 A Sure.

4 Q When was the last time one of them told you that as
5 soon as a store opens closer to them they're going to start?

6 A When was the last time? Somebody -- I've had people
7 say that to me before, but I really don't have any
8 recollection.

9 Q So you don't remember when it was?

10 A No.

11 Q Did you believe them that they're really waiting for
12 a store to open closer to them so that they'll smoke marijuana
13 for the first time in their life?

14 A They said it. So I'm assuming they're not lying to
15 me.

16 Q It would seem to me, Mr. Peckman, that a person who
17 would say something like that certainly to me, I would
18 certainly remember who they were or at least where it happened.
19 Do you have any memory at all as to who it was or where you
20 were or how long ago it was that somebody said to you I've
21 never smoked marijuana, or I stopped smoking marijuana, but I'm
22 going to start as soon as a store opens closer to me?

23 MS. SHELL: Objection. Compound. Relevance. Or --
24 a whole laundry list, Your Honor.

25 THE COURT: Overruled.

1 MS. SHELL: Thank you.

2 THE COURT: You may answer.

3 THE WITNESS: I really don't know to be honest with
4 you. I don't have any recollection of that at this time. Yes,
5 that happened.

6 BY MR. GENTILE:

7 Q Before you closed your Commerce store, did you advise
8 your Commerce customers where you were relocating to?

9 A I don't know. You'd have this question for Mitch.

10 Q Okay. Do you expect that all of your Commerce
11 customers are going to now buy from you at 3500 West Sahara?
12 And when I say "you," I mean the collective you.

13 MR. GRAF: Objection, Your Honor. Vague.

14 THE COURT: Overruled.

15 THE WITNESS: I guess some could come over to us.
16 Some might find a store that's closer to them also.

17 BY MR. GENTILE:

18 Q They might.

19 A They might.

20 Q All right. And if that happens, if a store opens up
21 that's closer to them than the Commerce store, you're going to
22 lose that customer, aren't you?

23 A If they went someplace else, then yes, I guess they
24 won't come to us.

25 Q Okay. And to the extent that that happens, it might

1 be minuscule, but it reduces at least that customer from your
2 customer base?

3 A Assuming the market hasn't grown, which I believe it
4 will, so if we lose a customer --

5 Q That's a come-line bet, isn't it?

6 A Pardon me?

7 Q That's a come-line bet that this market is going to
8 grow.

9 A No different than the plaintiff's bet or my bet.

10 Q Okay. But let me ask you this. At least as far as
11 you know, at least as far as you know, anybody that wants to
12 smoke recreational marijuana and buy it from a legal source can
13 do so right now. Is that fair to say, in Nevada?

14 A Anybody -- could you say that again, please.

15 Q Sure. Anybody who wants to smoke or ingest or
16 whatever, legal marijuana in the state of Nevada who is 21 and
17 eligible, can walk into a dispensary ever since July 1st of
18 last year, and buy recreational marijuana, if they want to do
19 it.

20 A Does that include tourists?

21 Q It includes tourists.

22 A Yes, they can.

23 MR. GENTILE: I don't have anything further.

24 THE COURT: Anyone further on the plaintiff side?

25 Mr. Parker.

1 MR. PARKER: Just a few, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. PARKER:

4 Q Good morning.

5 A Good morning.

6 Q How are you doing, sir?

7 A Thank you. Except for my back, I'm good.

8 Q I understand.

9 Mr. Peckman, when did you first review the statutes
10 that we've been speaking of today?

11 A Are you talking about the initiative?

12 Q No. I'm talking about NRS 453D. When did you start
13 actually reviewing that, all of those statutes that
14 Mr. Gutierrez went over with you.

15 A 453D is the initiative; is that correct?

16 Q If you want to call it that. I just called it
17 statutes.

18 A Then I'm familiar with it since it was drafted.

19 Q Okay. Did you have anything to do with the drafting?

20 A No, I didn't. Some of my friends' lawyers had most
21 of the input into that.

22 Q Did you have anything to do with the drafting of the
23 regulations?

24 A We all had input, meaning the writing them, but in
25 terms of input, absolutely.

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1 Q Was your review or input relative to the regulations
2 contemporaneous with your review of the initiative for the
3 statute?

4 A Review of the regulations themselves or the drafting
5 them --

6 Q Yes, sir.

7 A -- or suggestions for them?

8 Q Yes.

9 A Of course. Sure. Sure.

10 Q Did you have a chance in reviewing or participating
11 in the preparation of the regulations and comparing those
12 regulations to what the statutes required?

13 A Either I or our consultants, lawyers or lobbyists or
14 the industry did. Yes.

15 Q Did you notice differences or disparities between the
16 regulations and the statutes?

17 A I don't understand that question.

18 Q Well, for example, the statute says, All owners.
19 Then the regulation says, Owners with 5 percent or greater
20 interest. Did you notice the difference?

21 A That 5 percent existed in medical, and the intent was
22 to adopt what you could medical, and the intent was to
23 implement the initiative.

24 Q All right. So did you notice the difference? That's
25 a yes or no, sir.

1 A Yes.

2 Q All right. Did you get some higher -- do you know of
3 some higher authority that allowed for the regulations to
4 differ from the initiative as you call it?

5 MR. SHEVORSKI: Objection. Legal conclusion.

6 THE COURT: Overruled.

7 THE WITNESS: I don't think I can answer that
8 question.

9 BY MR. PARKER:

10 Q Good enough. The Judge -- the Judge will --

11 A Because the initiative says one thing. The
12 regulations are meant to implement the initiative in whole, not
13 just a particular section.

14 Q Good enough. Yes, sir.

15 Now, you would agree with me that whether or not it's
16 practical in your opinion for all owners to go through a
17 background check that if the law or the initiative requires it
18 that you have to follow the law?

19 MR. SHEVORSKI: Same objection --

20 THE WITNESS: Yes.

21 MR. SHEVORSKI: -- Your Honor.

22 THE COURT: Overruled.

23 THE WITNESS: You must follow the law. I agree with
24 that.

25 MR. PARKER: Thank you.

1 BY MR. PARKER:

2 Q And if you're following the law and you have a
3 concern about the logistics of being able to comply with the
4 law, you simply don't have to apply for a license; right?

5 A Or your license could be rejected I suppose.

6 Q Right. And if you're not following the law, then
7 your application should be rejected; right?

8 A Not following the law. I guess that's one outcome
9 that could happen, yes.

10 Q All right. Good enough.

11 A Right. Yeah.

12 Q Now, do you believe that the State had an obligation
13 to insure that the regulations match the initiative?

14 A I wouldn't say -- I would say matched and implemented
15 the initiative.

16 Q All right. You don't believe that the State in terms
17 of creating the regulations had the right to deviate from what
18 the citizens of Nevada voted on; right?

19 A They had the right to interpret and implement.

20 Q But not deviate; right?

21 A No. They would not have that right to deviate from
22 the intent.

23 Q Thank you. Now, did you -- I believe you testified
24 earlier that you did not participate in the preparation of
25 Thrive's applications, the nine applications; is that correct?

1 A That's correct, sir. Yes.

2 Q Did you have an opportunity to review the
3 applications? Or did you review them?

4 A I think the only part I really reviewed was for the
5 personal information that we -- that each owner had to supply.
6 In terms of the rest of it, probably not much.

7 Q All right. Did you notice that there were two forms
8 of the application?

9 A No.

10 Q Were you aware of that?

11 A I've heard testimony here, but I didn't know that
12 before.

13 Q All right. And you spoke earlier, and I thought this
14 was a, you know, a very lofty statement you made. You
15 indicated that there should be I believe a -- let me see if I
16 can find it.

17 You believe that there is a reason behind having
18 diversity as a part of the criteria?

19 A Absolutely.

20 Q All right. And I think you also said, and I was
21 appreciative of the remark because I think it supported that
22 you wanted there to be a level playing field for those
23 involved, including minorities; is that correct?

24 A I'm not exactly sure what that means.

25 Q Well, let's see if we can explore it a little bit.

1 You believe that there's a benefit to having diversity as a
2 part of the criteria; is that correct?

3 A Yes, I do.

4 Q Let me have you explain the benefit to the Court,
5 please.

6 A I think that people of color or people of different
7 sex have a different view of how businesses can operate and how
8 they might appeal to different people, and that input is
9 valuable and is -- is demonstrated that if implemented it can
10 increased of the profitability of a company. Yeah. Yeah. I
11 would say, yes, absolutely.

12 Q All right. Now, would you also agree that if you're
13 going to use diversity as a criteria for the application that
14 the State should not allow the manipulation of the application
15 when people throw in or organizations throw in minorities just
16 for purposes of scoring?

17 So, for example -- let me see if I can add some
18 context to this. Let's say there are no minority owners in a
19 company.

20 A Okay.

21 Q All right. And let's say that there's no minority
22 board members.

23 A Okay.

24 Q All right. And no minority officers. Okay?

25 A Okay.

1 Q But you have a minority cashier. You have a minority
2 doorman. You have a minority bookkeeper, and you decide to
3 throw those minority individuals or add those minority
4 individuals to your application. Do you believe that's a way
5 of actually complying or satisfying the criteria for diversity?

6 A I don't think I can answer that to be honest with you
7 because I don't know exactly what the application said in terms
8 of who you -- in that particular section --

9 Q Right.

10 A -- on who you are allowed to put on there to show you
11 have diversity. I really can't answer that because I'm sure
12 there was criteria. I just don't know what it was.

13 Q Good enough. The revenues that the State was given
14 tax money, or the revenues that intervenor companies or
15 plaintiff companies would make off of marijuana is based on
16 demand; right?

17 A Based upon?

18 Q Demand.

19 A Demand. Sales. Yes.

20 Q Right.

21 A Yes.

22 Q It's not based on the supply. I mean, we haven't --
23 there's no complaint. There's sufficient supply of marijuana
24 available at this point; right, in Nevada?

25 A I think generally, I think that's the case.

1 Q That's right. So if the supply is sufficient, then
2 you don't need another 20 stores arguably, because demand is
3 being satisfied currently; isn't that correct?

4 MR. SHEVORSKI: Objection. Vague as to time.

5 THE COURT: Overruled.

6 THE WITNESS: No, I don't know that the demand is
7 being satisfied. I mean, there's proof all around the country
8 that that's not the case, and if that was the case, Starbucks
9 would have one location, not 200.

10 MR. PARKER: Well --

11 THE WITNESS: And if you get a Starbucks next to your
12 house, you drink more coffee.

13 MR. PARKER: I don't drink coffee.

14 BY MR. PARKER:

15 Q So let's get back to Nevada and not the rest of the
16 country and marijuana and not coffee. Okay?

17 So in terms of Nevada, we have -- you don't have any
18 empirical information, any data to show that the demand is
19 greater than the current supply. Is that a fair statement?

20 A Only that our own data that we applied for the
21 licenses because we thought they were valuable.

22 Q Okay. And I'm not asking that question right now,
23 sir.

24 A Okay.

25 Q Would you agree with me that at this point you have

1 no factual information, no evidence that demand for
2 recreational marijuana outweighs the supply at this point?

3 A Only our own internal projections that it does.

4 MR. PARKER: Nothing further, Your Honor. Thank you.

5 THE COURT: Any of the other plaintiffs wish to
6 examine?

7 (No audible response)

8 THE COURT: Any of the defendants and intervention
9 like to examine?

10 The State?

11 MR. SHEVORSKI: Nothing from the State, Your Honor.

12 THE COURT: Anything else, Mr. Gutierrez, on
13 redirect?

14 MR. SHEVORSKI: Just briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. GUTIERREZ:

17 Q Mr. Peckman, would Thrive have applied for nine
18 licenses if it thought it was just to maintain a market share?

19 A We never had -- never even thought that. We never
20 had that discussion.

21 Q Did Thrive at least think it was going to increase --
22 why did Thrive apply for nine licenses?

23 A We thought we'd make more money. We got licenses,
24 and we got them open.

25 Q A lot of the talk about decreased market share and

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1 whether it would increase or whether whatever would happen
2 would be -- and would you agree that it's pure speculation?

3 A 100 percent on both sides.

4 Q You were asked about the regulation on background
5 checks for the 5 percent threshold. Do you recall that?

6 A I was asked that, yes.

7 Q Okay. And are you familiar with that regulation,
8 NAC, I believe it's 453D.255?

9 THE COURT: That's not in the book, sir. You'll have
10 to look on the screen.

11 THE WITNESS: Okay.

12 MR. GUTIERREZ: We can pull that up.

13 THE COURT: They don't give me copies of the
14 administrative code.

15 BY MR. GUTIERREZ:

16 Q Mr. Peckman, have you seen this portion of the 2018
17 regulations?

18 A Let me see. You'll have to give me a second.

19 Yes, I am.

20 Q And specifically Subsection 2 allows that the -- in
21 the judgment of the department, the department could consider
22 an owner less than 5 percent to comply with the provisions; is
23 that correct?

24 A Of course.

25 Q Okay.

1 A It's an ongoing obligation in the department to check
2 into ownership.

3 Q And notwithstanding this 5 percent threshold, Thrive,
4 when it applied in 2018, complied with the background checks
5 fully by even listing owners with less than 5 percent; is that
6 correct?

7 A Yes.

8 MR. GUTIERREZ: Okay. No further questions, Your
9 Honor.

10 THE COURT: Anyone else?

11 (No audible response)

12 THE COURT: Thank you, Mr. Peckman. We appreciate
13 your time. You're welcome to stand up in the back row if you
14 want or --

15 THE WITNESS: Oh, thank you.

16 THE COURT: Or wherever.

17 All right. Next witness. Next witness.

18 MR. BICE: Yes, Your Honor.

19 THE COURT: Mr. Bice.

20 MR. BICE: Todd Bice on behalf of the Essence
21 entities, Your Honor. We're going to call -- our next witness
22 will be Alex Yemenidjian.

23 THE COURT: Sir, if you'd come forward, please.

24 **ALEJANDRO YEMENIDJIAN**

25 [having been called as a witness and being first duly sworn,

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1 testified as follows:]

2 THE CLERK: Please be seated. Please state and spell
3 your name for the record.

4 THE WITNESS: Alejandro, A-l-e-j-a-n-d-r-o.
5 Yemenidjian, Y-e-m-e-n-i-d-j-i-a-n.

6 THE COURT: Sir, there is a pitcher of water next to
7 you. There are some M&Ms in the dispensers, and there are
8 books with exhibits.

9 I think the statute book is all the way there next to
10 you. If you need to look at a paper copy of the exhibits or
11 the statute, please feel free to do so, otherwise they will
12 display the exhibits for you on the monitor next to you.

13 THE WITNESS: Thank you.

14 THE COURT: If you want to take a break at any time,
15 you let us know, and if you need to stand up, like Mr. Peckman
16 did, please feel free to do so.

17 THE WITNESS: Okay.

18 THE COURT: Okay.

19 THE WITNESS: Thank you. Thank you, Your Honor.

20 THE COURT: Mr. Bice, you may proceed.

21 DIRECT EXAMINATION

22 BY MR. BICE:

23 Q Good -- or good morning, Mr. Yemenidjian. Can you
24 tell the Court where you are currently employed.

25 A I'm currently employed at GTI, Green Thumb

JD Reporting, Inc.

1 Industries.

2 Q All right. Do you also have another entity known as
3 Armco Holdings?

4 A I do.

5 Q Okay. Let's talk just briefly about your background.
6 Then we'll get into those entities. Where were you born, sir?

7 A I was born in Buenos Aires, Argentina.

8 Q All right. And how long have you been in the United
9 States?

10 A Approximately 50 years.

11 Q So you would have moved here approximately at what
12 age?

13 A 13.

14 Q Okay. Let's talk briefly about your educational
15 background. You have a business administration and accounting
16 degree; correct?

17 A I do.

18 Q All right. And you also have a master's degree in
19 taxation from USC?

20 A Correct.

21 Q Were you also a teacher for a period of time on
22 business?

23 A Yeah. I was adjunct professor of taxation at the USC
24 graduate school of business for a time.

25 Q All right. So after your education, did you start

1 your own accounting firm?

2 A No. After my education, I joined one of what was
3 then called the big eight firms, Peat Marwick Mitchell, now
4 KPMG.

5 Q Okay.

6 A And I worked there for three and a half years before
7 I started my own accounting firm.

8 Q All right. And then you left KPMG?

9 A I left KPMG to start my own accounting firm.

10 Q All right. And then did you subsequently join
11 another firm or start another firm?

12 A I merged with some of my colleagues, previous
13 colleagues from Peat Marwick, to form a larger firm.

14 Q Okay. And so where -- this was in Southern
15 California; correct?

16 A Correct.

17 Q Okay. And what sorts of clientele did you provide
18 services to?

19 A Mainly entertainment clients, real estate clients,
20 executives, variety.

21 Q All right. In that role did you come upon meeting an
22 individual by the name of Kirk Kerkorian?

23 A Yes.

24 Q Okay. And when approximately did you meet
25 Mr. Kerkorian?

1 A June 1989.

2 Q Okay. And ultimately did you begin working for
3 Mr. Kerkorian?

4 A I did.

5 Q What role did you have with Mr. Kerkorian and his
6 entities?

7 A Well, I started at the beginning of 1990 working for
8 his holding company, buying and selling companies for him.

9 Q Is that Tracinda?

10 A Tracinda Corporation. Correct.

11 Q Okay.

12 A And then he asked me to move to Las Vegas to oversee
13 the development of the new MGM Grand Hotel, and he also owned
14 at the time MGM Studios in Los Angeles. So I went back and
15 forth between the studio and MGM Grand Inc., which is now MGM
16 Resorts International.

17 Q Right. So were you a director of any of the MGM
18 entities?

19 A I was director of both MGM Studios and MGM Resorts.

20 Q All right. Were you ever an officer of any of the
21 MGM entities?

22 A Yes. For MGM Grand, slash, MGM Resorts, I was a
23 chief financial officer for a time.

24 Q Okay.

25 A And then I was president and chief operating officer

1 for a time, and in Metro-Goldwyn-Mayer, MGM Studios, I was
2 chairman and CEO.

3 Q All right. And you know in those roles you know a
4 little something about finance and financing, do you not?

5 A I dealt quite a bit with financing.

6 Q Okay. I mean, I know this -- from knowing you, I
7 know you do not blow your horn, sir, but you've, in fact, been
8 on the cover of Forbes magazine about financing, have you not?

9 A Once.

10 Q Once. They referred to you, as I recall, as the
11 wizard of MGM. Is that not true?

12 A That's what they said.

13 Q Okay. And that was over your saving of the -- that
14 wasn't the gaming enterprise. That was your saving of the MGM
15 Studios business; correct?

16 A That's correct.

17 Q When you took it over at Mr. Kerkorian's request,
18 what was his financial status?

19 A It was pretty dire. The company had a billion three
20 credit line. A billion two was used up.

21 Q Okay.

22 A And in that business, a hundred million dollars is
23 one movie. So it was in pretty bad shape.

24 Q And when -- did you subsequently sell that entity for
25 Mr. Kerkorian?

1 A We did, about six years after I took over as chairman
2 and CEO.

3 Q And what did you sell it for?

4 A We sold it for \$5 billion.

5 Q When did you leave the what I'll call the MGM
6 organization?

7 A Approximately 2013, 2014.

8 Q All right. And what did you do as your next act?

9 A I acquired the Tropicana Hotel on the Las Vegas
10 Strip.

11 Q You were the owner?

12 A I was the owner with a partner.

13 Q Okay. And you renovated that?

14 A We renovated the hotel. Correct.

15 Q Okay. And then you subsequently sold it; correct?

16 A We did. Yes.

17 Q Now, also you've been involved in the real estate
18 business here in Southern Nevada?

19 A We are investors in several real estate
20 development --

21 Q Shopping malls, things like that?

22 A Correct.

23 Q Okay. I also recall that you were at one point in
24 time the developer of Jersey Mike's sandwich shops here in Las
25 Vegas; is that right?

1 A Yeah. We had the exclusive franchise for Jersey
2 Mike's in the Las Vegas area.

3 Q Okay. And you subsequently sold that as well;
4 correct?

5 A Correct.

6 Q Let's talk about why you sold that. When you were in
7 these various forms of business that you've been in over the
8 years, how did you get involved in the cannabis business?

9 A When the concept of medical licenses was introduced,
10 my son and I thought that it could be a very interesting
11 business to get into, and we pursued it.

12 Q Okay.

13 A He pursued it. I advised.

14 Q All right.

15 A And at the time, it was only medical, and we had no
16 idea that recreational would ever come.

17 Q Right. But you ultimately then, along with your
18 son --

19 And, for the record, could you tell the Court your
20 son's name.

21 A Armen Yemenidjian. A-r-m-e-n.

22 Q And so you pursued that line of business, but you
23 were still in the gaming business at that point in time
24 yourself; were you not?

25 A I was, and so my son started the business.

1 Q Okay.

2 A He left the Tropicana to start the business.

3 Q So the entity that you and your son owned was
4 something called Integral Associates? Is that right?

5 A Correct.

6 Q Okay. And Integral Associates, let's jump ahead to
7 2018 in terms of the application process because that's why
8 we're here. At the time of the application process in 2018,
9 Integral had how many existing licenses?

10 A Five. Three retail licenses, one production license
11 and one cultivation license.

12 Q Okay.

13 A I'm sorry. Six. We sold -- we sold one.

14 Q All right. So at the time then there was an
15 application for recreational licenses, do you recall when that
16 was approximately when those applications were submitted?

17 A In 2018?

18 Q Yes.

19 A I believe it was September.

20 Q All right. In September then of 2018, let's talk
21 about who were the owners of Intregal, i.e., doing business as
22 Essence. Do you understand that?

23 A Sure.

24 Q Okay. So who were the owners?

25 A There were two owners, two LLCs. One was KHOD

1 Holdings LLC?

2 Q Okay.

3 A And the other was GB Health Partners LLC.

4 Q All right. And of those, of those two owners, of the
5 KHOD Holdings LLC, who were the individuals behind that entity?

6 A KHOD Holdings at the time was owned 50 percent by my
7 son.

8 Q Yes.

9 A And 50 percent by my living trust.

10 Q All right. And then you said there was another
11 entity called GB Health Partners LLC?

12 A Correct.

13 Q All right. And who owned that entity?

14 A Brian Greenspun.

15 Q Okay. So, in essence, in terms of the individuals,
16 who were the owners of Integral, it was you, your son and Brian
17 Greenspun; is that correct?

18 A Yes. To LLCs, three individuals.

19 Q All right. And the ownership is -- how is it broken
20 down?

21 A 50 percent GB Health Partners, 50 percent KHOD
22 Holdings.

23 Q All right. So there is no -- there is no one of
24 these entities that is less than 5 percent; correct?

25 A Correct.

1 Q So all of the owners behind these entities were
2 disclosed and had to be investigated; correct?

3 A Correct.

4 Q And, in fact, you'd already been investigated as part
5 of the medical as well; correct?

6 A Pardon me? Say that again.

7 Q I said your entities had already been investigated as
8 part of the medical licensing process even years before;
9 correct?

10 A That is correct.

11 Q All right. So there is no 5 percent owner here in
12 your enterprises that was not disclosed?

13 A Correct.

14 Q Do you recall when Essence -- there were two Essence
15 entities that applied for licenses; correct?

16 A Yes.

17 Q And those are owned by you; correct? Those two
18 entities?

19 A Correct.

20 Q All right. So one of them was Essence Henderson, and
21 one was Essence Tropicana; correct?

22 A Correct.

23 Q All right. Do you recall when those entities
24 ultimately received approval from the State or received their
25 recreational licenses?

1 A I believe it was December 5th when everybody got
2 their license.

3 Q Okay.

4 A Of 2018.

5 Q And how many licenses did Essence Henderson receive?

6 A Four.

7 Q And how many licenses did the Essence Tropicana
8 receive?

9 A Four also.

10 Q Okay. Now, let's jump ahead then to today, okay.
11 Today Essence is owned by someone else; correct -- I'm sorry.
12 Integral is owned by someone else?

13 A That is correct.

14 Q All right. Can you tell the Court who currently owns
15 Integral.

16 A Green Thumb Industries.

17 Q Okay.

18 A GTI.

19 Q And what is GTI?

20 A GTI is a company, multistate operator headquartered
21 in Chicago whose stock is traded on the Canadian stock
22 exchange -- sorry, the Canadian securities exchange.

23 Q All right. And when did that -- in other words, when
24 did GTI become the owner of Integral?

25 A June 4th --

1 Q What day --

2 A -- of 2019.

3 Q So just a couple of months ago; correct?

4 A Correct.

5 Q Several months after these licenses had already been
6 awarded to Intregal by the State?

7 A Correct.

8 Q All right. I want to now turn and talk to you
9 briefly about comparing the hardships that your entities are
10 faced by this threatened injunction as opposed to that of the
11 plaintiffs. All right.

12 You understand that the plaintiffs here are seeking
13 to have the Court enter an injunction that would preclude the
14 eight licenses that Essence obtained, the two Essence entities
15 obtained, from going active. Do you understand that?

16 A That's correct.

17 Q All right. When we discussed your background, you
18 have quite a bit of experience in the areas of finance;
19 correct?

20 A Yes.

21 Q Okay. And during your tenure in the gaming industry,
22 I assume you had occasions to do financial projections based on
23 operating experience; correct?

24 A Yes.

25 Q When you would be asked by Mr. Kerkorian to decide

1 whether or not to pursue another development, build another
2 hotel, you would have to look at what?

3 A Projections.

4 Q Okay. And you would have to make a judgment based on
5 those projections; correct?

6 A That's correct.

7 Q Did you view yourself as being a conservative in
8 making financial projections?

9 A Yeah. That was the prudent thing to do.

10 Q That was the -- I'm sorry the prudent --

11 A The prudent thing.

12 Q Okay. And have you lived by that motto?

13 A Yes.

14 Q All right. In fact, when you were on the board of
15 the various MGM entities or of the two MGM entities, did you
16 have to do earnings calls?

17 A Yes, I did about between the two MGMs maybe about 64
18 earnings calls.

19 Q All right. And during those earning calls, you would
20 sometimes be asked by analysts to give financial projections
21 about the future?

22 A We gave guidance usually at every call.

23 Q Okay. Did you also have to handle financing for the
24 MGM entities, to both the gaming company as well as the MGM
25 Studios?

1 A Yes. I was responsible for all debt and equity
2 financing for both entities.

3 Q All right. Well, let's -- and you would have to give
4 the lenders financial projections as part of those proposals, I
5 assume?

6 A Of course.

7 Q Okay. And would those loan amounts, are those
8 finances be in the hundreds and hundreds of millions of dollars
9 sometimes?

10 A No, usually more than a billion.

11 Q And I assume as part of your experience and when you
12 analyze deals for the Kerkorian Enterprises, sometimes the
13 finances didn't look that good, and you would pass on them; is
14 that right?

15 A That's correct.

16 Q How many today, okay. So let's talk about today.
17 How many existing retail operations does Integral, slash,
18 Essence have?

19 A Retail you said?

20 Q Yes, retail.

21 A Three.

22 Q Three. All right. And those retail licenses have
23 been in operation since the beginning of '16, or the first
24 quarter of '16?

25 A Yes. The first quarter of '16, all three were

1 opened.

2 Q Okay. And have those enterprises developed a
3 performance track record?

4 A Yes.

5 Q In fact, it was one of that performance track record
6 of those three enterprises that GTI looked at when they desired
7 to acquire your entity; correct?

8 A Clearly.

9 Q Okay. So in preparing to testify today, were you
10 able to look at the finances and come to any computations about
11 the financial harm that your enterprise would suffer in the
12 event it is not allowed to proceed with its licenses?

13 A Yes.

14 Q Okay. Can you tell us just briefly -- well, let's
15 deal with the end number, and then we'll come back. When you
16 did those forecasts, did you come to a per license EBITA per
17 year?

18 A I did, but primarily for the five licenses that are
19 in the Southern Nevada area.

20 Q Understood.

21 A And we also were awarded three licenses in Northern
22 Nevada, but I did not do a projection for those.

23 Q Okay. Well, you don't have any retail locations in
24 Northern Nevada right now; correct?

25 A We don't. Our parent company has one location.

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1 Q Okay.

2 A Which I understand does very well, but I don't have
3 any personal experience and enough knowledge and empirical data
4 to feel comfortable with a projection.

5 Q All right. So let's deal then with the five -- let's
6 deal with the licenses down here just by way of an example. So
7 did you draw any conclusions based on the existing performance
8 data of how much EBITA you would lose per year per license?

9 A Yes.

10 Q And what was that number?

11 A Approximately 2.8 million.

12 Q 2.8 million?

13 A Yes.

14 Q All right. Is that -- do you think that that number
15 is conservative?

16 A I do.

17 Q All right. So let's tell the Court how you came up
18 with that number.

19 A Well, I took our lowest revenue store.

20 Q Why did you use the lowest?

21 A That's the most conservative way to do it.

22 Q Okay. And what did you do with that information?

23 A From the revenues of that lowest revenue store, I
24 discounted by approximately 24 or 25 percent.

25 Q Why?

1 A Because when the market grows, it doesn't grow dollar
2 for dollar.

3 Q Okay.

4 A There is a progression.

5 Q Sure.

6 A Of increased business until you reach a point of
7 saturation. So the prudent thing to do was to get -- to take a
8 discount or a haircut of about 25 percent off the revenues.

9 Q All right. And --

10 A I then applied the lowest profit margin that we have
11 of any store, which is not the same as the lowest revenue, at
12 different stores.

13 Q Why did you use the lowest profit margin?

14 A Because local stores have a lower profit margin than
15 stores that cater to tourists.

16 Q Okay.

17 A So the prudent thing to do would -- was to take the
18 lowest revenue, haircut it by 25 percent, and then apply to
19 that the lowest profit margin that we have.

20 Q Is this consistent, your approach consistent with
21 what we've called your conservative approach over the many,
22 many years in the gaming and movie business?

23 A I would think so.

24 Q And then based on that number, you concluded that the
25 licenses -- EBITA, EBITA, can you just for the record explain

1 what EBITA is.

2 A EBITA is earnings --

3 THE COURT: Mr. Bice.

4 MR. BICE: Well, I want the record, Your Honor.

5 We'll be up at the Nevada Supreme Court.

6 THE COURT: Okay.

7 THE WITNESS: Am I allowed to answer that?

8 THE COURT: Oh, yes. Absolutely. Somebody will not
9 know what it means.

10 THE WITNESS: EBITA is earnings before interest,
11 taxes, depreciation and amortization.

12 BY MR. BICE:

13 Q All right. And so for those licenses -- and that's
14 2.8 million per year; correct?

15 A Per year per location.

16 Q Per location. So if there's an injunction that
17 applied for 18 months or 24 months, that would be 1.5 or double
18 that number; right?

19 A That's our estimate. Yes.

20 Q Okay. Let's talk about briefly also some
21 expenditures. We heard Mr. Peckman, and I know you were in the
22 room this morning, testifying about the regulatory process and
23 the people participating in the regulations and the like. Once
24 those regulations were adopted, did you have to expend money in
25 order to apply?

1 A For the new eight licenses?

2 Q Yes.

3 A Yes, of course.

4 Q Okay. And after those licenses were awarded, did you
5 have to further expend monies?

6 A Yes.

7 Q Okay. Do you recall what types of monies you had to
8 expend?

9 A Well, we spent a lot of money on finding locations,
10 architectural and engineering costs, legal fees, negotiating
11 leases, entering into escrow to acquire properties, et cetera.

12 Q Okay. Well, let's just talk about that briefly. So
13 because of the eight new licenses and the expansion that that
14 would entail, did you hire new employees?

15 A To take care of the expansion we hired four new
16 employees.

17 Q But those are employees for the overall organization.
18 You haven't yet hired employees for each branch?

19 A No. These were employees that were required to
20 execute the expansion of eight additional stores.

21 Q Got it. Okay. And did you also then engage
22 architects?

23 A We did, yes.

24 Q Okay.

25 A Engineers, architects.

1 Q And can you just tell us just -- and I'll go into a
2 couple of these matters, but can you just tell us generally
3 approximately how much you have spent to date. Is it more than
4 a million dollars?

5 A It's about a million 60,000.

6 Q All right.

7 A And growing.

8 Q And growing. And going to continue to grow; correct?

9 A Yes.

10 Q Let's talk about one of those things where it's going
11 to continue to grow. One of the things you have done is you
12 locked up a piece of property for one of your locations;
13 correct?

14 A Yes.

15 Q And you had to put down a earnest money deposit of
16 how much money?

17 A I think it was 350,000 or thereabouts.

18 Q Okay. And you had to make then payments, right, to
19 keep that active? Is that right?

20 A Yeah.

21 Q How much have you deposited so far to date on just
22 that one location?

23 A No. The 350 is the entire --

24 Q Oh, it is. All right.

25 A The entire series of deposits to date.

1 Q Okay.

2 A Yeah.

3 Q And you're going to have to -- another payment coming
4 due?

5 A If things don't get resolved and I can't close on a
6 timely basis, I'm going to have to ask for an extension and pay
7 more money.

8 Q And is the owner going to give you an extension for
9 free?

10 A So far he's charged me for every extension.

11 Q I understand. And if you don't get -- and if you --
12 and if there's an injunction, unless you can't -- you don't
13 want to pay more money for the extension, what's going to
14 happen to your deposit?

15 A I'm going to have to walk away from it, lose it.

16 Q All right.

17 A By the way, there's no guarantee he will give me the
18 extension.

19 Q Understood. He can just keep your money and walk?

20 A Yes.

21 Q One of the other locations I want to talk to you
22 briefly about is you have a location up in Reno; correct?

23 A Yes.

24 Q And you have -- you have an approval on that;
25 correct?

1 A Yes.

2 Q And it's right across the street from the Peppermill;
3 correct?

4 A That's correct.

5 Q Within 1500 feet of the Peppermill, a gaming
6 enterprise; right?

7 A That's right.

8 Q Is your understanding the city of Reno has since
9 changed the rules so that if you don't get this open and that
10 location, let's say you're enjoined from proceeding with that
11 location, that a new change in the ordinance would preclude a
12 location within 1500 feet of a casino?

13 A Yes, it's my understanding that that goes in to
14 effect November 1.

15 Q Okay.

16 A So that after that day, if we don't get our
17 certificate of occupancy by November 1, our location would be
18 disqualified.

19 Q Okay. So I want to just -- now I'm going to briefly
20 touch on one other subject, and then we'll be done.

21 You've been involved in a lot -- well, I shouldn't
22 say a lot. How many publicly traded corporations have you been
23 on the board of?

24 A Six.

25 Q Six. You've been on the audit committee of any of

1 those?

2 A I was chairman of the audit committee of Regal
3 Cinemas.

4 Q Okay. When you are a publicly traded corporation, do
5 you know the identity of all of your stockholders?

6 A No.

7 Q Mr. Peckman used this term before. Have you ever
8 heard of stock being held in what's called street name?

9 A Yes, of course.

10 Q Okay. And that means it's being held by --

11 A A brokerage house.

12 Q And who actually is -- on the company's books and
13 records, who's the owner?

14 A A big block in the name of the brokerage house.

15 Q Merrill Lynch?

16 A Merrill Lynch.

17 Q Schwab --

18 A Goldman Sachs.

19 Q -- things like that; right?

20 A Yeah.

21 Q Okay. Does a publicly traded corporation, can it
22 find out the identity of all of its shareholders, somebody who
23 even owns a small amount?

24 A No.

25 MR. BICE: Pass the witness, Your Honor. Thank you.

1 THE COURT: Any cross-examination by the plaintiffs?

2 MR. GENTILE: I just have a couple.

3 THE COURT: Mr. Gentile.

4 CROSS-EXAMINATION

5 BY MR. GENTILE:

6 Q Mr. Yemenidjian, I think you either characterized
7 yourself or your lawyer characterized you and then you agreed
8 with him as conservative?

9 A Correct.

10 Q So I was right.

11 A Yes.

12 Q And I think that you said that you felt at least in
13 terms of doing business that that was the prudent thing to be;
14 is that correct?

15 A Correct.

16 Q Right?

17 A Correct.

18 Q When did you find out about this lawsuit?

19 A I think shortly after it was filed.

20 Q Right. January of this year; right?

21 A About that time.

22 Q Right. Did you keep spending money?

23 A Yes.

24 MR. GENTILE: Nothing further.

25 THE COURT: Any of the other plaintiffs wish to

1 examine?

2 Mr. Parker.

3 MR. PARKER: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. PARKER:

6 Q Good morning.

7 A Good morning.

8 Q How are you doing, sir?

9 A Good.

10 Q I only have a few questions for you. You were not
11 here earlier or throughout these proceedings, but during one of
12 the trial days, it was indicated by Mr. Jorge Pupo that your
13 son may have discussed with Mr. Pupo offering him a job. Are
14 you aware of that?

15 A I've heard about it, but I'm not aware of it.

16 Q Okay. How did you hear about that? And I'm not
17 asking you to give me any information you've gotten from your
18 attorney, but -- or attorneys. How did you hear about it other
19 than from your attorneys?

20 A From my attorneys.

21 Q Did you? All right. Did your son ever inform you
22 that he had extended an offer to Mr. Pupo?

23 A No.

24 Q All right. You didn't give him authority to make
25 that offer?

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1 A He has even more authority than I do.

2 Q Does he?

3 A Yeah.

4 Q Sir, how long have you had an interest in Integral?

5 A Myself personally?

6 Q Yes, sir.

7 A I believe it's April of 2018.

8 Q 2018?

9 A That's when my application was approved by the
10 Department of Transportation -- the Department of Taxation.

11 Q I made that same mistake earlier on in these
12 proceedings.

13 Do you have a license with the State of Nevada, a
14 gaming license?

15 A It's dormant.

16 Q How long --

17 A I had one, but I no longer use it.

18 Q When did it become dormant?

19 A It's not a technical term. When I sold the
20 Tropicana, I didn't use the gaming license anymore.

21 Q And when was that? What year was that?

22 A August 2015.

23 Q Okay. So you still have a license, but it's dormant;
24 is that correct?

25 A I think that's the way it works. If I wanted to get

1 back into the gaming business, I would have to go in front of
2 the Gaming Control Board again, and they would have to
3 determine if I'm still suitable for licensing.

4 Q Okay. Are you aware of a resolution by the gaming --
5 the State Gaming Division that precludes an owner of a gaming
6 license to have an interest in a marijuana business?

7 A Yes.

8 Q All right. Have you divorced yourself of any gaming
9 license for purposes of complying with that resolution?

10 A Yes.

11 Q Okay. Did you review the initiative or the statutes
12 or the regulations related to recreational marijuana, sir?

13 A No.

14 Q And you didn't have any part to play in the
15 application?

16 A No.

17 Q Have you ever been a part of or overseen a
18 competitive bidding process?

19 A Yes.

20 Q Are you familiar with the reasons behind a
21 competitive bidding process?

22 A I'm not sure how to answer that question.

23 Q Let me see if I can ask it in a better way.
24 Typically competitive bidding process is for the purpose of
25 getting the best price and perhaps the best quality of service.

1 Would you agree with that?

2 A Oh, you're referring to what criteria I used --

3 Q Yes, sir.

4 A -- in a competitive bidding process?

5 Q Yes, sir.

6 A Yeah. Well, I'm sure different people use different
7 criteria, but, you know, it depends on the type of competitive
8 process it is, and usually the objective is to select those who
9 are best suited and best qualified and most experienced in a
10 particular area.

11 Q I would agree. And in order to get responses to a
12 competitive bidding process so you're judging apples to apples
13 and oranges to oranges, is to have a process that's, I would
14 say, clear to all potential bidders and provides a level
15 playing field. Would you agree with that?

16 A Yes.

17 Q All right. And would you agree with me, because it
18 appears that you have some experience with building and
19 development, certainly you've handled the MGM Resorts, and
20 you've handled the purchase and the operation of casinos here
21 in Nevada, would you agree with me that in terms of providing a
22 platform for a competitive bidding process that the owner takes
23 responsibility for the completeness and clarity of those
24 documents, be it plans, be it the scope of work, whatever that
25 bidding process is meant to perform or provide? Is that

1 correct?

2 A By the owner, you mean the entity submitting the
3 application?

4 Q The entity is -- in fact, let's start from the owner
5 first. Let's say that the MGM or the Tropicana wanted to have
6 an expansion done or a new tower added, and you did a
7 competitive process for construction companies or construction
8 managers to do it. In terms of those plans, the owner takes
9 responsibility for the adequacy and the completeness of those
10 plans; is that correct?

11 A Ultimately, yes.

12 Q Right. So if you were to compare that process to
13 this process, the State takes responsibility for the adequacy
14 or the completeness of its application; is that correct?

15 A I would imagine.

16 Q Right. And for all players participating in the
17 process, they're relying on the completeness and adequacy of
18 those plans, if we were to use your tower as an example, for
19 purposes of providing a bid that fits the scope of the process;
20 right?

21 A Yes --

22 MR. BICE: Objection.

23 THE WITNESS: -- unless.

24 MR. BICE: Object. Your Honor, I object that it
25 calls for him to speculate.

JD Reporting, Inc.

1 THE COURT: Overruled.

2 You can answer.

3 BY MR. PARKER:

4 Q Isn't that true, sir?

5 A Can you repeat the question.

6 Q Certainly. The participants in the bid process
7 depend on the adequacy and the completeness of the plans, if
8 we're using the tower as an example, for purposes of developing
9 and providing a bid; is that correct?

10 A Yes, subject to interpretation.

11 Q That's absolutely, but for the benefit of the owner,
12 if the owner wants to be able to compare these bids and really
13 figure out if they're getting an apples to apples scope and
14 price, the plans have to be clear enough to do so; right?

15 A Yes, to have a good comparison they have to be clear.

16 Q You would not give two different sets of plans to
17 applicants and expect to get the same price, would you?

18 A No.

19 Q You wouldn't expect to have two applications
20 providing for different information and expect to be able to
21 judge those bids as apples to apples bids; isn't that true?

22 A Correct.

23 Q Thank you. So in this case, and I don't know if
24 you're aware of this, there were two applications. We got an
25 Application 5, which is Exhibit 5, and we have an application

1 5A, which we learned during these proceedings. Were you aware
2 of that?

3 A No.

4 Q All right. Now, let me ask you this, because I
5 appreciate Mr. Bice bringing you here because you're someone we
6 can actually drill down a little bit on some of the criteria on
7 the nonidentifying portion of the application. Are you
8 familiar with looking at or determining where a business or a
9 location would work in terms of profitability because of the
10 community it intends to serve? So, for example, the MGM Resort
11 may do well on The Strip, but it may not do well in North Las
12 Vegas. Would you agree?

13 A Yeah. I'm sorry. You're asking me if the location
14 is important?

15 Q Yes.

16 A Yes.

17 Q All right. That was my long-winded way of asking
18 that. The Judge is over here cringing it took me so long.

19 But exactly.

20 Now, if location is important, is the impact on a
21 community equally important?

22 A That's a judgment call probably for the government to
23 make.

24 Q All right. If there was an impact in a community as
25 a part of the criteria for the application, were you aware of

1 that?

2 A No.

3 Q All right. Did you know that there was an adequacy
4 of size of building that was a part of the criteria in this
5 application?

6 A No.

7 Q Did you know that the location for the marijuana
8 establishment --

9 Did you know whether or not location of the marijuana
10 establishment proposed by the applicant was required?

11 A For the 2018 application?

12 Q Yes, sir.

13 A No.

14 Q You have no -- you have no knowledge either way?

15 A I have no knowledge.

16 Q Okay. And then finally, sir, did you in terms of the
17 conservatism in your numbers, you said you used the lowest
18 profit margin location, and you used the lowest revenue
19 location; is that correct?

20 A That's correct.

21 Q Can you tell us what those locations are.

22 MR. BICE: Objection, Your Honor.

23 THE COURT: Sustained.

24 MR. PARKER: Good enough.

25 MR. BICE: Thank you.

1 MR. PARKER: Fair enough, Your Honor.

2 THE COURT: There is certain information --

3 MR. PARKER: I agree.

4 THE COURT: -- that is still.

5 MR. PARKER: I'm not arguing the point.

6 THE COURT: -- partially commercially sensitive and
7 confidential.

8 MR. PARKER: He could have answered it.

9 THE COURT: It's all right. I got it.

10 MR. PARKER: I respect the objection.

11 BY MR. PARKER:

12 Q In either of those locations, have you ever run out
13 of marijuana to sell?

14 A I cannot tell you because I don't run the operations.

15 MR. PARKER: All right. Thank you very much, sir.

16 THE COURT: Any of the other plaintiffs have any
17 questions?

18 Mr. Bice, I would love to finish up before I break
19 for lunch.

20 MR. BICE: I have no further questions.

21 Thank you, Mr. Yemenidjian.

22 THE COURT: Thank you, sir. We appreciate your time.

23 THE WITNESS: Thank you.

24 THE COURT: How long is Mr. Terry's examination
25 anticipated?

1 MR. GUTIERREZ: Probably 20, 25 minutes.

2 THE COURT: Unfortunately I have a mental health
3 court staffing meeting --

4 You can walk, sir. You're fine.

5 -- I have a mental health court staffing meeting and
6 a bench bar meeting I'm supposed to manage to attend over the
7 lunch hour. So I don't want to start Mr. Terry and have to
8 break him in the middle. Can we start at 1:15?

9 MR. GUTIERREZ: Sounds great.

10 THE COURT: I do have two orders to show cause in
11 mental health court. So at 2:00, I have to walk next door and
12 handle those, but that's about a 15-minute break.

13 MR. BICE: I believe this is the last witness.

14 THE COURT: I believe so too.

15 MR. BICE: Thank you, Your Honor.

16 THE COURT: So 1:15.

17 All right. I am going to ask all of you a question
18 when we finish whoever the last witness is. I will ask you if
19 there are any exhibits or other documentary evidence that you
20 want admitted that has previously not been admitted.

21 / / /

22 / / /

23 / / /

24 / / /

25 / / /

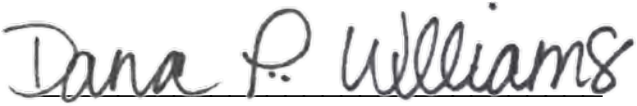
1 I would encourage all of you to spend a few minutes
2 with Dulce to see if everything on your list you think is
3 already admitted is actually on her list as admitted because
4 her list controls.

5 So I will be leaving. You all can talk to Dulce.
6 I'll see you guys at 1:15.

7 (Proceedings recessed at 11:37 a.m., until 1:05 p.m.)

8 -oOo-

9 ATTEST: I do hereby certify that I have truly and correctly
10 transcribed the audio/video proceedings in the above-entitled
11 case.

12 
13

14 Dana L. Williams
15 Transcriber
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25

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 39 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |

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| 367 | CIRCLE S FARMS LLC'S JOINDER TO OPPOSITIONS TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 10/1/2020 | 046941-046943 |
| 365 | CLARK NATURAL MEDICINAL SOLUTIONS LLC, NYE NATURAL MEDICINAL SOLUTIONS LLC CLARK NMSD LLC AND INYO FINE CANNABIS DISPENSARY L.L.C.'S JOINDER TO NEVADA WELLNESS CENTER'S MOTION TO AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046932-046933 |
| 12 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 5/7/2019 | 000252-000269 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 4 | COMPLAINT | 1 | 1/4/2019 | 000037-000053 |
| 5 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 1 | 1/4/2019 | 000054-000078 |
| 1 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/10/2018 | 000001-000012 |
| 3 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/19/2018 | 000026-000036 |
| 6 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 1/16/2019 | 000079-000092 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |

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| 45 | CORRECTED FIRST AMENDED COMPLAINT. | 34 | 7/11/2019 | 003950-003967 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR | 55 | 2/25/2020 | 006952-006958 |

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| | WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | | | |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 11 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 4/16/2019 | 000237-000251 |
| 17 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT | 8 | 5/16/2019 | 001025-001037 |
| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS | 59 thru 60 | 4/14/2020 | 007401-007717 |

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| | COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | | | |
| 16 | DEFENDANT IN INTERVENTION'S OPPOSITION TO PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER | 8 | 5/10/2019 | 000975-001024 |
| 287 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |
| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |

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| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 374 | DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 10/30/2020 | 048131-048141 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |

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| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

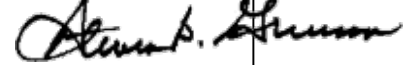
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|-----|----------------------------|--------------------|-----------|---------------|
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

053



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

SERENITY WELLNESS CENTER, LLC, et
al.,

Plaintiffs,

vs.

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

Defendants.

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

Defendant in Intervention.

Case No.: A-19-786962-B

Dept. No.: XI

**GREENMART OF NEVADA NLV
LLC'S ANSWER TO PLAINTIFFS'
CORRECTED FIRST AMENDED
COMPLAINT**

Defendant in Intervention GreenMart of Nevada NLV LLC, ("Defendant") by and through its undersigned counsel, McLetchie Law, hereby answers the Corrected First Amended Complaint (the "Complaint") filed by Plaintiffs Serenity Wellness Center, LLC; TGI, LLC; Nuleaf Incline Dispensary, LLC; Nevada Holistic Medicine, LLC; Tryke Companies SO NV, LLC; Tryke Companies Reno, LLC; Paradise Wellness Center, LLC; GBS Nevada Partners, LLC; Fidelis Holdings, LLC; Gravitas Nevada, LLC; Nevada Pure, LLC; and Medifarm, LLC (collectively "Plaintiffs"), as follows:

Defendant denies each and every allegation in the Complaint except those allegations which are hereinafter admitted, qualified, or otherwise answered.

I.**PARTIES, JURISDICTION, AND VENUE**

1. Answering paragraph 1 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

2. Answering paragraph 2 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

3. Answering paragraph 3 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

4. Answering paragraph 4 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

5. Answering paragraph 5 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

6. Answering paragraph 6 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

7. Answering paragraph 7 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

8. Answering paragraph 8 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

9. Answering paragraph 9 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and

on that basis denies these allegations.

10. Answering paragraph 10 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

11. Answering paragraph 11 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

12. Answering paragraph 12 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

13. Answering paragraph 13 of the Complaint, Defendant admits these allegations.

14. Answering paragraph 14 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

15. Answering paragraph 15 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

II.

GENERAL ALLEGATIONS

16. Answering paragraph 16 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

17. Answering paragraph 17 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions or statements regarding the contents of laws or regulations. To the extent a response is required and the allegations

1 accurately state the laws or regulations referenced therein, Defendant admits these
2 allegations.

3 18. Answering paragraph 18 of the Complaint, no response is required as the
4 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
5 contents of laws or regulations. To the extent a response is required and the allegations
6 accurately state the laws or regulations referenced therein, Defendant admits these
7 allegations.

8 19. Answering paragraph 19 of the Complaint, no response is required as the
9 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
10 contents of laws or regulations. To the extent a response is required and the allegations
11 accurately state the laws or regulations referenced therein, Defendant admits these
12 allegations.

13 20. Answering paragraph 20 of the Complaint, no response is required as the
14 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
15 contents of laws or regulations. To the extent a response is required and the allegations
16 accurately state the laws or regulations referenced therein, Defendant admits these
17 allegations.

18 21. Answering paragraph 21 of the Complaint, no response is required as the
19 allegations therein reference a document that speaks for itself. To the extent a response is
20 required and the allegations accurately state the contents of the document referenced therein,
21 Defendant admits these allegations.

22 22. Answering paragraph 22 of the Complaint, Defendant admits these
23 allegations.

24 23. Answering paragraph 23 of the Complaint, Defendant admits these
25 allegations.

26 24. Answering paragraph 24(a)-(h) of the Complaint, no response is required as
27 the allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
28 contents of laws or regulations. To the extent a response is required and the allegations

1 accurately state the laws or regulations referenced therein, Defendant denies these
2 allegations.

3 24a.¹ Answering paragraph 24a, Defendant denies these allegations.

4 25. Answering paragraph 25 of the Complaint, no response is required as the
5 allegations therein reference a document that speaks for itself. To the extent a response is
6 required, Defendant denies these allegations.

7 26. Answering paragraph 26 of the Complaint, no response is required as the
8 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
9 contents of laws or regulations. To the extent a response is required, Defendant denies these
10 allegations.

11 27. Answering paragraph 27 of the Complaint, Defendant admits that the
12 Department of Taxation announced it would issue recreational retail store licenses no later
13 than December 5, 2018. Defendant denies these allegations to the extent that it imposes a
14 legal obligation on the Department that is inconsistent or outside of the requirements set forth
15 in Nev. Rev. Stat. § 453D.210.

16 28. Answering paragraph 28 of the Complaint, Defendant admits these
17 allegations.

18 29. Answering paragraph 29 of the Complaint, Defendant is without sufficient
19 knowledge or information as to the truth or falsity of the allegations contained therein, and
20 on that basis denies these allegations.

21 30. Answering paragraph 30 of the Complaint, Defendant is without sufficient
22 knowledge or information as to the truth or falsity of the allegations contained therein, and
23 on that basis denies these allegations.

24 31. Answering paragraph 31 of the Complaint, Defendant is without sufficient
25 knowledge or information as to the truth or falsity of the allegations contained therein, and
26 on that basis denies these allegations.

27 ¹ The Complaint contains two paragraphs numbered 24, the second of which is referred to
28 herein as paragraph 24a.

32. Answering paragraph 32 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

33. Answering paragraph 33 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendant denies these allegations.

34. Answering paragraph 34 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendant denies these allegations.

III.

CLAIMS FOR RELIEF
FIRST CLAIM FOR RELIEF
(Violation of Civil Rights)

(Due Process; Deprivation of Property)

(U.S. Const., Amendment XIV; Nev. Const. Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)

35. Answering paragraph 35 of the Complaint, Defendant hereby repeats and realleges its answers to paragraphs 1 through 34 above, and incorporates the same herein by reference as though fully set forth herein.

36. Answering paragraph 36 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendant denies these allegations.

37. Answering paragraph 37 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendant denies these allegations.

38. Answering paragraph 38 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendant denies these allegations.

39. Answering paragraph 39 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is

1 required, Defendant denies these allegations.

2 40. Answering paragraph 40 of the Complaint, no response is required as the
3 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
4 required, Defendant denies these allegations.

5 41. Answering paragraph 41 of the Complaint, no response is required as the
6 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
7 required, Defendant denies these allegations.

8 42. Answering paragraph 42 of the Complaint, no response is required as the
9 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
10 required, Defendant denies these allegations.

11 43. Answering paragraph 43 of the Complaint, no response is required as the
12 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
13 required, Defendant denies these allegations.

14 44. Answering paragraph 44 of the Complaint, no response is required as the
15 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
16 required, Defendant denies these allegations.

17 45. Answering paragraph 45 of the Complaint, no response is required as the
18 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
19 required, Defendant denies these allegations.

20 46. Answering paragraph 46 of the Complaint, no response is required as the
21 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
22 required, Defendant denies these allegations.

23 47. Answering paragraph 47 of the Complaint, no response is required as the
24 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
25 required, Defendant denies these allegations.

26 48. Answering paragraph 48 of the Complaint, no response is required as the
27 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
28 required, Defendant denies these allegations.

1 49. Answering paragraph 49(a)-(g) of the Complaint, no response is required as
2 the allegations contained therein are not factual in nature and/or contain legal conclusions.
3 To the extent a response is required, Defendant denies these allegations.

4 50. Answering paragraph 50 of the Complaint, no response is required as the
5 allegations contained therein are not factual in nature and/or contain legal conclusions. To
6 the extent a response is required, Defendant denies these allegations.

7 51. Answering paragraph 51 of the Complaint, no response is required as the
8 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
9 required, Defendant denies these allegations.

10 52. Answering paragraph 52 of the Complaint, no response is required as the
11 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
12 required, Defendant denies these allegations.

13 53. Answering paragraph 53 of the Complaint, no response is required as the
14 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
15 required, Defendant denies these allegations.

16 54. Answering paragraph 54 of the Complaint, Defendant is without sufficient
17 knowledge or information as to the truth or falsity of the allegations contained therein, and
18 on that basis denies these allegations.

19 55. Answering paragraph 55 of the Complaint, no response is required as the
20 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
21 required, Defendant denies these allegations.

22 56. Answering paragraph 56 of the Complaint, no response is required as the
23 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
24 required, Defendant denies these allegations.

25 57. Answering paragraph 57 of the Complaint, no response is required as the
26 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
27 required, Defendant denies these allegations.

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1 58. Answering paragraph 58 of the Complaint, no response is required as the
2 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
3 required, Defendant denies these allegations.

4 59. Answering paragraph 59 of the Complaint, no response is required as the
5 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
6 required, Defendant denies these allegations.

7 60. Answering paragraph 60 of the Complaint, no response is required as the
8 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
9 required, Defendant denies these allegations.

10 **SECOND CLAIM FOR RELIEF**
11 **(Violation of Civil Rights)**

12 **(Due Process: Deprivation of Liberty)**

13 **(U.S. Const., Amendment XIV; Nev. Const. Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)**

14 61. Answering paragraph 61 of the Complaint, Defendant hereby repeats and
15 realleges its answers to paragraphs 1 through 60 above, and incorporates the same herein by
16 reference as though fully set forth herein.

17 62. Answering paragraph 62 of the Complaint, no response is required as the
18 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
19 required, Defendant denies these allegations.

20 63. Answering paragraph 63 of the Complaint, no response is required as the
21 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
22 required, Defendant denies these allegations.

23 64. Answering paragraph 64 of the Complaint, no response is required as the
24 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
25 required, Defendant denies these allegations.

26 65. Answering paragraph 65 of the Complaint, no response is required as the
27 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
28 required, Defendant denies these allegations.

1 66. Answering paragraph 66 of the Complaint, no response is required as the
2 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
3 required, Defendant denies these allegations.

4 67. Answering paragraph 67 of the Complaint, no response is required as the
5 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
6 required, Defendant denies these allegations.

7 68. Answering paragraph 68 of the Complaint, no response is required as the
8 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
9 required, Defendant denies these allegations.

10 **THIRD CLAIM FOR RELIEF**
11 **(Violation of Civil Rights)**

12 **(Equal Protection)**

13 **(U.S. Const., Amendment XIV; Nev. Const. Art. 1, Sec. 1; Title**

14 69. Answering paragraph 69 of the Complaint, Defendant repeats and realleges
15 its answers to paragraphs 1 through 68 above, and incorporates the same herein by reference
16 as though fully set forth herein.

17 70. Answering paragraph 70 of the Complaint, no response is required as the
18 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
19 required, Defendant denies these allegations.

20 71. Answering paragraph 71 of the Complaint, no response is required as the
21 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
22 required, Defendant denies these allegations.

23 72. Answering paragraph 72 of the Complaint, no response is required as the
24 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
25 required, Defendant denies these allegations.

26 73. Answering paragraph 73 of the Complaint, no response is required as the
27 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
28 required, Defendant denies these allegations.

1 **FOURTH CLAIM FOR RELIEF**

2 **(Petition for Judicial Review)**

3 74. Answering paragraph 74 of the Complaint, Defendant repeats and realleges
4 its answers to paragraphs 1 through 73 above, and incorporates the same by reference herein
5 as though fully set forth herein.

6 75. Answering paragraph 75 of the Complaint, no response is required as the
7 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
8 required, Defendant denies these allegations.

9 76. Answering paragraph 76 of the Complaint, no response is required as the
10 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
11 required, Defendant denies these allegations.

12 77. Answering paragraph 77 of the Complaint, no response is required as the
13 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
14 required, Defendant denies these allegations.

15 78. Answering paragraph 78(a)-(c) of the Complaint, no response is required as
16 the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
17 required, Defendant denies these allegations.

18 79. Answering paragraph 79 of the Complaint, no response is required as the
19 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
20 required, Defendant denies these allegations.

21 **FIFTH CLAIM FOR RELIEF**

22 **(Petition for Writ of Mandamus)**

23 80. Answering paragraph 80 of the Complaint, Defendant repeats and realleges
24 its answers to paragraphs 1 through 79 above, and incorporates the same herein by reference
25 as though fully set forth herein.

26 81. Answering paragraph 81 of the Complaint, no response is required as the
27 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
28 required, Defendant denies these allegations.

1 82. Answering paragraph 82(a)-(b) of the Complaint, no response is required as
2 the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
3 required, Defendant denies these allegations.

4 83. Answering paragraph 83(a)-(b) of the Complaint, no response is required as
5 the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
6 required, Defendant denies these allegations.

7 84. Answering paragraph 84 of the Complaint, no response is required as the
8 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
9 required, Defendant denies these allegations.

10 85. Answering paragraph 85 of the Complaint, no response is required as the
11 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
12 required, Defendant denies these allegations.

13 **GENERAL DENIAL**

14 To the extent a further response is required to any allegation set forth in the
15 Complaint, Defendant denies such allegation.

16 **ANSWER TO PRAYER FOR RELIEF**

17 Answering the allegations contained in the entirety of Plaintiffs' prayer for relief,
18 Defendant denies that Plaintiffs are entitled to the relief sought therein or to any relief in this
19 matter.

20 **AFFIRMATIVE DEFENSES**

21 Defendant, without altering the burdens of proof the parties must bear, asserts the
22 following affirmative defenses to Plaintiffs' Complaint, and all causes of action alleged
23 therein, and specifically incorporates into these affirmative defenses its answers to the
24 preceding paragraphs of the Complaint as if fully set forth herein.

25 **FIRST AFFIRMATIVE DEFENSE**

26 The Complaint, and all the claims for relief alleged therein, fails to state a claim
27 upon which relief can be granted.

28 ///

SECOND AFFIRMATIVE DEFENSE

Plaintiffs have not been damaged directly, indirectly, proximately, or in any manner whatsoever by any conduct of Defendant.

THIRD AFFIRMATIVE DEFENSE

The State of Nevada, Department of Taxation is immune from suit when performing the functions at issue in this case.

FOURTH AFFIRMATIVE DEFENSE

The actions of the State of Nevada, Department of Taxation were all official acts that were done in compliance with applicable laws and regulations.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because Plaintiffs have failed to exhaust administrative remedies.

SIXTH AFFIRMATIVE DEFENSE

The actions of the State of Nevada, Department of Taxation, were not arbitrary or capricious, and the State of Nevada, Department of Taxation had a rational basis for all the actions taken in the licensing process at issue.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to join necessary and indispensable parties to this litigation under Nev. R. Civ. P. 19, as the Court cannot grant any of Plaintiffs' claims without affecting the rights and privileges of those parties who received the licenses at issue as well as other third parties.

EIGHTH AFFIRMATIVE DEFENSE

The claims, and each of them, are barred by the failure of Plaintiffs to plead those claims with sufficient particularity.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to allege sufficient facts and cannot carry the burden of proof imposed on them by law to recover attorney's fees incurred to bring this action.

///

TENTH AFFIRMATIVE DEFENSE

Injunctive relief is not available to Plaintiffs, because the State of Nevada, Department of Taxation has already completed the task of issuing conditional licenses.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs have no constitutional right to obtain privileged licenses.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs are not entitled to judicial review on the denial of a privileged license.

THIRTEENTH AFFIRMATIVE DEFENSE

Mandamus is not available to compel the members of the executive branch to perform non-ministerial, discretionary tasks.

FOURTEENTH AFFIRMATIVE DEFENSE

Declaratory relief will not give the Plaintiffs the relief they are seeking.

FIFTEENTH AFFIRMATIVE DEFENSE

Pursuant to the Nevada Rules of Civil Procedure, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of this answer and, therefore, Defendant hereby reserves the right to amend this answer to allege additional affirmative defenses if subsequent investigation warrants.

SIXTEENTH AFFIRMATIVE DEFENSE

Defendant expressly reserves the right to amend this Answer to bring counterclaims against Plaintiffs.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays for judgment as follows:

1. Plaintiffs take nothing by way of their Complaint.
2. The Complaint, and all causes of action alleged against Defendant therein be dismissed with prejudice.
3. For reasonable attorney's fees and costs be awarded to Defendant.
4. For any such other and further relief the Court deems just and proper under

the circumstances.

DATED this the 17th day of July, 2019.

/s/ Alina M. Shell

MARGARET A. MCLETCHE, Nevada Bar No. 10931
ALINA M. SHELL, Nevada Bar No. 11711
MCLETCHE LAW
701 East Bridger Avenue, Suite 520
Las Vegas, NV 89101
Telephone: (702) 728-5300
Email: maggie@nvlitigation.com
*Counsel for Defendant in Intervention,
GreenMart of Nevada NLV LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July, 2019, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT in *Serenity Wellness Center, LLC, et al. v. State of Nevada, Department of Taxation, et al.*, Clark County District Court Case No A-19-786962-B, to be served electronically using the Odyssey File & Serve system, to all parties with an email address on record.

/s/ Pharan Burchfield

An Employee of McLetchie Law

054

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EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

STATE OF NEVADA, DEPARTMENT OF
TAXATION,
Defendant.

LONE MOUNTAIN PARTNERS, LLC, a Nevada
limited liability partnership,

Intervenor.

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

**LONE MOUNTAIN PARTNERS, LLC'S
ANSWER TO PLAINTIFFS'
CORRECTED FIRST AMENDED
COMPLAINT**



1 Lone Mountain Partners, LLC (“Lone Mountain”), by and through counsel undersigned,
2 hereby files this answer to the Corrected First Amended Complaint filed by Serenity Wellness
3 Center, LLC, TGIG, LLC, Nuleaf Incline Dispensary, LLC, Nevada Holistic Medicine, LLC,
4 Tryke Companies So NV, LLC, Tryke Companies Reno, LLC, GBS Nevada Partners, LLC,
5 Fidelis Holdings, LLC, Gravitas Nevada, Ltd, Nevada Pure, LLC, Medifarm, LLC, and
6 Medifarm IV, LLC (collectively “Plaintiffs”). Lone Mountain answers as follows:

7 Lone Mountain denies each and every allegation in the Corrected First Amended
8 Complaint except those allegations that are admitted, qualified, or otherwise answered herein.

9 **I. PARTIES, JURISDICTION, AND VENUE**

10 1. Answering paragraph 1, Lone Mountain lacks sufficient knowledge or
11 information as to the truth or falsity of the allegations contained in this paragraph.

12 2. Answering paragraph 2, Lone Mountain lacks sufficient knowledge or
13 information as to the truth or falsity of the allegations contained in this paragraph.

14 3. Answering paragraph 3, Lone Mountain lacks sufficient knowledge or
15 information as to the truth or falsity of the allegations contained in this paragraph.

16 4. Answering paragraph 4, Lone Mountain lacks sufficient knowledge or
17 information as to the truth or falsity of the allegations contained in this paragraph.

18 5. Answering paragraph 5, Lone Mountain lacks sufficient knowledge or
19 information as to the truth or falsity of the allegations contained in this paragraph.

20 6. Answering paragraph 6, Lone Mountain lacks sufficient knowledge or
21 information as to the truth or falsity of the allegations contained in this paragraph.

22 7. Answering paragraph 7, Lone Mountain lacks sufficient knowledge or
23 information as to the truth or falsity of the allegations contained in this paragraph.

24 8. Answering paragraph 8, Lone Mountain lacks sufficient knowledge or
25 information as to the truth or falsity of the allegations contained in this paragraph.

26 9. Answering paragraph 9, Lone Mountain lacks sufficient knowledge or
27 information as to the truth or falsity of the allegations contained in this paragraph.

28



10. Answering paragraph 10, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

11. Answering paragraph 11, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

12. Answering paragraph 12, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

13. Answering paragraph 13, Lone Mountain admits that the Department of Taxation is an agency of the State of Nevada. Lone Mountain states that the duties of the Department are outlined by applicable law and regulation. Lone Mountain admits the allegations in this paragraph only insofar as they accurately reflect these laws and regulations.

14. Answering paragraph 14, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

15. Answering paragraph 15, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

II. GENERAL ALLEGATIONS

16. Answering paragraph 16, Lone Mountain states that Assembly Bill 422 speaks for itself. No response is required for Plaintiffs' legal conclusions or statements regarding the content of laws or regulations. To the extent a response is required, Lone Mountain admits only insofar as the allegations accurately state the laws or regulations referenced in this paragraph.

17. Answering paragraph 17, no response is required as the allegations in this paragraph are Plaintiffs' legal conclusions regarding the content of laws or regulations. To the extent a response is required and the allegations accurately state the laws or regulations referenced, Lone Mountain admits.

18. Answering paragraph 18, no response is required as NRS 453D.020 speaks for itself. To the extent a response is required admit only insofar as this paragraph accurately quotes NRS 453D.020.

19. Answering paragraph 19, no response is required as NRS 453D.200 speaks for



1 itself. To the extent a response is required admit only insofar as this paragraph accurately quotes
2 NRS 453D.200 and accurately reflects its full contents.

3 20. Answering paragraph 20, no response is required as NRS 453D.210 speaks for
4 itself. To the extent a response is required admit only insofar as this paragraph accurately quotes
5 NRS 453D.210 and accurately reflects its full contents.

6 21. Answering paragraph 21, Lone Mountain states that the August 16, 2018 letter
7 from the Department speaks for itself and no response is required. To the extent a response is
8 required, the Lone Mountain admits only insofar as the allegations accurately quote the contents
9 of that letter.

10 22. Answering paragraph 22, Lone Mountain admits.

11 23. Answering paragraph 23, Lone Mountain admits.

12 24. Answering paragraph 24, and subparagraphs 24(a)-(h), Lone Mountain states that
13 no response is required as the allegations contained in this paragraph and subparagraphs are
14 Plaintiffs' legal conclusions regarding the content of laws or regulations. These laws and
15 regulations speak for themselves. To the extent a response is required, Lone Mountain admits
16 only insofar as the allegations accurately state the laws or regulations referenced in this
17 paragraph and subparagraphs.

18 24a.¹ Answering paragraph 24a, no response is required as the allegations contained in
19 this paragraph reference a document that speaks for itself. To the extent a response is required,
20 Lone Mountain admits only insofar as the allegations accurately state the contents of the
21 document referenced.

22 25. Answering paragraph 25, the document referenced speaks for itself and no
23 response is required. To the extent a response is required, Lone Mountain admits only insofar as
24 the allegations accurately states the contents of that document.

25 26. Answering paragraph 26, the document and regulations speak for themselves,
26 should be considered in their full context, and no response is required. To the extent a response

27 ¹ The Corrected First Amended Complaint contains two paragraphs numbered 24, the second of which is referred to
28 herein as paragraph 24a.



1 is required, Lone Mountain denies.

2 27. Answering paragraph 27, Lone Mountain admits, in part, that the Department
3 represented that it would issue recreational retail store conditional licenses no later than
4 December 5, 2018. Lone Mountain denies the allegations in this paragraph to the extent that
5 they impose a legal obligation on the Department that is inconsistent or outside the requirements
6 set forth in NRS 453D.210.

7 28. Answering paragraph 28, Lone Mountain lacks sufficient knowledge or
8 information as to the truth or falsity of the allegations contained in this paragraph.

9 29. Answering paragraph 29, Lone Mountain lacks sufficient knowledge or
10 information as to the truth or falsity of the allegations contained in this paragraph.

11 30. Answering paragraph 30, Lone Mountain lacks sufficient knowledge or
12 information as to the truth or falsity of the allegations contained in this paragraph.

13 31. Answering paragraph 31, Lone Mountain lacks sufficient knowledge or
14 information as to the truth or falsity of the allegations contained in this paragraph.

15 32. Answering paragraph 32, Lone Mountain denies.

16 33. Answering paragraph 33, Lone Mountain denies.

17 34. Answering paragraph 34, Lone Mountain lacks sufficient knowledge or
18 information as to the truth or falsity of the allegations as they related to entities who are not Lone
19 Mountain. For the allegations that relate to Lone Mountain, Lone Mountain denies.

20 **III. CLAIMS FOR RELIEF**

21 **First Claim for Relief**

22 **(Violation of Civil Rights; Due Process; Deprivation of Property; US Const. Amend. XIV;
23 Nev. Const., Art. 1, Sec. 1, 8; Title 42 USC § 1983)**

24 35. Answering paragraph 35, Lone Mountain repeats and re-alleges all prior
25 paragraphs as though fully set forth herein.

26 36. Answering paragraph 36, Lone Mountain denies.

27 37. Answering paragraph 37, Lone Mountain denies.
28



- 1 38. Answering paragraph 38, Lone Mountain denies.
2 39. Answering paragraph 39, Lone Mountain denies.
3 40. Answering paragraph 40, Lone Mountain denies.
4 41. Answering paragraph 41, Lone Mountain denies.
5 42. Answering paragraph 42, Lone Mountain denies.
6 43. Answering paragraph 43, Lone Mountain denies.
7 44. Answering paragraph 44, Lone Mountain denies.
8 45. Answering paragraph 45, Lone Mountain denies.
9 46. Answering paragraph 46, Lone Mountain denies.
10 47. Answering paragraph 47, Lone Mountain denies.
11 48. Answering paragraph 48, Lone Mountain denies.
12 49. Answering paragraph 49 and subparagraphs 49(a)-(g), for any allegations, Lone
13 Mountain denies. Lone Mountain also denies that Plaintiff should receive any of the requested
14 relief.
15 50. Answering paragraph 50, for any allegations, Lone Mountain denies. Lone
16 Mountain also denies that Plaintiff should receive any of the requested relief.
17 51. Answering paragraph 51, Lone Mountain denies.
18 52. Answering paragraph 52, Lone Mountain denies.
19 53. Answering paragraph 53, Lone Mountain denies.
20 54. Answering paragraph 54, Lone Mountain denies.
21 55. Answering paragraph 55, Lone Mountain denies.
22 56. Answering paragraph 56, Lone Mountain denies.
23 57. Answering paragraph 57, Lone Mountain denies.
24 58. Answering paragraph 58, Lone Mountain denies.
25 59. Answering paragraph 59, Lone Mountain denies.
26 60. Answering paragraph 60, Lone Mountain denies.

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Second Claim for Relief

**(Violation of Civil Rights; Due Process: Deprivation of Liberty; US Const. Amend. XIV;
Nev. Const., Art. 1, Sec. 1, 8; Title 42 USC § 1983)**

61. Answering paragraph 61, Lone Mountain repeats and re-alleges all prior paragraphs as though fully set forth herein.

62. Answering paragraph 62, Lone Mountain denies.

63. Answering paragraph 63, Lone Mountain denies.

64. Answering paragraph 64, Lone Mountain denies.

65. Answering paragraph 65, Lone Mountain denies.

66. Answering paragraph 66, Lone Mountain denies.

67. Answering paragraph 67, Lone Mountain denies.

68. Answering paragraph 68, Lone Mountain denies.

Third Claim for Relief

**(Violation of Civil Rights; Equal Protection; US Const. Amend. XIV; Nev. Const., Art. 1,
Sec. 1, 8; Title 42 USC § 1983)**

69. Answering paragraph 69, Lone Mountain repeats and re-alleges all prior paragraphs as though fully set forth herein.

70. Answering paragraph 70, Lone Mountain denies.

71. Answering paragraph 71, Lone Mountain denies.

72. Answering paragraph 72, Lone Mountain denies.

73. Answering paragraph 73, Lone Mountain denies.

Fourth Claim for Relief

(Petition for Judicial Review)

74. Answering paragraph 74, Lone Mountain repeats and re-alleges all prior paragraphs as though fully set forth herein.

75. Answering paragraph 75, Lone Mountain denies.

76. Answering paragraph 76, Lone Mountain denies.



1 77. Answering paragraph 77, Lone Mountain denies.

2 78. Answering paragraph 78 and subparagraphs 78(a)-(c), for all allegations, Lone
3 Mountain denies. Lone Mountain also denies that Plaintiff is entitled to the requested relief.

4 79. Answering paragraph 79, Lone Mountain denies.

5 **Fifth Claim for Relief**

6 **(Petition for Writ of Mandamus)**

7 80. Answering paragraph 80, Lone Mountain repeats and re-alleges all prior
8 paragraphs as though fully set forth herein.

9 81. Answering paragraph 81, state that Nev. Rev. Stat. § 34.160 speaks for itself and
10 no response is required. To the extent a response is required, Lone Mountain denies.

11 82. Answering paragraph 82 and subparagraphs 83(a)-(b), Lone Mountain denies.

12 83. Answering paragraph 83 and subparagraphs 84(a)-(b), Lone Mountain denies.

13 84. Answering paragraph 84, Lone Mountain denies.

14 85. Answering paragraph 85, Lone Mountain denies.

15 WHEREFORE, Lone Mountain requests that Plaintiffs take nothing by way of their
16 Corrected First Amended Complaint.

17 **AFFIRMATIVE DEFENSES**

18 **First Affirmative Defense**

19 Lone Mountain adopts and incorporates herein all affirmative defenses plead by
20 Defendants and other Intervenor in this matter.

21 **Second Affirmative Defense**

22 The Corrected First Amended Complaint fails to state a claim upon which relief can be
23 granted.

24 **Third Affirmative Defense**

25 Plaintiffs have not been damaged directly, indirectly, proximately or in any manner
26 whatsoever by any conduct of Defendants.

27 //



Fourth Affirmative Defense

The State of Nevada, Department of Taxation is immune from suit when performing the functions at issue in this case.

Fifth Affirmative Defense

The actions of the State of Nevada, Department of Taxation were all official acts that were done in compliance with applicable laws and regulations.

Sixth Affirmative Defense

Plaintiffs' claims are barred because Plaintiffs have failed to exhaust administrative remedies, if any.

Seventh Affirmative Defense

Plaintiffs have failed to join necessary and indispensable parties to this litigation under NRCP 19 as the Court cannot grant any of Plaintiffs' claims without affecting the rights and privileges of those parties who received the licenses at issue as well as other third parties.

Eighth Affirmative Defense

The occurrences referred to in the Corrected First Amended Complaint and all alleged damages, if any, resulting therefrom, were caused by a third party of which Defendants had no control.

Ninth Affirmative Defense

The actions of the State of Nevada, Department of Taxation were not arbitrary or capricious, and the State of Nevada, Department of Taxation had a rational basis for all of the actions taken in the licensing process at issue.

Tenth Affirmative Defense

Plaintiffs' claims are barred, in whole or in part, by their failure to perform or satisfy required conditions precedent and by their own bad acts.

Eleventh Affirmative Defense

Plaintiffs are not in possession and/or control of the documents and/or witnesses necessary to prove its alleged causes of action against Defendants.



Twelfth Affirmative Defense

The claims, and each of them, are barred by the failure of Plaintiffs to plead those claims with sufficient particularity.

Thirteenth Affirmative Defense

Plaintiffs have failed to allege sufficient facts and cannot carry the burden of proof imposed on it by law to recover attorney's fees incurred to bring this action.

Fourteenth Affirmative Defense

Injunctive relief is unavailable to Plaintiffs, because the State of Nevada, Department of Taxation has already completed the tasks of issuing the conditional licenses.

Fifteenth Affirmative Defense

Plaintiffs have no constitutional rights to obtain privileged licenses.

Sixteenth Affirmative Defense

Mandamus is not available to compel the members of the executive branch to perform nonministerial, discretionary tasks.

Seventeenth Affirmative Defense

Plaintiffs are not entitled to judicial review on the denial of a license.

Eighteenth Affirmative Defense

Declaratory relief will not give the Plaintiffs the relief that they are seeking.

Nineteenth Affirmative Defense

Plaintiffs lack standing to seek the relief they request.

Twentieth Affirmative Defense

Pursuant to Nevada Rules of Civil Procedure, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of this answer and, therefore, Lone Mountain reserves the right to amend this answer to allege additional affirmative defenses if subsequent investigation warrants.

///



1 Dated this 22nd day of July 2019.

2 H1 LAW GROUP

3
4 
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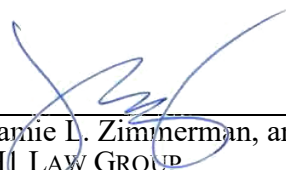
10 Fax 702-608-3759

11 Attorneys for Defendant/Intervenor

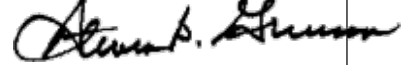
Lone Mountain Partners, LLC

12 **CERTIFICATE OF SERVICE**

13 The undersigned, an employee of H1 Law Group, hereby certifies that on the 22nd day of
14 July 2019, she caused a copy of the foregoing, to be transmitted by electronic service in accordance
15 with Administrative Order 14.2, to all interested parties, through the Court's **Odyssey E-File &**
16 **Serve** system.

17
18 
Jamie L. Zimmerman, an employee of
19 H1 LAW GROUP

055



1 **ANS**
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13 *Attorneys for Defendant in Intervention*
14 *Clear River, LLC*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 SERENITY WELLNESS CENTER, LLC, a Nevada
18 limited liability company, TGIG, LLC, a Nevada limited
19 liability company, NULEAF INCLINE DISPENSARY,
20 LLC, a Nevada limited liability company, NEVADA
21 HOLISTIC MEDICINE, LLC, a Nevada limited liability
22 company, TRYKE COMPANIES SO NV., LLC, a
23 Nevada limited liability company, TRYKE
24 COMPANIES RENO, LLC, a Nevada limited liability
25 company, GBS NEVADA PARTNERS, LLC, a Nevada
26 limited liability company, FIDELIS HOLDINGS, LLC, a
27 Nevada limited liability company, GRAVITAS
28 NEVADA, LLC, a Nevada limited liability company,
NEVADA PURE, LLC, a Nevada limited liability
company, MEDIFARM, LLC, a Nevada limited liability
company, MEDIFARM IV, LLC, a Nevada limited
liability company, DOE PLAINTIFFS I through X; and
ROE ENTITY PLAINTIFFS I through X,

Plaintiffs,

STATE OF NEVADA, DEPARTMENT OF
TAXATION,

Defendant.

CLEAR RIVER, LLC, a Nevada limited liability
company,

Defendant in Intervention

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

**CLEAR RIVER, LLC'S
ANSWER TO
PLAINTIFFS'
CORRECTED FIRST
AMENDED COMPLAINT**

1 Defendant in Intervention Clear River, LLC ("Clear River"), by and through its counsel,
2 hereby answers to the First Amended Complaint filed by Plaintiffs Serenity Wellness Center,
3 LLC, TGIG, LLC, Nuleaf Incline Dispensary, LLC, Nevada Holistic Medicine, LLC, Tryke
4 Companies So NV, LLC, Tryke Companies Reno, LLC, GBS Nevada Partners, LLC, Fidelis
5 Holdings, LLC, Gravitas Nevada, LLC, Nevada Pure, LLC, Medifarm, LLC, and Medifarm IV,
6 LLC, and (collectively "Plaintiffs"). Clear River states as follows:
7

8 Clear River denies each and every allegation in the complaint except those allegations
9 that are admitted, qualified, or otherwise answered herein.

10 I. PARTIES & JURISDICTION

11 1. Answering paragraph 1 of the Complaint, Clear River is without sufficient
12 knowledge or information as to the truth or falsity of the allegations contained therein, and on
13 that basis denies these allegations.

14 2. Answering paragraph 2 of the Complaint, Clear River is without sufficient
15 knowledge or information as to the truth or falsity of the allegations contained therein, and on
16 that basis denies these allegations.

17 3. Answering paragraph 3 of the Complaint, Clear River is without sufficient
18 knowledge or information as to the truth or falsity of the allegations contained therein, and on
19 that basis denies these allegations.

20 4. Answering paragraph 4 of the Complaint, Clear River is without sufficient
21 knowledge or information as to the truth or falsity of the allegations contained therein, and on
22 that basis denies these allegations.

23 5. Answering paragraph 5 of the Complaint, Clear River is without sufficient
24 knowledge or information as to the truth or falsity of the allegations contained therein, and on
25 that basis denies these allegations.
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1 6. Answering paragraph 6 of the Complaint, Clear River is without sufficient
2 knowledge or information as to the truth or falsity of the allegations contained therein, and on
3 that basis denies these allegations.

4 7. Answering paragraph 7 of the Complaint, Clear River is without sufficient
5 knowledge or information as to the truth or falsity of the allegations contained therein, and on
6 that basis denies these allegations.

7 8. Answering paragraph 8 of the Complaint, Clear River is without sufficient
8 knowledge or information as to the truth or falsity of the allegations contained therein, and on
9 that basis denies these allegations.

10 9. Answering paragraph 9 of the Complaint, Clear River is without sufficient
11 knowledge or information as to the truth or falsity of the allegations contained therein, and on
12 that basis denies these allegations.

13 10. Answering paragraph 10 of the Complaint, Clear River is without sufficient
14 knowledge or information as to the truth or falsity of the allegations contained therein, and on
15 that basis denies these allegations.

16 11. Answering paragraph 11 of the Complaint, Clear River is without sufficient
17 knowledge or information as to the truth or falsity of the allegations contained therein, and on
18 that basis denies these allegations.

19 12. Answering paragraph 12 of the Complaint, Clear River is without sufficient
20 knowledge or information as to the truth or falsity of the allegations contained therein, and on
21 that basis denies these allegations.

22 13. Answering paragraph 13 of the Complaint, Clear River admits that the
23 Department of Taxation is an agency of the State of Nevada. Clear River states that the duties of
24 the Department are outlined by applicable law and regulation. Clear River admits the allegations
25
26
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1 in this paragraph only insofar as they accurately reflect these laws and regulations.

2 14. Answering paragraph 14 of the Complaint, Clear River is without sufficient
3 knowledge or information as to the truth or falsity of the allegations contained therein, and on
4 that basis denies these allegations.

5 15. Answering paragraph 15 of the Complaint, no response is required as the
6 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
7 required, Clear River is without sufficient knowledge or information as to the truth or falsity of
8 the allegations contained therein, and on that basis denies these allegations.

10 **II. GENERAL ALLEGATIONS**

11 16. Answering paragraph 16 of the Complaint, Clear River states that Assembly Bill
12 422 speaks for itself. No response is required as the allegations in contained therein are
13 Plaintiffs' legal conclusions. To the extent a response is required, Clear River is without
14 sufficient knowledge or information as to the truth or falsity of the allegations contained therein,
15 and on that basis denies these allegations.

16 17. Answering paragraph 17 of the Complaint, no response is required as the
17 allegations contained therein are Plaintiffs' legal conclusions and statements regarding the
18 contents of laws or regulations. To the extent a response is required, and the allegations state the
19 laws or regulations referenced therein, Clear River admits these allegations.

20 18. Answering paragraph 18 of the Complaint, no response is required as the
21 allegations contained therein are Plaintiffs' legal conclusions and statements regarding the
22 contents of laws or regulations. To the extent a response is required, and the allegations state the
23 laws or regulations referenced therein, Clear River admits these allegations.

24 19. Answering paragraph 19 of the Complaint, no response is required as the
25 allegations contained therein are Plaintiffs' legal conclusions and statements regarding the
26
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1 contents of laws or regulations. To the extent a response is required, and the allegations state the
2 laws or regulations referenced therein, Clear River admits these allegations.

3 20. Answering paragraph 20 of the Complaint, no response is required as the
4 allegations contained therein are Plaintiffs' legal conclusions and statements regarding the
5 contents of laws or regulations. To the extent a response is required, and the allegations state the
6 laws or regulations referenced therein, Clear River admits these allegations.
7

8 21. Answering paragraph 21 of the Complaint, Clear River states that the August 16,
9 2018 letter from the Department speaks for itself and no response is required. To the extent a
10 response is required, and the allegations accurately state the contents of the document referenced
11 therein, Clear River admits these allegations.

12 22. Answering paragraph 22 of the Complaint, Clear River admits these allegations.

13 23. Answering paragraph 23 of the Complaint, Clear River admits these allegations.
14

15 24. Answering paragraph 24 and subparagraphs 24(a)-(h) of the Complaint, no
16 response is required as the allegations contained therein are Plaintiffs' legal conclusions and
17 statements regarding the contents of laws or regulations. These laws and regulations speak for
18 themselves. To the extent a response is required, and the allegations state the laws or regulations
19 referenced therein, Clear River admits these allegations.
20

21 24a. Answering duplicate number 24 of the Complaint, no response is required as the
22 allegations therein reference a document that speaks for itself. To the extent a response is
23 required, and the allegations accurately state the contents of the document referenced therein,
24 Clear River admits these allegations.

25 25. Answering paragraph 25 of the Complaint, no response is required as the
26 allegations therein reference a document that speaks for itself. To the extent a response is
27 required, and the allegations accurately state the contents of the document referenced therein,
28

1 Clear River admits these allegations.

2 26. Answering paragraph 26 of the Complaint, no response is required as the
3 allegations contained therein are Plaintiffs' legal conclusions and statements regarding the
4 contents of laws or regulations. To the extent a response is required, and the allegations state the
5 laws or regulations referenced therein, Clear River denies these allegations.
6

7 27. Answering paragraph 27 of the Complaint, Clear River admits that the
8 Department of Taxation announced it would issue recreational retail store licenses no later than
9 December 5, 2018. Clear River denies these allegations to the extent that it imposes a legal
10 obligation on the Department that is inconsistent or outside of the requirements set forth in Nev.
11 Rev. Stat. § 453D.210.
12

13 28. Answering paragraph 28 of the Complaint, Clear River is without sufficient
14 knowledge or information as to the truth or falsity of the allegations contained therein, and on
15 that basis deny these allegations.

16 29. Answering paragraph 29 of the Complaint, Clear River is without sufficient
17 knowledge or information as to the truth or falsity of the allegations contained therein, and on
18 that basis deny these allegations.

19 30. Answering paragraph 30 of the Complaint, Clear River is without sufficient
20 knowledge or information as to the truth or falsity of the allegations contained therein, and on
21 that basis deny these allegations.
22

23 31. Answering paragraph 31 of the Complaint, Clear River is without sufficient
24 knowledge or information as to the truth or falsity of the allegations contained therein, and on
25 that basis deny these allegations.

26 32. Answering paragraph 32 of the Complaint, Clear River is without sufficient
27 knowledge or information as to the truth or falsity of the allegations contained therein, and on
28

1 that basis deny these allegations.

2 33. Answering paragraph 33 of the Complaint, Clear River is without sufficient
3 knowledge or information as to the truth or falsity of the allegations contained therein, and on
4 that basis deny these allegations. Insofar as the allegations pertain to Clear River, Clear River
5 denies these allegations.

6 34. Answering paragraph 34 of the Complaint, Clear River is without sufficient
7 knowledge or information as to the truth or falsity of the allegations contained therein, and on
8 that basis deny these allegations. Insofar as the allegations pertain to Clear River, Clear River
9 denies these allegations.
10

11 **III.**

12 **CLAIMS FOR RELIEF**
13 **FIRST CLAIM FOR RELIEF**

14 **(Violation of Civil Rights)**

15 **(Due Process; Deprivation of Property)**

16 **(U.S. Const., Amendment XIV; Nev. Const. Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)**

17 35. Answering paragraph 35 of the Complaint, Clear River hereby repeats and
18 realleges its answers to paragraph 1 through 34 above and incorporates the same herein by
19 reference as though fully set forth herein.

20 36. Answering paragraph 36 of the Complaint, no response is required as the
21 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
22 required, Clear River denies these allegations.

23 37. Answering paragraph 37 of the Complaint, no response is required as the
24 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
25 required, Clear River denies these allegations.

26 38. Answering paragraph 38 of the Complaint, no response is required as the
27 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
28

1 required, Clear River denies these allegations.

2 39. Answering paragraph 39 of the Complaint, no response is required as the
3 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
4 required, Clear River denies these allegations.

5 40. Answering paragraph 40 of the Complaint, no response is required as the
6 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
7 required, Clear River denies these allegations.

8 41. Answering paragraph 41 of the Complaint, no response is required as the
9 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
10 required, Clear River denies these allegations.

11 42. Answering paragraph 42 of the Complaint, no response is required as the
12 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
13 required, Clear River denies these allegations.

14 43. Answering paragraph 43 of the Complaint, no response is required as the
15 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
16 required, Clear River denies these allegations.

17 44. Answering paragraph 44 of the Complaint, no response is required as the
18 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
19 required, Clear River denies these allegations.

20 45. Answering paragraph 45 of the Complaint, no response is required as the
21 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
22 required, Clear River denies these allegations.

23 46. Answering paragraph 46 of the Complaint, no response is required as the
24 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
25 required, Clear River denies these allegations.

1 required, Clear River denies these allegations.

2 47. Answering paragraph 47 of the Complaint, no response is required as the
3 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
4 required, Clear River denies these allegations.

5 48. Answering paragraph 48 of the Complaint, no response is required as the
6 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
7 required, Clear River denies these allegations.

8 49. Answering paragraph 49 and subparagraphs 50(a)-(g) of the Complaint, no
9 response is required as the allegations contained therein are not factual in nature and/or contain
10 legal conclusions. To the extent a response is required, Clear River denies these allegations.

11 50. Answering paragraph 50 of the Complaint, no response is required as the
12 allegations contained therein are not factual in nature and/or contain legal conclusions. To the
13 extent a response is required, Clear River denies these allegations.

14 51. Answering paragraph 51 of the Complaint, no response is required as the
15 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
16 required, Clear River denies these allegations.

17 52. Answering paragraph 52 of the Complaint, no response is required as the
18 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
19 required, Clear River denies these allegations.

20 53. Answering paragraph 53 of the Complaint, no response is required as the
21 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
22 required, Clear River denies these allegations.

23 54. Answering paragraph 54 of the Complaint, Clear River is without sufficient
24 knowledge or information as to the truth or falsity of the allegations contained therein, and on
25
26
27
28

1 that basis denies these allegations.

2 55. Answering paragraph 55 of the Complaint, Clear River denies these allegations.

3 56. Answering paragraph 56 of the Complaint, no response is required as the
4 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
5 required, Clear River denies these allegations.

6 57. Answering paragraph 57 of the Complaint, no response is required as the
7 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
8 required, Clear River denies these allegations.

9 58. Answering paragraph 58 of the Complaint, no response is required as the
10 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
11 required, Clear River denies these allegations.

12 59. Answering paragraph 59 of the Complaint, no response is required as the
13 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
14 required, Clear River denies these allegations.

15 60. Answering paragraph 60 of the Complaint, no response is required as the
16 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
17 required, Clear River denies these allegations.

18 **SECOND CLAIM FOR RELIEF**

19 **(Violation of Civil Rights)**

20 **(Due Process: Deprivation of Liberty)**

21 **(U.S. Const., Amendment XIV; Nev. Const. Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)**

22 61. Answering paragraph 61 of the Complaint, Clear River hereby repeats and
23 realleges its answers to paragraph 1 through 60 above and incorporates the same herein by
24 reference as though fully set forth herein.

25 62. Answering paragraph 62 of the Complaint, no response is required as the
26 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
27
28

1 required, Clear River denies these allegations.

2 63. Answering paragraph 63 of the Complaint, no response is required as the
3 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
4 required, Clear River denies these allegations.

5 64. Answering paragraph 64 of the Complaint, no response is required as the
6 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
7 required, Clear River denies these allegations.

8 65. Answering paragraph 65 of the Complaint, no response is required as the
9 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
10 required, Clear River denies these allegations.

11 66. Answering paragraph 66 of the Complaint, no response is required as the
12 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
13 required, Clear River denies these allegations.

14 67. Answering paragraph 67 of the Complaint, no response is required as the
15 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
16 required, Clear River denies these allegations.

17 68. Answering paragraph 68 of the Complaint, no response is required as the
18 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
19 required, Clear River denies these allegations.

20
21
22
23 **THIRD CLAIM FOR RELIEF**

24 **(Violation of Civil Rights)**

25 **(Equal Protection)**

26 **(U.S. Const., Amendment XIV; Nev. Const. Art. 1, Sec. 1; Title 42 U.S.C. § 1983)**

27 69. Answering paragraph 69 of the Complaint, Clear River hereby repeats and
28 realleges its answers to paragraph 1 through 68 above and incorporates the same herein by
reference as though fully set forth herein.

1 70. Answering paragraph 70 of the Complaint, no response is required as the
2 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
3 required, Clear River denies these allegations.

4 71. Answering paragraph 71 of the Complaint, no response is required as the
5 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
6 required, Clear River denies these allegations.

7 72. Answering paragraph 72 of the Complaint, no response is required as the
8 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
9 required, Clear River denies these allegations.

10 73. Answering paragraph 73 of the Complaint, no response is required as the
11 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
12 required, Clear River denies these allegations.

13 **FOURTH CLAIM FOR RELIEF**

14 **(Petition for Judicial Review)**

15 74. Answering paragraph 74 of the Complaint, Clear River hereby repeats and
16 realleges its answers to paragraph 1 through 73 above and incorporates the same herein by
17 reference as though fully set forth herein.

18 75. Answering paragraph 75 of the Complaint, no response is required as the
19 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
20 required, Clear River denies these allegations.

21 76. Answering paragraph 76 of the Complaint, no response is required as the
22 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
23 required, Clear River denies these allegations.

24 77. Answering paragraph 77 of the Complaint, no response is required as the
25 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
26 required, Clear River denies these allegations.

1 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
2 required, Clear River denies these allegations.

3 78. Answering paragraph 78 and subparagraphs 78(a)-(c) of the Complaint, no
4 response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the
5 extent a response is required, Clear River denies these allegations.
6

7 79. Answering paragraph 79 of the Complaint, no response is required as the
8 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
9 required, Clear River denies these allegations.

10 **FIFTH CLAIM FOR RELIEF**

11 **(Petition for Writ of Mandamus)**

12 80. Answering paragraph 80 of the Complaint, Clear River hereby repeats and
13 realleges its answers to paragraph 1 through 79 above and incorporates the same herein by
14 reference as though fully set forth herein.
15

16 81. Answering paragraph 81 of the Complaint, no response is required as the
17 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
18 required, Clear River denies these allegations.

19 82. Answering paragraph 82 and subparagraphs 82(a)-(b) of the Complaint, no
20 response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the
21 extent a response is required, Clear River denies these allegations.
22

23 83. Answering paragraph 83 and subparagraphs 83(a)-(b) of the Complaint, no
24 response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the
25 extent a response is required, Clear River denies these allegations.

26 84. Answering paragraph 84 of the Complaint, no response is required as the
27 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
28

1 required, Clear River denies these allegations.

2 85. Answering paragraph 85 of the Complaint, no response is required as the
3 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
4 required, Clear River denies these allegations.

5
6 **GENERAL DENIAL**

7 To the extent a further response is required to any allegations set forth in the Complaint,
8 Clear River denies such allegation.

9 **ANSWER TO PRAYER FOR RELIEF**

10 Answering the allegations contained in the entirety of Plaintiffs' prayer for relief, Clear
11 River denies that Plaintiffs are entitled to the relief sought therein or to any relief in this matter.

12 **AFFIRMATIVE DEFENSES**

13 Clear River, without altering the burdens of proof the parties must bear, asserts the
14 following affirmative defenses to Plaintiffs' Complaint, and all causes of action alleged therein,
15 and specifically incorporates into these affirmative defenses its answers to the preceding
16 paragraphs of the Complaint as if fully set forth herein.

17 **FIRST AFFIRMATIVE DEFENSE**

18 The Complaint and all the claims for relief alleged therein, fails to state a claim upon
19 which relief can be granted.

20 **SECOND AFFIRMATIVE DEFENSE**

21 Plaintiffs have not been damaged directly, indirectly, proximately, or in any manner
22 whatsoever by any conduct of Clear River.

23 **THIRD AFFIRMATIVE DEFENSE**

24 The State of Nevada, Department of Taxation is immune from suit when performing the
25 functions at issue in this case.

1 **FOURTH AFFIRMATIVE DEFENSE**

2 The actions of the State of Nevada, Department of Taxation were all official acts that
3 were done in compliance with applicable laws and regulations.

4 **FIFTH AFFIRMATIVE DEFENSE**

5 Plaintiffs' claims are barred because Plaintiffs have failed to exhaust administrative
6 remedies, if any.

7 **SIXTH AFFIRMATIVE DEFENSE**

8 The actions of the State of Nevada, Department of Taxation, were not arbitrary or
9 capricious, and the State of Nevada, Department of Taxation had a rational basis for all the
10 actions taken in the licensing process at issue.

11 **SEVENTH AFFIRMATIVE DEFENSE**

12 Plaintiffs have failed to join necessary and indispensable parties to this litigation under
13 Nev. R. Civ. P. 19, as the Court cannot grant any of Plaintiffs' claims without affecting the rights
14 and privileges of those parties who received the licenses at issue as well as other third parties.

15 **EIGHTH AFFIRMATIVE DEFENSE**

16 The claims, and each of them, are barred by the failure of Plaintiffs to plead those claims
17 with sufficient particularity.

18 **NINTH AFFIRMATIVE DEFENSE**

19 Plaintiffs have failed to allege sufficient facts and cannot carry the burden of proof
20 imposed on them by law to recover attorney's fees incurred to bring this action.

21 **TENTH AFFIRMATIVE DEFENSE**

22 Injunctive relief is not available to Plaintiffs, because the State of Nevada, Department of
23 Taxation has already completed the task of issuing conditional licenses.

24 ///

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs have no constitutional right to obtain privileged license.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs are not entitled to judicial review on the denial of a privilege license.

THIRTEENTH AFFIRMATIVE DEFENSE

Mandamus is not available to compel the members of the executive branch to perform non-ministerial, discretionary tasks.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiffs are not entitled to declaratory relief because declaratory relief will not give the Plaintiffs the relief they are seeking.

FIFTEENTH AFFIRMATIVE DEFENSE

Pursuant to the Nevada Rules of Civil Procedure, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of this answer and, therefore, Clear River hereby reserves the right to amend this answer to allege additional affirmative defenses if subsequent investigation warrants.

SIXTEENTH AFFIRMATIVE DEFENSE

Clear River adopts and incorporates herein all affirmative defenses by Defendants and other Intervenors in this matter.

SEVENTEENTH AFFIRMATIVE DEFENSE

The occurrences referred to in the Complaint and all alleged damages, if any, resulting therefrom, were caused by a third party of which Clear River had no control.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiffs lack standing to seek the relief they request.

///

NINETEENTH AFFIRMATIVE DEFENSE

Clear River expressly reserves the right to amend this Answer to bring counterclaims against Plaintiffs.

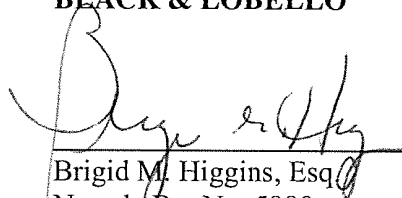
PRAYER FOR RELIEF

WHEREFORE, Clear River prays for judgment as follows:

1. Plaintiffs take nothing by way of their Complaint;
2. The Complaint, and all causes of action alleged against Clear River and Defendants therein be dismissed with prejudice;
3. For reasonable attorney's fees and costs, be awarded to Clear River; and
4. For any such other and further relief, the Court deems just and proper under the circumstances.

DATED this 25th day of July 2019.

BLACK & LOBELLO



Brigid M. Higgins, Esq.

Nevada Bar No. 5990

Rusty J. Graf, Esq.

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Attorneys for Intervenor

Clear River, LLC

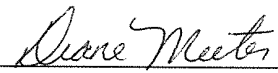
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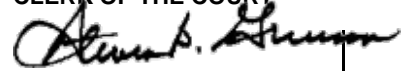
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CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of July 2019, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing **CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT** in *Serenity Wellness Center, LLC, et al v. State of Nevada, Department of Taxation, et al*, Clark County District Court Case No. A-19-786962-B, to be served electronically using the Odyssey File & Serve system, to all parties with an email address on record.


An Employee of Black & Lobello

056



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

EVIDENTIARY HEARING - DAY 16

THURSDAY, JULY 18, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL CRISTALLI, ESQ.
ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
NATHANIEL RULIS, ESQ.
ADAM BULT, ESQ.
MAXIMILIEN FETAZ, ESQ.
THEODORE PARKER, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
THERESA HAAR, ESQ.
RUSTY GRAF, ESQ.
BRIGID HIGGINS, ESQ.
ERIC HONE, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
JOSEPH GUTIERREZ, ESQ.
PHILIP HYMANSON, ESQ.

1 LAS VEGAS, NEVADA, THURSDAY, JULY 16, 2019, 9:29 A.M.

2 (Court was called to order)

3 THE COURT: All right. Good morning, Serenity
4 Wellness and others. How are you all today?

5 MR. SHEVORSKI: Good, Your Honor. Good morning.

6 THE COURT: I understand from some scheduling
7 discussions I had before we started that I've got three
8 witnesses today, Bradley, Rombough, and Zakalik. Who am I
9 starting with?

10 MR. GUTIERREZ: Your Honor, we're starting with
11 Judah Zakalik.

12 THE COURT: Okay. Mr. Zakalik, if you'd come
13 forward, please.

14 MR. CRISTALLI: Your Honor, he may need his
15 attorneys.

16 THE COURT: I think they're coming back. They're
17 coming.

18 JUDAH ZAKALIK, DEFENDANTS' WITNESS, SWORN

19 THE CLERK: Thank you. Please be seated. Please
20 state and spell your name for the record.

21 THE WITNESS: Judah Zakalik, J-U-D-A-H
22 Z-A-K-A-L-I-K.

23 THE COURT: And while we're waiting for Mr. Fetaz
24 and Mr. Bult to come back in, I'm going to tell you a couple
25 preliminary things. You notice there is a pitcher of water

1 there next to you. So if you need water, it's there for you.
2 There are also dispensers with M&Ms behind if you need M&Ms to
3 keep you going as they ask you questions, let me know. And
4 then there are also binders with a lot of exhibits. They may
5 have you look at the hard copies. They are also going to show
6 them to you on the screen. You are always welcome to look at
7 the hard copy if it's easier for you. And if they refer you
8 to the statute, I do have the version that's in the statute
9 book I can hand you to assist you.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: Okay?

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: And since your counsel's now in the room
14 and I've finished the preliminaries, I'm going to let the
15 examination begin. That was called stalling.

16 DIRECT EXAMINATION

17 BY MR. GUTIERREZ:

18 Q My name's Joe Gutierrez. I'm one of the attorneys
19 for Essence and Thrive. Tell us what your current position is
20 with Zion Gardens.

21 A Managing member.

22 Q And how long -- tell us when you started Zion
23 Gardens.

24 A 2014, I believe.

25 Q And who did you start with?

1 A Aaron McCrary.

2 Q And is Aaron McCrary an owner, as well?

3 A Yes, he is. He's a managing member, also.

4 Q Managing member. Okay. And is Zion Gardens a
5 cultivation and production company?

6 A No.

7 Q Can you explain what the company is.

8 A Cultivation, medical and recreational.

9 Q So the company's never held a dispensary license; is
10 that correct?

11 A No, sir.

12 Q And it doesn't have a production license?

13 A No, sir.

14 Q Okay. And I understand you're a licensed attorney
15 in the state of Nevada; is that correct?

16 A That is correct.

17 Q When did you pass the bar?

18 A '07, I believe. Yeah, I think '07. It's over 10,
19 12 years ago.

20 Q Can you explain for us how Zion Gardens got started.

21 A We formed a LLC with the State of Nevada.

22 Q And how did you and Aaron get together and decide to
23 form the company?

24 A I've known Aaron since he was -- since we both
25 attended University of Washington. So we're college friends.

1 Q And did he approach you about starting the company,
2 or how did that happen?

3 A I don't recall.

4 Q Do you have an active role with the management of
5 the company, or are you just part owner?

6 A No, I'm active.

7 Q Okay. Did you help complete any of the applications
8 for the 2014 process?

9 A Yes.

10 Q And who completed the applications for the 2018
11 process?

12 A It was a joint effort.

13 Q By who?

14 A By myself, by Aaron, by our attorney, by -- some of
15 my staff also helped.

16 Q And I was reading an article about Aaron McCrary.
17 He's the first African-American owner of a cultivation company
18 in Nevada; is that correct?

19 A Owner operator. That's what he's been reported as,
20 yeah.

21 Q And I think Zion Gardens reported that it's a top
22 priority for diversity, to have diversity within this company;
23 is that fair to say?

24 A Yes, it is.

25 Q Okay. Can you tell us why you believe diversity's

1 important for the operation of a marijuana establishment.

2 A Yes. Yes. I believe that people of color, black
3 and brown, have been targeted by marijuana laws prior to
4 legalization. I think there's been a lack of fairness in the
5 imprisonment of people of color, and I think that -- I've seen
6 and I continue to see people of color excluded from the legal
7 marijuana industry, either because lack of finances, maybe
8 criminal backgrounds. And so I think we see a gentrification
9 of a burgeoning multibillion-dollar industry, and that bothers
10 me.

11 Q So in the 2018 application process were you in
12 support of diversity being considered as a factor for the 2018
13 criteria?

14 A I think it's an important factor, yes.

15 Q Okay. And for the reasons we just discussed; is
16 that fair to say?

17 A For some of those reasons, yes.

18 Q Is there more reasons that we haven't discussed that
19 you believe it is an important factor?

20 A Just that I believe that -- I believe in equal
21 opportunity, I believe that -- I believe that people should be
22 given the opportunity to have a fair say in how they -- just
23 opportunity to make money in this industry. Essentially
24 that's it. And I believe that black and brown people have
25 been unfairly targeted in the past.

1 Q And can you explain for us how you believe a diverse
2 group of owners or operators is important for your operations.

3 A I think diversity is in important in any aspect of
4 any business. I think diversity is important in the law. I
5 think diversity is important in any industry. People from
6 diverse backgrounds are often very valuable in businesses,
7 because they bring different perspective. I think that --
8 it's for those reasons.

9 Q Where is your cultivation facility located?

10 A It's 3441 Precision Drive, North Las Vegas.

11 Q And how large is your facility?

12 A 6,000 square feet.

13 Q Okay. So in 2018 at some point you decided you
14 wanted to expand from cultivation into a dispensary; is that
15 correct?

16 A I think we wanted a dispensary from the outset.
17 It's just when we applied in 2014 we had to make a strategic
18 decision which was best for us, and so we decided to go down
19 that road.

20 Q Okay. And when you got your results from the 2018
21 process in December of 2018 what was your initial reaction?

22 A Disappointment.

23 Q At what point did you decide to bring a lawsuit
24 against the State of Nevada?

25 A When I had some concerns about the fairness and the

1 transparency of the overall process and when I couldn't get
2 those answers when I went to review our scores.

3 Q And with respect to transparency, is that something
4 you believe has been addressed by the passage of SB 32?

5 A Well, I'm not fully familiar with the full text of
6 SB 32. It's really hard for me to say.

7 Q Are you aware that SB 32 was passed sometime in May?

8 A I am if you say it was. I'm not sure when it was
9 passed, but I understand that SB 32 was a bill that was
10 passed.

11 Q What's your understanding as to what SB 32 was
12 related to?

13 A I don't have an understanding of what it was related
14 to.

15 Q Okay. If SB 32 was able to give more transparency
16 and that was the intent by disclosing scores and rankings, is
17 that something you've seen?

18 A I've seen scores and rankings, yes, sir.

19 Q Okay. And does that address your transparency
20 concerns?

21 A No.

22 Q What else is that that you're looking for that you
23 believe hasn't been disclosed?

24 A I'd like to know how the whole process was
25 administered. I'd like to know how the graders graded. I'd

1 like to know what criteria they would use, I'd like to know
2 how things were weighted. I'd like to know who had input in
3 that process. I'd like to know what the oversight was.

4 Q And you talked about fairness, as well, being part
5 of your reason for bringing the lawsuit; correct?

6 A Yes.

7 Q Okay. And tell us exactly what you mean by
8 fairness. What --

9 A I mean fairness that everyone has the equal
10 opportunity to get a license.

11 Q Is it your position that -- well, let me ask this.
12 Are you familiar with the regulations that govern the sale of
13 recreational marijuana?

14 A I think more familiar than some, probably less than
15 others.

16 Q And they're codified in NAC 453D. Are you familiar
17 with that statute?

18 A I am. I've read it.

19 Q Okay. And is your position today that the
20 provisions in NAC 453D don't comply with the ballot
21 initiative?

22 A Are you asking me a question?

23 Q Yes. Is it your position that the regulations in
24 NAC 453D do not comply with the ballot initiative?

25 A I can't say specifically that that's my position.

1 My position today is that I don't think the whole process was
2 fair. I think that there were some -- there's some issues in
3 how the whole licensing process was administered.

4 Q Okay. So you don't have a specific complaint as to
5 this provision in the regulations doesn't exactly match the
6 ballot initiative and NRS 453D?

7 A I leave that to my lawyers.

8 Q Your complaint was unique in that you requested
9 compensatory damage against the State of Nevada. Are you
10 aware of that?

11 A I'm sure there was.

12 Q Okay. What's your basis for the compensatory damage
13 against the State of Nevada?

14 A As a lawyer oftentimes we throw everything at the
15 wall and see what sticks. So I think it was probably just
16 that, you know, let's ask for everything and see what the
17 Court thinks is fair.

18 Q Now, we've been here for two months on an injunction
19 process. Are you familiar with an injunction process as an
20 attorney?

21 A Yes, sir, I am.

22 Q What relief are you seeking from the injunction?

23 A I'm seeking that the licensing not go forward until
24 we understand whether the process was fair. That the parties
25 that were awarded license and that the State hold off on

1 moving forward with it until we get a full view on the whole
2 process to understand that.

3 Q Are you asking the Court to award your company a
4 license?

5 A No.

6 Q Are you asking the Court to redo the process, the
7 scoring process?

8 A No.

9 Q Now, can you explain for us with this injunction
10 what you believe your harm is to Zion Gardens that would
11 warrant stopping the process of the licensees getting final
12 approval as we vet this process?

13 A Well, I think the harm is on a micro level with Zion
14 Gardens, but also on a macro level. I think if there's not
15 fairness in process, that hurts society overall. I think it
16 detracts from trust in government. The Taxation Department is
17 a department of the government, and if we can't trust that
18 they administer things fairly, I think that's an issue for
19 society overall, and I think that oftentimes one party is
20 specifically aggrieved, but that issue permeates society. So
21 that's one of the reasons why I brought this. I was raised to
22 be very -- to think of things very fairly. Whether I'm right
23 or whether I'm wrong, I always want it to be fair whether it
24 benefits me or not. So that's -- that's one of the reasons
25 why I brought this lawsuit.

1 Like I said, I think that -- going back to the
2 diversity issue, I think that people of color have been
3 unfairly targeted with drug laws in this country for decades,
4 and it's important to me that we help reverse that. And I
5 think that having a diverse company and more diverse members
6 in this -- in this industry represented helps society overall.

7 Q But with respect to Zion Gardens itself, is your
8 company going out of business if this injunction is not
9 granted?

10 A I think that the writing is on the wall that it will
11 go out of business if we cannot have the same opportunities as
12 others.

13 Q And is that an opportunity because as a cultivator
14 you believe that cultivators were not given a fair opportunity
15 during the 2018 process?

16 A I don't know. I don't know if they were or if they
17 weren't.

18 Q Okay.

19 A That's one of the reasons why I brought this
20 lawsuit, to find out.

21 Q And when you say going out of business, what do you
22 mean by going out of business if additional dispensaries open?

23 A Yeah. I believe that we've seen a concentration of
24 dispensary licenses awarded, and I believe that as we have
25 seen in other industries and perhaps even in this industry,

1 that there will be a strategic approach by those who hold the
2 majority of the licenses to stop others, to essentially put
3 them out of business.

4 Q And are you aware of the anti-monopoly provision in
5 the regulations?

6 A I can't say that I am.

7 Q Okay. If the results of the 2018 licensing process
8 complied with the regulation of anti-monopoly, would you still
9 have an objection to it?

10 A I think -- if it complied, I don't know, because I'm
11 not sure what the anti-monopoly -- specifically what those
12 provisions say.

13 Q Okay. We could turn to it now.

14 A Okay.

15 MR. GUTIERREZ: Brian, can you pull up NAC 453D.272.

16 BY MR. GUTIERREZ:

17 Q And, Mr. Zakalik, this should appear on your screen.

18 A Yes, sir.

19 Q Okay. And specifically go down to subsection (5).

20 You've seen this provision in the regulations before?

21 A Yes, I believe I have.

22 Q Okay. And if the Department -- and we could read
23 this statute. It says, "To prevent monopolistic practices the
24 Department will ensure in a county whose population is 100,000
25 or more that the Department does not issue to any person,

1 group of persons, or entity the greater of one license to
2 operate a retail marijuana store or more than 10 percent of
3 the licenses for retail marijuana stores allottable in the
4 county." Do you read that in front of you?

5 A I can read it, yes.

6 Q Yeah. If the Department has stated that the 2018
7 process has complied with this provision on anti-monopoly,
8 would you still have a reason to object as to any monopolistic
9 practices?

10 A I'm sorry. Can you ask that one more time.

11 Q Sure. If the Department has confirmed that there is
12 no company that holds more than 10 percent of the licenses in
13 any county, would you still have an objection on the anti-
14 monopolistic practices or --

15 A Yeah. I have an objection on how the Department
16 came to that conclusion. They have not been transparent on
17 how they came to that conclusion. That's my issue.

18 Q On the conclusion, or actually the enactment of this
19 regulation?

20 A My issue is more on the process and how they came to
21 that conclusion.

22 Q Understood. Okay. So your position is that it's
23 not with the actual text of this regulation, it's more the
24 results and how they came to that conclusion?

25 A I mean, look, if the State and the people passed

1 this regulation and as far as how intergovernmental policies
2 work and how we got to this I can't quite say. Whether they
3 had administered this correctly is really my concern.

4 Q Got it. So is it fair to say that and your partner
5 didn't speak at any of the public workshops or Governor's Task
6 Force meetings where these regulations were being adopted?

7 A We did not speak, no, sir.

8 Q Okay. Has your company attempted to buy a license?

9 A I have not attempted to buy a license.

10 Q Is that a possibility for Zion Gardens?

11 A I -- I don't -- possibility? I guess -- I don't
12 know. If one is available, I guess it would be a possibility.
13 I don't know if there's one available or not.

14 Q What specific jurisdiction is Zion Gardens looking
15 for a license in?

16 A Two jurisdictions, unincorporated Clark County and
17 North Las Vegas.

18 Q And has Zion Gardens put a value on what it believes
19 that license is worth in each of those jurisdictions?

20 A There is no value to me on what a license is worth.

21 Q If somebody hypothetically were to sell a license to
22 you in North Las Vegas for \$100,000, is that something that
23 Zion Gardens would do -- purchase?

24 A Would I purchase it? I guess it depends upon all
25 the other terms. I'm sure it's not -- as you know as a

1 lawyer, right, if I'm buying something like a license, it's
2 not just, here, I'll give you a hundred thousand, you give me
3 the license. I don't know what the other terms are.

4 Q If it was that simple as a purchase and sale for a
5 fixed amount of money, do you believe that's something Zion
6 Gardens would look into?

7 A I think we would look into it, yeah.

8 Q And if Zion Gardens hypothetically did complete a
9 sale where it acquired a license in North Las Vegas, would you
10 still believe that there's a harm that warrant an injunction?

11 A Yeah.

12 Q Explain that for us.

13 A As I said, I was raised to be a person that's fair
14 and that believes in equity. And that for me more important
15 than anything else. It's not just about my opportunity. It's
16 about everyone's opportunity. It's about the process being
17 fair, it's about us living in a country where we can look to
18 the government to administer things fairly and to be open and
19 to be transparent when we have questions as citizens.

20 Q Do you believe that Ballot Question 2, one of the
21 primary reasons or fundamental reasons behind it was that the
22 public wanted the sale or the taxes generated from the sale of
23 recreational marijuana to go to schools?

24 A I don't have an opinion on that.

25 Q Are you aware of that?

1 A I am not aware of that.

2 MR. GUTIERREZ: Okay. Could we go to NRS 453D.020.

3 BY MR. GUTIERREZ:

4 Q And, Mr. Zakalik, this will be on the screen, but --

5 MR. GUTIERREZ: And specifically subsection (2).

6 BY MR. GUTIERREZ:

7 Q Have you seen this provision before?

8 A Let me read it. Okay.

9 Q Have you seen this before?

10 A I can't say that I have. I may have. I just don't

11 recall off the top.

12 Q As part of this ballot initiative says, it discusses

13 that revenue will be dedicated to public education and

14 enforcement of the regulations of this chapter. Do you see

15 that?

16 A I do, sir.

17 Q And are you aware that was also part of the ballot

18 initiative?

19 A I'm not necessarily aware, but I wouldn't disagree

20 with you.

21 Q Okay. And assume that's correct. Do you agree that

22 the public has an interest in the outcome of this injunction

23 because of the taxable revenue that will be generated from the

24 sale of marijuana through the 61 licenses?

25 A I think the public has an interest in this

1 injunction because they want the process to be fair and they
2 want it to be equitable.

3 Q But specific as to taxes, you see under the statute,
4 the ballot initiative, that's one of the reasons why the
5 public enacted and voted for this ballot question; is that
6 correct?

7 A Yes, sir.

8 Q Now, if that is what the public's intent was, don't
9 you believe the public has an interest in the outcome of this
10 injunction based upon taxable revenue that may or may not be
11 lost [inaudible] the operation --

12 A I don't think taxable revenue would be lost on the
13 basis of an injunction.

14 Q Explain that.

15 A Because I don't think the number of stores open have
16 a direct correlation to the amount of cannabis sold.

17 Q Okay. And for counties such as Douglas County that
18 don't have a dispensary, but would have one under this
19 process, you're saying that Douglas County wouldn't generate
20 revenue?

21 A I'm not familiar with Douglas County. I can't say
22 I've ever been there. The majority of my time has been in
23 Clark County.

24 Q What's the cost when you get final approval to get
25 your license?

1 A The cost to get final --

2 Q Yes. When these conditional licenses obtain final
3 approval what's the cost that's paid both to the local and to
4 the State for final approval?

5 A I can't say off the top I know.

6 Q So those additional licensing fees that would be
7 generated by these 61 license holders would go to the State;
8 correct?

9 A I assume so.

10 Q And it would generate taxable revenue; correct?

11 A It would generate licensing fees, I would assume, if
12 that's what you're speaking about.

13 Q Okay. And is it your position that 61 additional
14 dispensaries that would open wouldn't generate a single dollar
15 more, it would just dilute the market?

16 A No. It's my position that the -- I don't think that
17 the licensing fees themselves generate the overall lion's
18 share of the taxes paid. You know, I think that the sales
19 taxes, both on the cultivation level and on the dispensary
20 level is the lion's share of the taxes. I think the license
21 application fees are a drop in the bucket.

22 Q Who does your cultivation facility sell to? Which
23 dispensaries?

24 A We've sold to Inyo, we've sold to Frye, we've sold
25 to Sahara Wellness, we've sold to The Apothecary Shop, The

1 Apothecarium, we've sold to Cannacopia. Those are the ones
2 that I can recall.

3 Q So you've sold to people on both sides of this case;
4 fair to say?

5 A Yeah. I would say so.

6 Q Hypothetically Thrive, which has been enjoined from
7 opening their location on Sahara Avenue --

8 A Yes, sir.

9 Q -- how does that affect Zion Gardens?

10 A It doesn't.

11 MR. GUTIERREZ: Okay. I don't have any further
12 questions, Your Honor.

13 THE COURT: Anyone else on the defendants in
14 intervention? Mr. Koch.

15 DIRECT EXAMINATION

16 BY MR. KOCH:

17 Q Few followups, sir. On the diversity point do you
18 know what the diversity score that Zion Gardens received was?

19 A I do not off the top.

20 Q It received 20 out of 20 points. Are you aware of
21 that?

22 A I'm not aware as I sit here today. But if you tell
23 me it was --

24 Q Okay. And is it a case that all owners, officers,
25 or board members of Zion Gardens would be considered either a

1 diverse individual for purposes of the scoring here, either
2 female or a minority?

3 A I don't know. I don't know what is considered
4 diverse by the State. Like I said, they haven't been open and
5 clear about that.

6 Q Since the SB 32, when that was passed back in May
7 and there was some information that was presented by the
8 Department of Taxation, did you take the time to review that
9 information that was presented?

10 A I have reviewed some of it. I'm not sure if I
11 reviewed all of it.

12 Q Do you have any -- do you believe that -- well, let
13 me ask you this. You're talking about fairness is primary
14 concern; right?

15 A Yes, sir.

16 Q Okay. And to the extent that the Department
17 conducted a process and conducted it the same for everyone,
18 whether it was good or bad process, as long as it was the same
19 and equal, is that what the concern is? Or what's the concern
20 there?

21 A Yeah, the concern that it wasn't fair and equal --

22 Q Okay.

23 A -- the concern that -- is that we don't know if it
24 was fair or equal.

25 Q Okay.

1 A Those are concerns.

2 Q So -- and I guess I'm just trying to understand the
3 allegations and the claims.

4 A Sure.

5 Q One of the allegations or claims made by some of the
6 parties at least is that the scorers themselves that the State
7 hired to conduct the scoring may not have been competent to do
8 the scoring. Are you making that allegation in this case?

9 A I don't know if they were competent or not. I think
10 it's important that we vet whether they were competent or not.

11 Q Okay. Let's assume that they are average people
12 doing -- maybe not superhuman, but maybe not the -- they're
13 able to complete their tasks all of the same sort and they all
14 scored all the applications in the same way. Would you
15 believe that that would be at least with respect to that part
16 of the process the scoring fair and equal application process?

17 A Well, I think part of it is their job, part of is
18 the whole system itself. I mean, because that bears upon
19 their job.

20 Q And let me just ask, just limiting to that "their
21 job." Are you aware of anything that we indicate that the
22 scorers that were hired by the State to conduct that scoring
23 did anything that was partial to one person and -- or partial
24 to one person and detrimental to the other in the same way?

25 A Am I aware that they were impartial in any way as we

1 sit here today?

2 Q That they were partial.

3 A That they were partial in any way as we sit here
4 today.

5 Q Right.

6 A I would say I'm not aware that they were partial,
7 but I have concerns that they were impartial -- or that they
8 just weren't well suited to do the job or that, like I said,
9 the whole process was flawed.

10 Q And that's just based upon essentially the outcome
11 of the process? You don't have any -- I'm just trying to
12 narrow this down -- any specifics to say that Scorer 5 was
13 friends with this particular dispensary or anything like that?
14 Not a specific fact, it's just a concern about the overall
15 outcome of the process?

16 A I guess one of my concerns is the amount of money
17 that each licensee or each applicant paid to the State. And,
18 you know, if we had four hundred sixty-something and with that
19 money the State hired six -- five, six temporary graders to do
20 the work, to me that seems like a poor allocation of the
21 funds, and I think they could have done a better job to make
22 sure this process was fair and that they did the most to make
23 sure that every application was considered on its merits.

24 Q All right. One of the -- one of the claims again is
25 that fairness results from the fact that some applicants -- or

1 the licenses were not distributed equally among all
2 applicants, that there wasn't more broad spread of these
3 licenses. Is that one of the allegations that you believe
4 results in the unfairness that you're claiming?

5 A I don't think the result itself may indicate whether
6 it was fair or not. It may have some play in it. I think
7 that just on a knee-jerk reaction if you see, you know,
8 16 applicants get a lion's share, I think that may be a
9 concern just on a knee-jerk reaction. But as a lawyer I know
10 there's often things that come to light in trial, and we just
11 don't have all the facts right now. And the concern is that
12 some of the things that have been spoke about in these
13 proceedings -- and I haven't been here every day, just what
14 I've heard, that there may be some concerns.

15 Q All right. And your complaint is not, again, about
16 the statutes themselves or the regulations themselves, it's
17 the administration of those statutes or regulations?

18 A To my understanding it's either the statutes or the
19 administration, but I think that the overall process needs to
20 be fair, and I believe that we need to look into that.

21 Q Lastly, with respect to diversity you understand
22 that there was a point allocation that was given to diversity?

23 A Yes, sir.

24 Q Okay. Other than the points that were given for
25 purposes of diversity, do you think that any other factors

1 should have been graded differently for applicants that may be
2 considered diverse?

3 A I don't understand the question.

4 Q For example, financial category. There was a cutoff
5 of needing to have a certain amount of liquid assets, and
6 there was a threshold, there was a number there that was
7 looked for by the graders, they looked for that number, they
8 gave points based upon those numbers. Do you believe that
9 number should have been the same for all applicants
10 irrespective of diversity or nondiversity?

11 A I think if an applicant can show that they the
12 financial wherewithal to operate the company, the dispensary
13 and that meets the State requirements, I think that should be
14 adequate.

15 Q All right. And have you looked at Zion Gardens'
16 financial score that was given in this case?

17 A I can't say that I know it offhand.

18 Q So you're not dissatisfied with the financial score
19 -- at least as you sit here today you don't have any facts to
20 that?

21 A I don't have the score in front of me, so I can't
22 say.

23 Q Okay. All right. I think it was 37 out of 40,
24 something like that. I'd have to go back and look myself.
25 But you're not aware of anything as you sit here today to say,

1 we were treated unfairly in any way on financial scoring
2 because of Zion Gardens, the name, or anything else like that?

3 A The Zion Gardens name?

4 Q That anybody -- any of scorers saw, hey, this is
5 Zion Gardens, let's treat them differently than somebody else.

6 A I can't say. I don't know.

7 Q Okay. And overall would you say that scorers
8 outside of the specific diversity category should have been
9 also evaluated equally among all applicants to determine, as
10 you said, the financial ability or other categories that they
11 would look at that that should be graded equally irrespective
12 of diversity?

13 A I think the -- if equal means fairly and equal means
14 clarity and transparency, then yes.

15 MR. KOCH: All right. Thank you.

16 THE COURT: Anyone else on the defendants,
17 defendants in intervention have any questions? Mr. Shevorski.

18 MR. SHEVORSKI: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. SHEVORSKI:

21 Q Good morning.

22 A Good morning.

23 Q Steven Shevorski of the Attorney General's Office.

24 And you mentioned Mr. McCrary is a managing member,
25 as well, of Zion; correct?

1 A Correct.

2 Q And the cultivation business that you're in, do you
3 have a warehouse?

4 A Yeah, I do.

5 Q Okay. When you say I, Zion has a warehouse?

6 A No. Zion rents a warehouse.

7 Q Okay. Thank you. And was the warehouse existing in
8 2014 in the same state and square footage as it is today?

9 A It's 6,000 square feet today. In 2014 it was
10 6,000 square feet.

11 Q Okay. If Mr. McCrary gave an interview in 2018 that
12 he was considering expanding the warehouse to meet high
13 demand, do you have any reason to disagree with that?

14 A I'd like to see the interview or the article.

15 MR. SHEVORSKI: May I approach, Your Honor?

16 THE COURT: You may.

17 And, sir, he's giving you this to refresh your
18 recollection. So read it to the extent you need it, and then
19 if you have your recollection refreshed, let us know. If you
20 don't, just let us know, too, as one of the few witnesses who
21 actually understands what that means.

22 BY MR. SHEVORSKI:

23 Q Do you have any reason to disagree with --

24 THE COURT: Sir, is your recollection refreshed?

25 THE WITNESS: It is. It is, Your Honor.

1 MR. SHEVORSKI: Thank you, Your Honor. I forgot
2 that part.

3 THE COURT: Okay.

4 BY MR. SHEVORSKI:

5 Q After your recollection was refreshed do you have
6 any reason to disagree with Mr. McCrary's statement that he
7 was considering expanding the warehouse to met high demand?

8 A I think you need to understand what -- I don't know
9 what your definition of "expansion" is. So that's my
10 question.

11 Q Well, it's not my definition, it's a statement from
12 Mr. McCrary.

13 A Okay. I can't speak upon what his thought process
14 was at that point.

15 Q Okay. Do you disagree with his statement that there
16 was high demand for Zion's products in 2018?

17 A I think there was -- in 2018 I think there was -- I
18 think there was demand for high-quality cannabis. And we
19 produce high-quality cannabis.

20 Q Okay. The customers you mentioned, Thrive, and some
21 of the others, have they told you they're going to stop buying
22 your products?

23 A Some have.

24 Q As a cultivator.

25 A Some have. Some have stopped all communication.

1 Q Some have stopped all communication. But that
2 doesn't mean they won't communicate with you in the future;
3 right?

4 A I don't know what people do in the future.

5 MR. SHEVORSKI: Neither do I.

6 Thank you, Your Honor.

7 THE COURT: Thank you.

8 At this time, counsel, I'm going to take a short
9 recess. I have two matters that I'm going to talk to. One is
10 a conference call, and the other one is some lawyers who are
11 still having trouble with something from the 9:00 o'clock
12 calendar.

13 Mr. Zakalik, if you'd like to get up and walk
14 around, this is not a requested recess.

15 (Court recessed at 10:02 a.m, until 10:10 a.m.)

16 THE COURT: Mr. Zakalik, I apologize for the
17 interruption of your testimony.

18 Mr. Shevorski, you had completed your examination.

19 Were any of the other defendants or defendants in
20 intervention interested in asking Mr. Zakalik any questions?
21 Anyone else? Anyone else?

22 Your counsel has said you did a great job, they
23 don't need to ask any questions. Thank you, sir. Have a
24 great --

25 MR. GENTILE: Your Honor, Mr. Parker's not here.

1 Mr. Parker may have a few.

2 THE COURT: Mr. Parker, do you have any questions
3 for Mr. Zakalik?

4 MR. PARKER: I do. I do. Thank you for waiting.

5 CROSS-EXAMINATION

6 BY MR. PARKER:

7 Q Good morning.

8 A Good morning.

9 Q So I was listening to your testimony regarding
10 diversity, and I wanted to ask you a few followup questions.

11 A Yes.

12 Q Do you fit within a minority category?

13 A I guess it depends upon your definition of minority.

14 Q Okay. what race or ethnicity are you?

15 A I am half Russian Jew, half Lebanese.

16 Q Okay. And are you one of many owners, or one of a
17 few owners?

18 A One of two owners.

19 Q Okay. And is the other owner also potentially a
20 racial or ethnic diverse person?

21 A I guess it depends upon your definition of
22 diversity.

23 Q What would that owner's ethnicity or race be?

24 A From my understanding, and I'm not him, but I think
25 he's -- I think he's half Caucasian and then the other half is

1 African-American. He might have some Native American.

2 Q Okay. Now, do you know of any fully racially

3 minority-owned dispensaries in the state of Nevada?

4 A I can't say that I do know. There's probably some.

5 Q Okay. I'm aware of one.

6 A Okay.

7 Q Which is my client, Nevada Wellness Center. Are you

8 familiar with Frank Hawkins?

9 A I am.

10 Q Okay. Are you aware of any other black-owned

11 dispensaries in the state of Nevada?

12 A I am not.

13 Q You own a cultivation location?

14 A Correct.

15 Q Can someone come to you and force you to sell?

16 A Force me to sell product to them, cannabis to them?

17 Q No. Force you to sell your business.

18 A No, no one -- I guess no one could force me to sell.

19 Maybe constructively, but not directly.

20 Q Right. And, conversely, you can't force someone to

21 sell you a license even if you wanted to buy a license.

22 A No, I cannot.

23 Q No matter how amount of money, you know, it could be

24 a million dollars or billion dollars, they couldn't -- you

25 could not force someone to give you a license; is that

1 correct?

2 A Correct. I cannot.

3 Q So for the last couple of hearings this side of the
4 room has been asking questions regarding irreparable harm.
5 Are you familiar with that term?

6 A I am familiar with the term, yes, sir.

7 Q All right. And you understand that this Court is
8 weighing in part a decision on whether or not there would be
9 irreparable harm suffered by the lawyers and their clients on
10 this side of the room?

11 A Correct.

12 Q Including yourself.

13 A Correct.

14 Q All right. And so one of the arguments that has
15 been made is, well, we could -- you could be satisfied through
16 money. You understand that?

17 A Yes.

18 Q All right. The process that you involved your
19 company with was an application process; is that correct?

20 A That's correct.

21 Q And it didn't force you to buy a license, it simply
22 required that you pay an application fee and present yourself
23 as a company able to act as a dispensary in the state of
24 Nevada; is that correct?

25 A That's my understanding, yes.

1 Q So when you hear questions and arguments -- let's
2 say questions regarding why money would be sufficient is it
3 your opinion that, no, money's not sufficient, because even if
4 the Court were to give you \$10 million, you still couldn't
5 turn that \$10 million into a license?

6 MR. KOCH: Objection. Legal conclusion.
7 Argumentative.

8 THE COURT: Overruled.

9 THE WITNESS: Yes. So I don't know that I could
10 take \$10 million and get a license.

11 BY MR. PARKER:

12 Q Because you can't force someone to sell a license
13 for \$10 million?

14 A No, I cannot.

15 Q There is no way of making Mr. Koch's client or Mr.
16 Gutierrez's clients sell you their license for \$10 million, is
17 there?

18 A No.

19 Q So there's no amount of money that this Court could
20 award you that would turn into a license, would it?

21 A I agree with that.

22 Q So your ability to get a license was dependent upon
23 the application process being judged fairly; is that correct?

24 A Yes, sir.

25 Q All right. So you would agree with me, sir, that

1 money does not equate to fairness?

2 A No, money does not equate to fairness.

3 Q Money does not -- ask it this way. Being white or
4 having a company owned by a majority of white owners shouldn't
5 entitle you to a better part of this process; right?

6 A I should hope not.

7 Q Because of you who you may know, relationships you
8 may have, that shouldn't entitle to some type of preference in
9 the process, should it?

10 A It should not.

11 Q So if Mr. Koch's clients or Mr. Gutierrez's clients
12 happen to know and have cell numbers of those at the
13 Department of Taxation regulating this process, that shouldn't
14 give them an advantage to you, should it?

15 A It should not.

16 Q Now, you said something I thought was very pointed.
17 If you're not awarded a license as a result of this
18 application, then constructively you may be put out of
19 business because of market share and dwindling need for your
20 product; is that correct?

21 A I believe so.

22 Q Have you looked at it in terms of minority
23 ownership? Let's take Frank Hawkins, Nevada Wellness Center.
24 He may not be able to afford to buy a license, just like you
25 may not be able to afford to buy a license; is that correct?

1 A I don't know, because I don't know that I could buy
2 a license.

3 Q Right. You shouldn't have to buy one, should you?

4 A I don't think so.

5 Q Right. So if you're not -- if you're not afforded a
6 license by a fair process, then the chance of you or Nevada
7 Wellness Center, the only black-owned dispensary in the state
8 of Nevada that I'm aware of, there's probably not chance after
9 this process to get a license. Would you agree?

10 MR. KOCH: Objection. Speculation. Lacks
11 foundation.

12 THE COURT: Overruled.

13 THE WITNESS: I think given what I've seen in this
14 industry in this state and other states, that there's a
15 consolidation of power and market share to squeeze out smaller
16 operators. And I don't think that we would have an ability to
17 even purchase a license if this process is not completed in a
18 fair and equal manner.

19 MR. PARKER: Nothing further, Your Honor.

20 THE COURT: Anyone else have any questions?

21 MR. GUTIERREZ: A few followup questions.

22 THE COURT: All right.

23 REDIRECT EXAMINATION

24 BY MR. GUTIERREZ:

25 Q Mr. Zakalik, are you aware that -- of some of the

1 factors that were put into place -- are you aware of some of
2 the factors that were -- and criteria that was used to grade
3 the 2018 application process?

4 A Some of -- yeah, I mean, diversity being one of
5 them.

6 Q What are some of the other ones that you're aware
7 of?

8 A I think financial ability, organizational structure,
9 whether your policies and procedures were adequately written
10 and well thought out, things of this nature.

11 Q And taxes paid over the last five years was one of
12 those factors, as well?

13 A I think taxes paid, yes.

14 Q Do you remember what your score was on that?

15 A I don't recall.

16 Q If I told you it was a 1 out of 10, does that
17 refresh your memory at all?

18 A No, it doesn't refresh my memory. I mean, if you
19 tell me as an officer of the court that it was 1 out of 10,
20 I'll believe you.

21 Q Have you looked at the grading evaluation sheets for
22 your company?

23 A I have looked at them.

24 Q Okay. And you've seen what the graders looked at
25 when they scored your company?

1 A I see a they were supposed to look at.

2 Q But they scored you 1 out of 10 on taxes paid;
3 correct?

4 A I don't know.

5 Q Well, you said that you looked at the sheets.

6 A I have. I just don't know as we sit here today.

7 Q What about for charitable contributions? Do you
8 recall what you received?

9 A No, sir.

10 MR. GUTIERREZ: Your Honor, if I may approach.

11 THE COURT: You may. And is this an exhibit, or are
12 you refreshing his recollection?

13 MR. GUTIERREZ: Just refreshing recollection, Your
14 Honor.

15 THE WITNESS: Okay.

16 BY MR. GUTIERREZ:

17 Q You see that? Does that refresh your memory, Mr. --

18 A As to what?

19 Q As to the point score you were given for that
20 particular category.

21 A No. Because I see a handwritten score here.

22 Q Okay.

23 A So I don't think they wrote it in hand. That'd be
24 my guess.

25 Q You've looked at the tally sheets, though; correct?

1 A Tally sheets?

2 Q The tally -- the grading sheets for the scorers.

3 You've seen this sheet before, though; right?

4 A I can't say that I have seen that sheet. It doesn't

5 ring a bell off the top of my head.

6 Q So you've been asking for transparency in this

7 process, and you haven't seen the sheets for your own scoring?

8 A I'm saying I haven't -- I don't know if I've seen

9 that sheet. If you're representing that that's the sheet that

10 they gave me, I would have an issue with that, because you

11 have handwritten notes in there. And I don't think they put

12 handwritten notes in the sheet I saw.

13 Q Well, this was the grader's handwritten notes.

14 A Okay. So I haven't -- yeah. So I don't know if I

15 recall seeing that sheet in particular. If you're telling me

16 that was the grader's handwritten notes, I don't know which

17 grader that was.

18 Q There's been sheets that have scores listed. Is

19 that what you've seen?

20 A I've seen scores lists, yes, sir.

21 Q Okay. But have you seen any sheets where they have

22 handwritten notes from the Manpower graders on your particular

23 company?

24 A As I sit here today I cannot recall.

25 Q Okay. And is that something that would give you

1 more transparency in this process if you were able to see
2 that?

3 A More as compared to when?

4 Q As to when you filed the lawsuit and you were asking
5 for transparency.

6 A I guess it gives more, maybe not adequate, though.

7 Q Okay. So when you're looking at taxes paid,
8 charitable contributions being part of the evaluation process
9 do you believe that those factors should not have been
10 considered?

11 A I think that the factors that were mandated by the
12 State should be considered. So if those were mandated by the
13 State, then, Your Honor, I think they should have considered.

14 Q Okay. Mr. Parker asked you about buying a license
15 for \$10 million, and I think you said that you can't control
16 whether somebody would sell it to you; is that right?

17 A Correct.

18 Q If Thrive and Mr. Peckman here today were to sell
19 you a license, a conditional license for \$10 million, is that
20 something you would do?

21 A It's something I would consider.

22 Q Okay. And is that something if you considered and
23 you did would solve any harm that you're claiming in this
24 case?

25 A No.

1 Q And specifically because you believe the process
2 itself and how the applications were done was incorrect?

3 A I believe that this process has to be fair, I
4 believe there has to be transparency, and there has to be
5 equality.

6 Q But yet you haven't look at your own scores for your
7 company on what the graders did for your company.

8 A I didn't say that.

9 Q You haven't looked at the tally sheets on the notes
10 that they did for your company?

11 A I didn't say that.

12 MR. GUTIERREZ: Okay. Thank you.

13 THE COURT: Anyone else? Mr. Koch.

14 REDIRECT EXAMINATION

15 BY MR. KOCH:

16 Q As a cultivator you sell to dispensaries; correct?

17 A I try to.

18 Q All right. Okay. I hope that's who you sell to.

19 A Say again.

20 Q Hopefully that's who you sell to; right? You've got
21 to sell -- that's -- your market is to sell to dispensaries,
22 licensed dispensaries in the state of Nevada?

23 A Yes, sir.

24 Q All right. And if there are more dispensaries
25 through this process, you've said it may not increase the

1 market. But you wouldn't expect it to decrease the size of
2 the retail market, would you?

3 A If there are more dispensaries, would that itself
4 decrease the market? I don't know.

5 Q Okay. I guess my question -- you said, I may get
6 driven out of business. Your actual customers are the retail
7 dispensaries who are going to buy from you. If there are more
8 retail dispensaries likely it is you'll either get more
9 business or at least stay the same?

10 A I would disagree.

11 Q Okay. You think it's going to shrink?

12 A I think that the more power that's consolidated in
13 the small number of groups leads to monopolistic issues.

14 Q All right. One of the customers you referenced was
15 Thrive; correct?

16 A Yes, sir.

17 Q And that's one of the entities that received
18 multiple licenses in this proceeding. You understand that?

19 A I do.

20 Q Okay. With respect to the valuations of these
21 licenses, have you actually looked at what retail dispensary
22 licenses have sold for since it's become legal to sell
23 marijuana in the state of Nevada?

24 A It's hard for me to say what they've sold for. I
25 mean, these deals are so convoluted, it's hard for me to say.

1 Q You're aware that multiple licenses have been sold
2 since they've been permitted to operate; correct?

3 A I believe so.

4 Q Okay. And have you looked into -- you said, I don't
5 know if I can get one for \$10 million. You haven't actually
6 made any offers for \$10 million; right?

7 A I have not made any offers.

8 Q Have you actually talked with anyone who has a
9 license to ask if they might be interested at any particular
10 price point?

11 A Before I went to even endeavor to buy a license I
12 wanted to go through the State process to see if I could earn
13 my license fairly.

14 Q And so you've had no discussion either with existing
15 license holders, for example, somebody who already has a
16 retail license, is operating outside of this application
17 process? You haven't talked to anybody in that category, have
18 you?

19 A Can you say the one more time. I'm sorry.

20 Q There's existing retail dispensaries, correct --

21 A Yes.

22 Q -- even before this application process?

23 A Correct, sir.

24 Q Have you asked any of them if they would be
25 interested in selling the license?

1 A I have not asked them.

2 Q And have you taken any steps to look at potential
3 acquisition, maybe getting funding sources from banks, from
4 anyone else in order to acquire money to purchase a license?

5 A I have not asked, I have not inquired to buy a
6 license. I first wanted to go through the State process.

7 Q Okay. And I guess my question on that, Mr. Parker
8 essentially said, if you don't get one through the State
9 process, you may never ever get a license. But you said you
10 first want to do State process and then it's possible to look
11 at the potential for buying a license afterward; is that
12 right?

13 A Before I even consider that I would go through the
14 State process. When I answered Mr. Parker's question I based
15 it upon what I've seen, what I know about human nature, things
16 of that nature.

17 Q And with that, if you came to somebody, let's say --
18 you talked about \$10 million. If you came to somebody with
19 \$100 million you may not be able to force them to sell their
20 license, but do you think somebody would sell you a license
21 for \$100 million?

22 A I don't know.

23 Q How about a billion dollars if it's --

24 A I don't know.

25 Q Okay. Have you seen any licenses that have sold for

1 a billion dollars?

2 A I have not seen a license that has sold for a
3 billion dollars.

4 Q Okay. That would be way above the market price; are
5 right?

6 A I don't know what the market price is.

7 Q So you don't have any understanding of what a
8 license might buy -- might be sold for in the current market?

9 A I don't know.

10 MR. KOCH: Thank you.

11 THE COURT: Anyone else?

12 MR. SHEVORSKI: No, Your Honor.

13 THE COURT: Thank you, sir. Have a very nice
14 afternoon.

15 THE WITNESS: Thank you.

16 THE COURT: Next witness.

17 MR. GUTIERREZ: Thank you, Your Honor. We'll call
18 Craig Rombough.

19 CRAIG ROMBOUGH, DEFENDANTS' WITNESS, SWORN

20 THE CLERK: Thank you. Please be seated. Please
21 state and spell your name for the record.

22 THE WITNESS: My name is Craig Rombough. C-R-A-I-G
23 R-O-M-B-O-U-G-H.

24 THE COURT: Sir, there's water in the pitcher that
25 you've found already. There are M&Ms in the dispensers behind

1 you, and there are exhibits in the many binders around you.
2 If you need the statute, let me know. I have a book. Counsel
3 will try to display it for you -- any exhibits for you on the
4 monitor.

5 Please proceed.

6 MR. GUTIERREZ: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. GUTIERREZ:

9 Q Good morning, Mr. Rombough. Could you tell us what
10 your current position is.

11 A I'm the president of Mother Herb.

12 Q And what type of company is Mother Herb?

13 A We're a cultivation in the state of Nevada.

14 Q And how long has Mother Herb been operating as a
15 cultivation facility in Nevada?

16 A I was one of the first open since 2014.

17 Q And does Mother Herb have a dispensary or production
18 license?

19 A We do not.

20 Q How many facilities does Mother Herb have?

21 A We have one facility.

22 Q Where is that located?

23 A 6265 Saddle Tree Drive, Las Vegas, Nevada 89118.

24 Q And in the 2014 process were you part of the
25 application process?

1 A I was.

2 Q And did Mother Herb apply for any dispensary
3 licenses in 2014?

4 A In 2014 we did not apply for a production license,
5 and we did not apply for a State dispensary license.

6 Q Why not?

7 A We felt at the time that the industry needed to
8 focus on growing, and the product is going to stem from the
9 actual flower. We thought that was the most important license
10 at the time.

11 Q And at some point did that change, where you wanted
12 to have Mother Herb get into the dispensary business?

13 A Absolutely. We always planned on getting a
14 dispensary license, and we always felt that that was the way
15 it was going to go.

16 Q And how many -- strike that.

17 How many dispensary licenses did Mother Herb apply
18 for in the 2018 process?

19 A We applied for six.

20 Q Do you know what locations Mother Herb applied for
21 dispensary licenses in?

22 A Clark County, City of Henderson, City of Las Vegas,
23 City of North Las Vegas, Reno, and Reno area.

24 Q And were -- what was your role in the 2018
25 application process?

1 A Six months of my time and countless thousands of
2 hours.

3 Q Who actually filled out your application?

4 A I did with my team of five people.

5 Q And did you believe that not having a dispensary
6 going into the 2018 process set you back when you were
7 applying?

8 A Because of the way that they created the second
9 statutes, I did feel that it was written in a way that was
10 flawed.

11 Q When you say second statutes what are you
12 discussing?

13 A I'm talking about when they did the new NRS -- they
14 had the meetings and then they did the new NRS, where we were
15 talking about anybody with a 10 percent ownership and grading
16 the dispensaries, et cetera, et cetera.

17 Q So you're talking about the regulations that were
18 adopted for the 2018 process under NAC 453D, or the --

19 A Sorry. Correct. Yes, correct.

20 Q Okay. So the record will be clear, you're speaking
21 about the regulations.

22 A I'm sorry. Correct, yes.

23 Q Okay. So you don't have an issue with the statute,
24 with NRS?

25 A No. The original statute in 2014 I don't have an

1 issue with.

2 Q Or the statute that governs recreational marijuana,
3 which is NRS 453D? Do you have an issue with that?

4 A Maybe specifically, but nothing off the top of my
5 head, no.

6 Q Okay. Well, we're talking about the regulations for
7 2018. I thought -- so your testimony and I think one of your
8 business partners testified at -- or submitted some documents
9 in support of your position on those regulations?

10 A I have no recollection of that. I don't think so,
11 though.

12 Q Okay. But you were saying that the second statute
13 or the regulations, we'll call them, was flawed?

14 A In January of 2018 I had spoke and indicated that I
15 felt they were flawed and they would create a monopoly or an
16 oligopoly.

17 Q Who did you speak to?

18 A That was at the State sessions. I should be on the
19 record with that.

20 Q And was it your position that they were flawed
21 because of how they affected cultivators?

22 A Basically that the process was flawed, it wasn't
23 fair, and, again, I felt that it would create a monopoly and
24 oligopoly, and that's essentially exactly what happened with
25 the issuing of the licenses.

1 Q But back to my question on -- did you believe that
2 the cultivators were not given a fair chance during the
3 process?

4 A [Unintelligible] say I think just cultivators, but
5 just in overall. We were one of the first to open up, we
6 opened up to 100 percent of our capacity, we paid millions of
7 dollars in taxes, and we felt that we should be given a fair
8 share opportunity for one of the licenses.

9 Q You're not in favor of the vertical integration
10 process --

11 A I'm absolutely in favor of the vertical integration
12 process.

13 Q Okay. So I read an article that you had. You
14 quoted -- where you said, "Cultivators put up a lot of money
15 up front and should be given a fair shot or even a greater
16 shot to create a fair market." Do you recall saying that?

17 A I absolutely agree with that.

18 Q And you believe that?

19 A Yep.

20 Q Who's Greg Nelson?

21 A He's one of our partners.

22 Q Greg Nelson said in the same article, "There are a
23 lot of cultivators in town that are scared to death if they
24 don't get a dispensary license." Is that your position?

25 THE COURT: Counsel, are you going to admit that

1 article, since you're reading from it?

2 MR. GUTIERREZ: I can admit it, Your Honor. We
3 have --

4 THE COURT: Is there any objection?

5 MR. CRISTALLI: I haven't seen it.

6 MR. GENTILE: I'd like to see it.

7 MR. CRISTALLI: Yeah. We haven't seen it.

8 THE COURT: Counsel, you can't read from a document
9 that's not admitted. We're going to take a short break while
10 you figure this out.

11 (Court recessed at 10:31 a.m., until 10:48 a.m.)

12 THE COURT: So did you get some proposed exhibits
13 for me? You can be seated.

14 MR. GUTIERREZ: We did, Your Honor.

15 THE COURT: Did you mark them?

16 MR. GUTIERREZ: Yes. Proposed Exhibit 5060 will be
17 an article dated --

18 THE COURT: Proposed exhibits.

19 MR. GUTIERREZ: Proposed exhibit.

20 THE COURT: Has anyone who's sitting on this side of
21 the room, besides you, seen them?

22 MR. GENTILE: No, Your Honor.

23 THE COURT: They all said no.

24 MR. GUTIERREZ: We're putting them --

25 THE COURT: What happened with the showing it to --

1 MR. GUTIERREZ: -- we're putting them out, right, as
2 we speak, Your Honor. And I showed them my digital copies,
3 but we don't have hard copies.

4 THE COURT: Okay. I guess I'll take another break,
5 Counsel. Counsel, you can't read from an un-admitted
6 document.

7 MR. GUTIERREZ: Your Honor --

8 THE COURT: I let you ask questions to -- about the
9 substance of the document before board that wasn't admitted, I
10 let you refresh a witness's recollection with it, but you
11 can't sit there and read from it.

12 MR. GUTIERREZ: I apologize, Your Honor. Just was
13 trying to get his position on cultivators that he had.

14 MR. PARKER: Mr. Gutierrez, can you simply ask him
15 the questions without having him see it -- I mean, without
16 reading it into the record?

17 MR. KEMP: Maybe we can jump to another area --

18 MR. PARKER: Yeah.

19 MR. KEMP: -- and come back to this.

20 MR. GENTILE: If you want me to address this, I can
21 do this right now.

22 THE COURT: I'd be happy to listen.

23 MR. GENTILE: Okay. It appears to me from questions
24 that I've asked of Mr. Bult that the two statements that
25 Counsel has read -- that read from this were statements of Mr.

1 Rombough and of another owner of that business. And so I
2 think that those would be admissible for purposes of an
3 adverse -- a party opponent. However, the document itself and
4 everything else in it is rank hearsay. And so I would object
5 to it on hearsay grounds.

6 THE COURT: Okay. So don't read from it.

7 THE WITNESS: I don't think those are necessarily my
8 words, either. Those might have been my partner's, but --

9 THE COURT: So the objection is sustained.

10 MR. GENTILE: Thank you.

11 THE COURT: Don't read from it, but you're allowed
12 to ask him the substance of it related to his statements.

13 MR. GUTIERREZ: Fair enough.

14 BY MR. GUTIERREZ:

15 Q Mr. Rombough, you've given statements regarding
16 vertical integration; correct?

17 A Correct.

18 Q You've given statements regarding how cultivators
19 could be affected by certain regulations; correct?

20 A Correct.

21 Q And just can you tell us generally what those
22 statements were about your position on cultivators when they
23 -- when the Nevada -- when Nevada was adopting the 2018
24 regulations for the sale of marijuana.

25 A Vertical integration is -- I don't have a problem

1 with vertical integration, but it needs to be applied to
2 everyone. So everyone needs to be able to be allowed to be
3 vertically integrated. If you take the 10 percent of people
4 that want to control all the dispensaries and they can grow
5 cultivations as large as they want, then 90 percent of the
6 cultivators are not part of the free market.

7 Q Okay.

8 A And that's a big problem for the fairness in
9 cannabis, for the original spirit of 2.

10 Q And you were making these objections to who?

11 A We made them to the State of Nevada I believe it was
12 in January of 2018.

13 Q Okay. Did you have any other objections to the
14 regulations?

15 A Not off the top of my head.

16 Q Did you have objections to the use of background
17 checks?

18 A My company was 100 percent checked. Every single
19 person on my company was checked, and I assumed that that
20 should have been applied to everybody that made applications.

21 Q Okay. The question was did you have any objections
22 that you made to background checks?

23 A I don't have any objections. It's 100 percent of
24 the people should have been checked.

25 Q Do you have any -- did you make any objections as to

1 diversity being used as a scoring criteria for the 2018
2 process?

3 A I don't have a problem with diversity. I think it
4 should be diverse.

5 Q And when you say it should be diverse, what do you
6 mean by that?

7 A Our society's diverse, people that use the product
8 are diverse, the company should be diverse.

9 Q Do you believe as a cultivator that having a diverse
10 ownership or operators is important to your operations?

11 A Absolutely.

12 Q Can you explain why.

13 A Again, our culture is diverse, society is diverse,
14 users are diverse. It's just the proper way.

15 Q Okay. What other objections did you have to the
16 adoption of the regulations?

17 A Again, none that I can think of.

18 Q Okay. At some point you received the results of
19 your application scoring in 2018?

20 A We did.

21 Q And how many licenses were you awarded?

22 A We did not receive a license.

23 Q And at what point did you decide to bring a lawsuit?

24 A When I realized that there was no way to find out
25 why we didn't get a license. And we felt that our license

1 applications were 100 percent complete and 100 accurate, and
2 we felt that because we were cultivators that were one of the
3 first to open and we did exactly our business plan, we've
4 never sold to outside investors, we've never sold to
5 corporations, we've never even changed hands at all, we felt
6 that our score should have been 250, and we should have been
7 awarded at least one license, if not six.

8 Q You mentioned that you didn't sell to any outside
9 companies. Do you have a objection to people who have sold to
10 public entities?

11 A No, but it should play to the criterion of people
12 getting a new dispensary license. I don't think it's fair
13 that somebody gets 10 licenses and turns around and sells
14 them.

15 Q One of the elements that you're seeking in your
16 complaint is compensatory damages or money from the State.
17 Can you tell us why.

18 A I do have irreparable damages to my reputation, to
19 my corporation, to all of my people that basically have a
20 move-up plan, as well as the time that I'm never going to get
21 back that I spent doing all of these applications for months
22 and many, many hours.

23 Q So let's break those down. You said reputation you
24 have damage to; is that correct?

25 A Absolutely.

1 Q How is your reputation damaged any different than
2 anybody else who didn't receive a license?

3 A Again, my reputation as a business person carrying
4 on the cannabis business.

5 Q No. I'm asking you specifically how is your
6 reputation damaged any different than anyone else who didn't
7 receive a license?

8 A I can't speak for anyone else.

9 Q So you're talking in general your reputation was
10 damaged because you did not receive a license?

11 A Absolutely.

12 Q Do have any examples of that?

13 A I think it's obvious. We've been in business since
14 the start, and we've done everything the State has of us,
15 we've paid millions in taxes, and we should have received a
16 dispensary license. Again, that was always our plan.

17 Q You said there was damage to your corporation. What
18 does that mean?

19 A Well, if we get back to the integration question,
20 there's only 60 places that we can sell our product. Those 60
21 places grow product themselves. So if we don't have an outlet
22 for our product, we don't have a business. A dispensary is an
23 outlet for our product.

24 Q Are you aware if any cultivation facilities received
25 a license in the 2018 round?

1 A I'm not aware.

2 Q You said you have damage to your people. What is --
3 or people you hired, is that what you said?

4 A My diverse group of people, they have a succession
5 plan to work in a dispensary or grow with the company.

6 Q Did you hire people before you got the dispensary
7 license specifically for a dispensary?

8 A We put together a team of people that certainly put
9 time, effort, and there were some funds, as well.

10 Q And then tell us about what relief you're seeking --

11 A We also --

12 Q Let me finish the question --

13 A Okay.

14 Q -- so we have a clear record.

15 THE COURT: Thank you.

16 BY MR. GUTIERREZ:

17 Q Tell us about the relief that you're seeking from
18 this injunction process.

19 A I just want an outlet for my product. I want it to
20 be fair. I want a transparent process. I don't think any of
21 that has happened.

22 Q Do you believe that the release of Senate Bill 32
23 has given transparency to the process?

24 A Somewhat. But it doesn't go -- it can't go
25 backwards with that. And the whole process was not

1 transparent, which created all the problems that we're at
2 today.

3 Q What's your harm going forward, though, as we sit
4 here today?

5 A I need an outlet for my product, Otherwise I'm
6 going to go out of business. And we need a fair and free
7 market. We don't need a monopoly, we don't need an oligopoly.
8 Again, I was one of the pioneers of the State of Nevada
9 cannabis program, and now I'm going to be shut out if I don't
10 have an outlet for my product.

11 Q Which dispensaries are you selling to now?

12 A We try to sell to all 60. Some of them -- some of
13 the people in the lawsuit that will no longer buy our product,
14 and if they get licenses, that's going to hurt us.

15 Q And you believe having your dispensary is your only
16 outlet for your product?

17 A I wouldn't sell to the black market. I don't --
18 that is our only outlet.

19 Q Well, have dispensaries stopped buying from you?

20 A Correct.

21 Q Okay.

22 A The whole point of the 2 vote was to put ethical
23 businesspeople in charge of cannabis. We wanted to get it
24 away from the black market. Now you've got 90 cultivators
25 that may not have an outlet for their product. That's a

1 problem. That's why we need to be transparent. We need to be
2 fair. The process needs to be fair.

3 Q Where in the ballot initiative or Statute NRS 453D
4 does it prevent vertical integration?

5 A Again, you need to have a license to have vertical
6 integration.

7 Q That's not my question, though. Where in the
8 statute does it prevent vertical integration?

9 A It doesn't.

10 Q So it's allowed by law; correct?

11 A Absolutely.

12 Q Do you have any objection to the State use of
13 independent contractors to grade the process?

14 A I think it should be people that are in the business
15 that should be doing the evaluations.

16 Q So you believe that some of the people that work for
17 the Department of Tax should have been doing the actual
18 grading?

19 A People that are in the industry should do it.

20 Q Do you believe that if somebody's in the industry
21 they may have a particular bias towards one dispensary versus
22 another?

23 A Not necessarily working for the specific businesses,
24 but knowledge of the industry.

25 Q Okay. You believe that the grading process needed

1 to be impartial to comply with the statute; correct?

2 A Again, I really don't have those answers. I just --
3 the whole process was not transparent to me. No one can tell
4 me why I don't have a dispensary license.

5 Q Okay. If you were awarded a dispensary license,
6 would you be sitting here today bringing a lawsuit?

7 A I would have to see the way the whole thing went
8 down. Again, I believe in fairness and fairness in the
9 process. I can't answer that.

10 Q Okay. But you are asking to stop the 61 licensees,
11 who received licenses from opening; is that correct?

12 A I'm asking for an outlet for my product.

13 Q No. The question is you're asking the Court to stop
14 the process from -- these 61 licensees from opening; is that
15 correct?

16 A Again, my lawyers are dealing with the injunction.
17 My job is to get an outlet for my product.

18 Q Have you attempted to buy a license --

19 A We have.

20 Q -- for a -- you have?

21 A I have.

22 Q Who did you attempt to buy a dispensary license
23 from?

24 A We tried to buy a license from day one.

25 Q Tell us who you talked to.

1 A Nobody was able to offer us a license, and we were
2 unable to purchase one.

3 Q Tell us who you spoke with about purchasing.

4 A I don't have any specific recollection, but we've
5 been trying to get one from day one.

6 Q Well, day one would have been some time in December;
7 is that fair?

8 A Are you talking December of 2018?

9 Q Yes.

10 A No, I'm talking more like we've wanted a dispensary
11 since we realized -- again, in 2014 we thought that flower was
12 the important license. Obviously, we saw the way the market
13 was going, and we understood that it was no longer a free
14 market. People were buying our product for \$600 a pound and
15 selling it for \$6,000 a pound. We realized that the
16 dispensary license was going to be the important license. We
17 needed to have an outlet for our product.

18 Q Okay.

19 A So we tried to find a way to do that, and we have
20 been unable to do that. So it's important to -- that's why we
21 applied for six licenses, that's why it's so important to us.

22 Q Okay. Let me limit the question to after you
23 received notice on December 5th, 2018, that you did not win a
24 license. What steps have you taken to purchase a license?

25 A We've contacted people. Nobody wants to sell a

1 license.

2 Q Who have you contacted?

3 A I can't name exactly, but we've contacted a bunch of

4 different corporations and different people that say they have

5 people that want to sell it. But there is not a license

6 available, and there's certainly not enough licenses available

7 for all the people that are looking for them.

8 Q You can't name one company that you've contacted?

9 A I can't. Not off the top of my head, no.

10 Q What have you offered for a license?

11 A There's none available.

12 Q You haven't spoken to Thrive, correct, about

13 purchasing a license?

14 A I have not.

15 Q You haven't spoken to Essence about purchasing a

16 license; correct?

17 A I have not. Thrive no longer buys our product and

18 is not happy with us.

19 Q How is Thrive opening a location under their

20 dispensary on Sahara affecting your business?

21 A They used to buy product from us, they no longer do.

22 Q And that's your only basis to prevent Thrive from

23 opening on their Sahara location?

24 A Again, I don't have an outlet for my product, so

25 it's certainly going to hurt me.

1 Q Besides not having an outlet for your product, do
2 you have any other claim of harm you're making?

3 A Other than what I've already stated, no.

4 MR. GUTIERREZ: Pass the witness, Your Honor.

5 THE COURT: Any of the other defendants or
6 defendants in intervention wish to ask questions? Mr. Koch.

7 DIRECT EXAMINATION

8 BY MR. KOCH:

9 Q Mr. Rombough, you've applied for six licenses; is
10 that right?

11 A Correct.

12 Q You hoped to get all six licenses?

13 A I'd be happy to get one or two.

14 Q So you applied for six, you wanted six; right?

15 A Correct.

16 Q If you were awarded six licenses, would you accept
17 all six licenses?

18 A Absolutely.

19 Q And it wouldn't be unfair if you got your six
20 licenses and you -- based on your applications, would it?

21 A Again, if the system was fair and I thought the
22 process was fair, which it wasn't, so it would have to be a
23 whole different world to understand that -- but -- the system
24 that we went through and the process was unfair. I don't
25 think it's relevant.

1 Q Well, my question I guess is if you had received all
2 six licenses through the process you would have accepted all
3 six licenses.

4 A If I thought the process was fair, I guess we would
5 have.

6 Q And what would you have done to determine whether
7 the process was fair after you received your six conditional
8 licenses?

9 A That's a good question. I don't have an answer for
10 that.

11 Q Okay. So it's the fact that you did not get the
12 licenses which is what caused you to determine the process was
13 unfair?

14 A No.

15 Q You never made a dollar offer for any of those --
16 you said you tried to get -- tried to get a license since 2014
17 or '15. You never put actual money on the table, did you?

18 A Nobody gave me -- nobody had an offer of a license
19 for sale.

20 Q Right. There wasn't somebody out on the street
21 saying, hey, I've got a license for sale. But you didn't
22 approach somebody saying, I'll give you \$10 million for your
23 license today, did you?

24 A That is a scenario that did not happen, no.

25 Q Okay. Nor any other dollar amount. You didn't go

1 to anybody with an offer of money and give them a proposed
2 dollar amount for that license since 2014; correct?

3 A There was not a license available.

4 Q So the answer to my question is, no, you did not do
5 that?

6 A There was no license available.

7 MR. KOCH: All right. No further questions.

8 THE COURT: Any further? Mr. Shevorski.

9 MR. SHEVORSKI: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. SHEVORSKI:

12 Q Good morning, Mr. Rombough.

13 A Good morning.

14 Q Does Mother Herb have an advisory board -- or strike
15 that. Did it have an advisory board when it applied for a
16 conditional license in 2018?

17 A An internal advisory board?

18 Q However Mother Herb defines its --

19 A We have a board of directors.

20 Q Do you have an advisory board?

21 A We have a board of directors that acts as an
22 advisory board.

23 Q Okay. So did you prepare the application yourself?

24 A I did, with a team of five people.

25 Q Okay. And there'd be six people on that advisory

1 board?

2 A I'd have to look at the application, but we had a

3 very thorough team that we put together for our dispensary.

4 Q Okay. Does Dr. Carmen Jones sound familiar?

5 A It does, yes. Sir, what's the first name?

6 Q Carmen Jones.

7 A Okay. Yes, yes. I thought you said Connor.

8 Q Hilda Avila?

9 A I'm sorry?

10 Q Hilda Avila?

11 A Correct.

12 Q Brian Chavez?

13 A Correct.

14 Q Zachary Paul?

15 A Yep.

16 Q Michelle Romanow?

17 A Okay.

18 Q Yes?

19 A Yep.

20 Q And Brian Romanoff?

21 A Yep.

22 Q You mentioned monopoly. Have you studied economics?

23 A I have.

24 Q Okay. Do you have --

25 Q I've got a business degree.

1 Q You've got a business degree?

2 A I do. I do. I'm actually the one that coined the

3 phrase in 2018 here about the oligopoly, because it's really

4 not a monopoly it's more of an oligopoly.

5 Q Okay. Did you attend a university?

6 A I did.

7 Q What university did you attend?

8 A I attended the University of Lethbridge.

9 Q I couldn't hear you. I'm sorry.

10 A The University of Lethbridge.

11 Q Lethbridge?

12 A Yeah.

13 Q Where is that?

14 A That's in Alberta, Canada.

15 Q After university did you attend any post -- did you

16 obtain a Doctorate in economics?

17 A I don't have a Doctorate in economics.

18 Q Do you have a Master's degree in economics?

19 A I do not, but I did study economics.

20 Q You studied economics?

21 A Correct.

22 Q Did you -- does -- in the university that you

23 attended did they have minor and major studies?

24 A They do.

25 Q Did you obtain a major in economics?

1 A I've got a minor in finance.
2 Q Minor in finance.
3 A Which is economics related.
4 Q Okay.
5 A And I have taken more than one economics course for
6 that finance degree.
7 Q More than one? How many?
8 A I can't say off the top of my head, maybe three.
9 Q Have you published any papers in economics?
10 A I have not.
11 Q Have you published any papers regarding monopoly?
12 A Maybe internal ones, but dependent on what you
13 consider published, I haven't --
14 Q Peer reviewed?
15 A Maybe peer reviewed, but not published.
16 Q What is that called?
17 A I can't think of one off the top of my head. We're
18 talking many, many years ago.
19 Q How many years ago?
20 A Let's see. I would have graduated about 1992, 1993.
21 Q Okay. Have you studied demand elasticity with
22 respect to marijuana?
23 A As part of my job as president of Mother Herb I have
24 -- I'm constantly looking at the price charts that come across
25 my desk. There's a number of sources that provide me with

1 monthly reports.

2 Q Have you looked at demand elasticity in terms of
3 marijuana with respect to monopoly?

4 A I don't know. Not specifically.

5 Q Have you done any analysis relevant to -- what are
6 the relevant factors to determine whether or not a party is
7 exercising monopoly power?

8 A All I know is that there's potentially 90
9 cultivators or cultivation licenses that need an outlet for
10 their product, and if they don't have an outlet, we have a
11 problem.

12 Q Okay. Back to my question, though. What are the
13 relevant factors that someone might look to to determine
14 whether or not an entity is exercising monopoly power?

15 A Basically if an entity gets all the dispensary
16 licenses or as -- you basically can have 10 companies that
17 have all the dispensary licenses and they can grow all their
18 own product, then that's a textbook definition of an
19 oligopoly. They're controlling all of the supply and all of
20 the sales.

21 Q Let's do it one more time. You asked -- you talked
22 about oligopoly. I'm asking about monopoly. What are the
23 factors that someone might consider to determine whether an
24 entity is exercising monopoly power?

25 A I have no additional answer to that.

1 MR. SHEVORSKI: Okay. No further questions, Your
2 Honor.

3 THE WITNESS: Thank you.

4 THE COURT: Anybody else of the defendants or the
5 defendants in intervention?

6 Any of the plaintiffs? Mr. Bult.

7 CROSS-EXAMINATION

8 BY MR. BULT:

9 Q Good morning, Mr. Rombough.

10 A Good morning.

11 Q Do you remember the testimony that you gave about
12 your efforts to purchase a license?

13 A Correct.

14 Q And I think your testimony was that you were
15 unsuccessful.

16 A Correct.

17 Q And so is it fair to say that you -- if you were
18 unsuccessful at purchasing one, there were not 25 licenses
19 available?

20 A Yeah, absolutely none.

21 Q Okay. Because you couldn't even find one for sale?

22 A Exactly.

23 Q And you made an effort?

24 A Absolutely.

25 Q Okay. And we went over those efforts; correct?

1 A Correct.

2 MR. BULT: Thank you, Mr. Rombough.

3 THE COURT: Anyone else?

4 Thank you, sir. We appreciate your time.

5 THE WITNESS: Thank you.

6 THE COURT: Have a very nice afternoon.

7 Next witness.

8 MR. GUTIERREZ: Mark Bradley.

9 MARK BRADLEY FELDGREBER, DEFENDANTS' WITNESS, SWORN

10 THE CLERK: Please be seated. Please state and

11 spell your name for the record.

12 THE WITNESS: Mark Bradley Feldgreber, M-A-R-K

13 B-R-A-D-L-E-Y F-E-L-D-G-R-E-B-E-R.

14 THE COURT: Sir, you've already found the water.

15 There's also M&M's in the dispenser. There are a ton of

16 exhibit books around you. Counsel will hopefully show you the

17 exhibits you need to look at on the screen.

18 THE WITNESS: Thank you. M&M's?

19 THE COURT: Yes. They're in the dispensers behind

20 you.

21 THE WITNESS: Thank you.

22 MR. SHEVORSKI: Take advantage, sir.

23 THE COURT: Do not let the lawyers have any.

24 THE WITNESS: Okay.

25 THE COURT: You may proceed.

1 MR. GUTIERREZ: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MR. GUTIERREZ:

4 Q Good morning, Mr. Bradley.

5 A Good morning.

6 Q What is your current position?

7 A CEO of Players Network and Green Leaf Farms.

8 Q And tell us what the difference is between Players
9 Network and Green Leaf Farms.

10 A Players Network is a fully reporting public company,
11 and it is the major ownership of Green Leaf Farms. One's a
12 media company, and one's cannabis.

13 Q When did you begin Green Leaf Farms?

14 A Approximately June 2014 for the application process.

15 Q For the medical application process?

16 A Correct.

17 Q And when did Green Leaf Farms and Players Network --
18 or when did Players Network acquire Green Leaf Farms?

19 A We didn't acquire it. We formed a new corporation
20 for the purpose of getting a cannabis license.

21 Q When was that formed?

22 A Approximately June 2014.

23 Q I'm sorry. My question was with relation to the
24 Players Network. At some point Green Leaf Farms was acquired
25 by Players Network; is that fair?

1 A We didn't acquire it. We started a separate
2 company, and which is a private company.

3 Q And is it publicly traded?

4 A It -- because we're the majority shareholder, it has
5 to operate under all the public rules and regulations, and the
6 revenues are consolidated under the public company.

7 Q So is there SEC filings that have to be made?

8 A Yes.

9 Q And who does that for your company?

10 A Our accountants and our attorneys, myself. We do
11 quarterly reports.

12 Q Was Green Leaf Farms awarded a medical dispensary
13 license in 2014?

14 A No.

15 Q Is it only in the business of cultivation?

16 A I'm sorry?

17 Q Is it only in the business of cultivation?

18 A We have a cultivation and a production license. We
19 have two licenses.

20 Q At some point did Green Leaf Farms and Players
21 Network decide to expand to Argentina?

22 A That's correct.

23 Q And can you tell us about that.

24 A About a year and a half ago I started looking at new
25 markets to expand to and toured several countries and met with

1 several high-ranked officials and partnered with the
2 government of Argentina, the Province of Jujuy. We're the
3 only company in the world that is partners with the government
4 for cannabis that I know of.

5 Q Okay. Partners. Your company is partners with the
6 Argentinean Government; is that correct?

7 A Correct.

8 Q We've been talking a lot in this case the last few
9 months about background checks on owners.

10 A Yes.

11 Q Is it -- do you have an objection as to how the
12 regulations are written for the 5 percent requirement for
13 background checks on owners?

14 A Absolutely not.

15 Q And can you explain why.

16 A I think everybody should have background checks if
17 they're going to have a privilege license. So I don't have
18 any problem with it.

19 Q Can you -- you believe everybody, every owner should
20 be background checked, or do you believe the 5 percent
21 requirement should be in place?

22 A The 5 percent requirement.

23 Q You believe it should be --

24 A 5 percent and above I think -- I agree that the way
25 the law is written should have a background check.

1 Q Okay. That's -- I guess we were unclear on that.
2 So tell us why you believe the law should be -- that
3 background checks should only be for owners 5 percent and
4 above.

5 A I don't really have an answer to that. I'm not --
6 you know, I've really never thought about that.

7 Q Is that something as a publicly traded company would
8 make your business difficult to run if you had to have every
9 single shareholder background checked?

10 A So public companies run by certain sets of rules and
11 regulations, and anybody that owns more than 4.9 percent of a
12 public company by law has to have a different layer of
13 disclosure. And that also goes up again at the 10 percent
14 level. So, you know, we operate for the last 30 years
15 extremely transparent, which -- you know, which is I think
16 vital to any privilege license.

17 Q Okay. So you don't have a objection to the 5
18 percent requirement in the regulations. What objections do
19 you have as to how the regulations were adopted for the 2018
20 marijuana process?

21 A Are you referring to Question 2?

22 Q No. I'm referring to the regulations in NAC 453D
23 that were adopted by the Department of Tax to carry out the
24 provisions of Question 2.

25 A They were completely flawed. They did not comply

1 with Question 2.

2 Q Explain why.

3 A There are several reasons. I'll go just kind of on
4 the high level that I can remember. There's fairness and
5 impartiality that I don't believe was followed. There wasn't
6 a disclosed numerical scoring system prior to the
7 applications. The applications were favoring existing
8 dispensary holders to get more. The applications didn't give
9 the spirit of the Question 2, which was to allow the original
10 dispensary holders and the Nevada residents to keep the money
11 and the taxes here, the advantage to be able to have the
12 priority of getting these licenses. Those are a few off the
13 top of my head.

14 Q Let's start with the last one. I think you said you
15 believe keeping the business here and not having public
16 companies was one of the intents of Question 2. Is that your
17 position?

18 A I didn't say -- well, I didn't say public companies.
19 I said Nevada.

20 Q So you believe it was the intent of the voters that
21 the companies that would operate the marijuana dispensaries
22 would be Nevada-based companies?

23 A The intent of Question 2 was for the people that
24 paid their dues to get the medical license and begin the
25 industry would have the first priority of the dispensaries.

1 The original ownership. That was the spirit of Question 2.

2 Q And do you believe that this statute doesn't reflect
3 that -- is there somewhere in Question 2 that says you need to
4 have a Nevada-based company to obtain a license?

5 A I didn't say Nevada-based company. I said
6 ownership. You scored higher in the medical round when you
7 had Nevada residents as owners. And Nevada companies are also
8 owners.

9 Q You say the applications favored existing
10 dispensaries?

11 A Correct.

12 Q Why do you believe that?

13 A Because under the initial permanent regulations that
14 were adopted gave a higher point-scoring system under
15 experience of operating a dispensary. It clearly says that.
16 So that would make me believe that dispensary owners have an
17 advantage to get more dispensaries.

18 Q So you believe in your application as a cultivator
19 and producer that you were at a disadvantage based on how the
20 application was worded, because you believe it favored
21 dispensaries?

22 A When you got the -- when the final application came
23 out that language changed a little bit, and it didn't refer to
24 specifically dispensary owners, it referred to business
25 experience. They actually changed the language in it. So I

1 can't say that I would be at a disadvantage of being a
2 cultivator in the application process of that one specific
3 thing you're asking for.

4 Q What specific section changed?

5 A I just told you. The specific language changed from
6 the Question 2 that got adopted that says you would get a
7 higher merit system for a dispensary operation experience, and
8 that changed from business experience.

9 Q So you believe somewhere in Question 2 it discusses
10 higher business experience as a factor?

11 A It didn't, no. In the application it was rewarding
12 more for higher business experience. Question 2, the
13 permanent never had anything to do with giving somebody more
14 experience with a dispensary -- giving some more points with a
15 dispensary experience. Question 2 was supposed to be fair and
16 unbiased, and that's not how the application sorted out,
17 though, the permanent regulations that were voted on.

18 Q You said -- one of the other flaws that you stated
19 was disclosure of a numerical scoring system?

20 A Correct.

21 Q Okay. Explain that.

22 A The scoring system was completely flawed. The
23 application clearly gave nine categories that you needed to
24 vote on. When you got your scores it was combined to seven
25 categories. There was no disclosure that we were going to be

1 combining categories together. It would have completely
2 changed the way somebody packaged an application. Of course
3 you want to put parts together that are supposed to go
4 together.

5 There was also areas that, you know, when you saw
6 the scores at the end, were things that unless you knew those
7 are scores you're going to get points for, nobody would have
8 ever known how to do it. So scoring system was completely
9 flawed.

10 Q Okay. Did you ever promise any of your shareholders
11 or investors that you were going to get a dispensary license
12 prior to the application process?

13 A Never promised anything. Always said, we are going
14 to apply for applications and we feel extremely good about our
15 ability to get it based on our experience and our team.

16 Q Who's Kathy Peterson?

17 A One of our minority shareholders.

18 Q Did she file a lawsuit against you and your company?

19 A We are currently in a lawsuit with Kathy Peterson.

20 Q And has she made any allegations of
21 misrepresentation against your company?

22 MR. GENTILE: Objection. Hearsay.

23 THE COURT: Overruled. You can answer.

24 THE WITNESS: Not anything I specifically recall.

25 //

1 BY MR. GUTIERREZ:

2 Q Okay. Has she submitted any affidavits in court
3 with her position on any representations you made about
4 obtaining a dispensary license?

5 A There's been no court --

6 MR. GENTILE: Objection. Hearsay.

7 THE COURT: Overruled. It's yes or no, sir.

8 THE WITNESS: Not that I know of. The answer is no,
9 there has been no court appearances regarding the case.

10 BY MR. GUTIERREZ:

11 Q That's not my question. My question is has she
12 given an affidavit in court talking about a misrepresentation
13 that she believes you made about a dispensary license?

14 MR. GENTILE: Objection. Hearsay.

15 THE WITNESS: Not that I know of.

16 THE COURT: Overruled. It's a yes or no.

17 THE WITNESS: No.

18 MR. GUTIERREZ: Your Honor, I'd like to move to
19 admit Proposed Exhibit 5059, which is an affidavit of Kathy
20 Peterson.

21 THE COURT: How do you get around the hearsay
22 objection?

23 MR. GUTIERREZ: Well, first of all, it's my
24 position --

25 THE COURT: Is the declarant available for cross-

1 examination?

2 MR. GUTIERREZ: I do not know, Your Honor. We could
3 work --

4 THE COURT: Okay.

5 MR. GUTIERREZ: We can attempt to get her available,
6 but, you know, our position is that I think that without the
7 benefit of discovery in this case and without the benefit of
8 -- we've been in an injunction hearing that we do believe that
9 under some Ninth Circuit caselaw that the hearsay requirements
10 are absolute. And I can provide the Court with that caselaw.

11 THE COURT: Anyone else wish to say anything related
12 to the offer of the document?

13 MR. KOCH: I'll say I think hearsay -- the rules for
14 hearsay are relaxed in the context of preliminary junctions.

15 THE COURT: True. Anything else?

16 MR. BULT: Your Honor, we just got a copy of what
17 he's trying to get in. We agree that it is hearsay, and to
18 the extent he wants to call that witness he should, but
19 otherwise it's hearsay.

20 THE COURT: The objection's sustained.

21 Mr. Graf, thank you for joining us today.

22 MR. GRAF: Yes, Your Honor. I apologize. I was in
23 front the of Judge Crockett this morning. Clear River would
24 also request that that document be admitted in that it is a
25 filed document with the court.

1 THE COURT: That doesn't make the declarant credible
2 or available for cross-examination. The objection's
3 sustained.

4 MR. GRAF: Thank you, Your Honor.

5 BY MR. GUTIERREZ:

6 Q Mr. Bradley, were you also sued by Michael Pratter?

7 A No.

8 Q Or was the company sued by Michael Pratter?

9 A Correct. Yes.

10 Q And what was the basis for that lawsuit?

11 A Couple years after he quit he came back and said he
12 was owed money. It was -- we won the case or settled out of
13 court.

14 Q You won the case, or it settled?

15 A It settled in our favor.

16 Q Now, is Michael Pratter a disbarred attorney?

17 A I believe he is.

18 Q And was he helping in your 2014 application?

19 A He worked as an advisor for the company. He was one
20 of -- he wasn't working in a legal capacity. He was one of
21 many people, probably eight people that worked on the
22 application.

23 Q We've talked about diversity in the case, Mr.
24 Bradley. Do you have a position or any objection as to
25 diversity being included as a scoring criteria for the 2018

1 application process?

2 A I don't have any problem with diversity. I have a
3 slightly different definition of diversity. I don't think it
4 is -- I don't believe that it's just male and female, race,
5 gender. I also believe it is diversification in the ownership
6 of the -- who gets applications and who gets the ability to be
7 in this business.

8 Q What does that mean, diversification of ownership?

9 A I think -- I think to create a free market, I think
10 the more people that have owners is going to be better for the
11 public. There's going to be more products available, more
12 prices, more options. I think we're hurting the public by
13 limiting the diversification.

14 Q Okay. But in relation to how the Department scored
15 diversity, do you have any objection to how that was done?

16 A In our particular case we had many more people. I
17 think we had nine or ten people on our application in
18 different management and board capacities. Could have been
19 eleven. I don't remember the exact number. We had quite a
20 bit of diversification on there. Probably five or six people
21 were diversified in there in the definition that you're I
22 think going for, race and gender. Other people that might
23 have had a smaller group, say someone that had three people
24 out of four owners might have scored higher on diversity
25 because three quarters of their ownership was diversified. In

1 our case we had five to six people. We had more
2 diversification, but we got a lower score because it was based
3 on percentage. So I don't really think that was a fair way of
4 assessing it.

5 Q Let me ask you this. With diversity as a scoring
6 criteria do you believe the use of diversity is directly and
7 demonstrably related to the operation of a marijuana
8 establishment?

9 A No, I don't.

10 Q Explain why.

11 A I don't think anyone's color of their skin or gender
12 has anything to do with their experience and knowledge of
13 operating a business. I think that's -- I don't think that's
14 fair.

15 Q And you heard Mr. Zakalik testified earlier,
16 correct, about his position on diversity?

17 A Yes.

18 Q And you disagree with that?

19 A Everybody has their own opinion. I don't -- you
20 know, I can't disagree with what his personal feelings are.

21 Q Okay. Did you attempt to buy a license in any way?

22 A No.

23 Q Would your company buy a license, a dispensary
24 license?

25 A That's a tough question. There's a lot of

1 considerations of going into it, whether there's one
2 available, whether it logically makes business sense for the
3 price, location, whether it comes with a building, whether
4 it's just a license, a lot of different variations of that.
5 But as far as I know there hasn't been any available.

6 Q Have you attempted to buy one?

7 A We haven't attempted to buy one. We have -- I have
8 asked around people in the industry if you know anybody
9 selling one let me know, you know, and I never got any
10 feedback.

11 Q What location -- what jurisdiction would you be
12 looking at for Green Leaf Farms?

13 A The County is our main focus.

14 Q And you applied for six licenses; is that correct?

15 A Correct.

16 Q I think Lyon and Douglas County you also applied in;
17 correct?

18 A Yeah, I did.

19 Q Did you have plans to already open a dispensary out
20 there?

21 A We had a location, we had a letter of intent for the
22 location, we spent money doing the proper research on the
23 market, on the demographics, on traffic and community impact,
24 on the operational budgets. So, yeah, we put efforts into all
25 of our locations with the intention of opening up a location.

1 Q And with respect to Douglas and Lyon County you did
2 research as far as the market out there and the type of
3 success you would have with a dispensary if you were awarded
4 the license?

5 A Yes.

6 Q Tell us about that.

7 A Our company is mainly focused in on the tourist
8 market, rather than local market. So we selected locations
9 that were in main -- off of main freeways or in main tourist
10 corridors or outside the corridors in the legal limits.

11 Q Did you do research as far as the potential market
12 in Douglas County and Lyon County?

13 A To the extent that I just told you, yes. And I've
14 been in Nevada for 30 years, and I've been to both of them.
15 I'm very familiar with the -- you know, the market overall.

16 Q And do you believe those markets would generate --
17 what type of revenue do you think those markets would
18 generate?

19 A I don't know. Your guess is mine. It depends on
20 the other competition, how many other people are open in the
21 area. I don't know.

22 Q Because we're here on an injunction process, what
23 type of harm do you believe your company, Green Leaf Farms, is
24 suffering if this injunction's not granted?

25 A It's not just our company, it's the harm that it's

1 given to the public, the citizens of Nevada for more choices,
2 more diversification. Our company is harmed in the fact that
3 I have a fiduciary obligation to 9,000 shareholders to try to,
4 you know, create as much value as I possibly can. The value
5 is having an outlet for our product. Right now we don't have
6 an outlet for our product.

7 Q Besides having an outlet for your product, is there
8 anything else?

9 A I think there's building the brand, there's a value
10 to that. There is -- you know, there's a lot of different
11 ways to perceive value.

12 MR. GUTIERREZ: Okay. Pass the witness. Thank you,
13 Your Honor.

14 THE COURT: Mr. Koch. And I'm breaking in 14
15 minutes for lunch.

16 DIRECT EXAMINATION

17 BY MR. KOCH:

18 Q Mr. Bradley, you seem like one of the first
19 witnesses who knows a fair amount about the securities
20 industry. Fair to say you're fairly familiar with securities
21 regulations and how securities markets work?

22 A I've been through 106 audits.

23 Q All right. What's the concept of holding stock in
24 street name?

25 A The concept of holding stock in street name, which

1 means an investor will keep it in the name of their brokerage
2 firm, opposed to keeping in their own name, it's called the
3 Obol list [phonetic].

4 Q And of the 9,000 shareholders that your company
5 currently has, how many of those are in street name?

6 A I'd say about 55 percent. It's called C.D. &
7 Company [phonetic].

8 Q And so if you pulled a shareholder list today
9 approximately 55 percent of the shares -- or your
10 shareholders, I should say, would show up as under the street
11 name; is that right?

12 A Correct.

13 Q And that street name might say something like
14 Merrill Lynch or Charles Schwab, something like that?

15 A Yes.

16 Q And Merrill Lynch isn't the actual owner of that
17 stock, are they?

18 A No, it would be a person.

19 Q What would you do to have to find out the name of
20 the person that actually owns the stock in street name with
21 Merrill Lynch?

22 A It's a big complicated process. It can be done by
23 asking everybody to take their shares and put it back in a
24 certificate form.

25 Q But it would be big and complicated?

1 A It can be complicated, correct.

2 Q With respect to the 5 and 10 percent cutoffs you
3 talked about in securities markets, that's something the SEC
4 imposes?

5 A Yes, it's a SEC and FINRA regulation.

6 Q Do you know why they have those thresholds? What's
7 your understanding?

8 A Disclosure.

9 Q And does a 5 or a 10 percent shareholder in your
10 opinion have more ability to affect the operation of the
11 company?

12 A Not in our case.

13 Q In general?

14 A No.

15 Q What about a let's say 51 percent shareholder,
16 right, would have a lot more influence than a 1 percent
17 shareholder; right?

18 A The 51 percent shareholder could replace the board
19 and take control of the company.

20 Q And so the more -- obviously, the more percentage of
21 share ownership you have the more likely you have to have some
22 influence on the direction of the company; is that right?

23 A In theory. But it's no in our case.

24 Q Okay. You did say that you agree the 5 percent
25 threshold that was put in place here, you believe that that

1 was a reasonable threshold of ownership?

2 A Yes.

3 Q Okay. One of the statements that you've made
4 related to the Argentinean Government is that you're
5 partnering with them; is that right?

6 A We are their operator, and we are helping them build
7 an industry in Argentina.

8 Q What does that mean exactly? What's your financial
9 relationship with them?

10 A Our financial relationship is they provided the
11 land, we're providing the operations, and we share a piece of
12 the net profit.

13 Q So you each -- each of you -- your company and the
14 Argentinean Government split profits or have some profit
15 split; right?

16 A Yes. And it's very early stage in this
17 relationship, so there is no profit yet.

18 Q And the Argentinean Government, then, they have what
19 would amount to an equity interest in the company?

20 A No, they have no equity interest in us.

21 Q The profit split is just assignment of profits?

22 A It's in lieu of taxes. They would like to -- they
23 would like us to be successful, and they're willing to share
24 profits. Instead of taxing us in the front end, they're
25 willing to -- they want to participate on the back end.

1 Q Does the Argentinean Government own any shares of
2 your company?

3 A Not that I know of.

4 Q Do you know if a background check has been performed
5 on the Argentinean Government with respect to its partnership
6 with your company?

7 A No, not that I know of. I haven't done one. And
8 it's not a partnership.

9 Q Okay. It's a financial arrangement you have with
10 Argentina to split profits. Is that how you describe it?

11 A We're a contractor for them.

12 Q Okay. Could you perform a background check on the
13 Argentinean Government?

14 A The people that we're doing business with, the
15 particular province, I think that's already been done. Its
16 very -- it's a whole political environment, and anything that
17 would be negative we would already know about.

18 Q Because you would have looked into that, done your
19 due diligence on that?

20 A We've done our due diligence. We made sure we
21 weren't walking into something we didn't think was a good
22 opportunity.

23 Q Of the 9,000 shareholders that's -- you're saying
24 the number, 55 percent of the 9,000 are held in street name is
25 that right?

1 A Approximately.

2 Q Okay. Do you know of the 9,000 shareholders how
3 many of those have had background checks conducted by the
4 Department of Taxation in Nevada?

5 A I don't think any of them have. I do want to
6 clarify. We have to be notified by law by the brokerage firms
7 of fiduciaries if someone has more than 4.9 percent. They
8 have to file -- they have to file what's called a form -- I
9 think it's called a G-12 or something. I'm not -- I can't
10 remember the exact name.

11 Q I think you're right.

12 A But they have to file a form.

13 Q Right.

14 A So if someone files a form, we're notified. But the
15 answer is we have not been notified by anyone that owns more
16 than 4.9 percent.

17 Q And of the owners -- shareholders that own less than
18 -- 4.9 percent or less, are you aware of any background checks
19 that have been conducted by the Department of Taxation for
20 those shareholders?

21 A I'm not aware of the Department of Taxation doing
22 the background check on anybody.

23 Q Have they done a background check on you?

24 A I don't know.

25 Q Have you given fingerprints?

1 A Yes.

2 Q What did you think those fingerprints were going to
3 be used for?

4 A To see if I had a criminal background.

5 Q What about those other shareholders you talked
6 about? Have they given fingerprints to the Department?

7 A I suppose if the Department -- I don't know anything
8 in the rules and regulations saying that someone that doesn't
9 have an agent card and is not a direct owner of the company
10 even needs fingerprints.

11 Q Because an agent card would mean you're working in
12 the business; right?

13 A Yeah, you're walking in the facility.

14 Q And an agent, even if they have let's say .1 percent
15 ownership, they need to have a background check; right?

16 A If they're working in the facility, yes.

17 Q Right. All right. Do you think you could have
18 background checks performed on every shareholder of your
19 company every time a share changes hands?

20 A I think it's an impossibility.

21 Q All right. Last question. What place did your
22 company come in with the rankings in the County and in Las
23 Vegas? Do you know?

24 A I don't remember the exact ranking. I do remember
25 our scores range from 139 to 149.

1 Q All right. And the scores that received licenses,
2 the bottom cutoff in the City of Las Vegas and the County were
3 approximately 210?

4 A The ones that got --

5 Q Right.

6 A I don't know.

7 Q Sound right that Green Leaf was eighty-third in the
8 County, eighty-first in Las Vegas?

9 A I have no idea.

10 MR. KOCH: No further questions.

11 THE COURT: Anyone else on the defendants,
12 defendants intervention?

13 MR. SHEVORSKI: No, Your Honor.

14 THE COURT: Plaintiffs?

15 MR. BULT: No, Your Honor.

16 THE COURT: Thank you, sir. We appreciate your
17 time. Have a nice afternoon. Does that conclude my witnesses
18 for the day?

19 MR. GUTIERREZ: Yes, Your Honor.

20 THE COURT: All right. So here's what I have a
21 concern about.

22 Thank you, sir.

23 THE WITNESS: You're welcome. Thank you.

24 THE COURT: I am concerned about waiting for Mr.
25 Gentile's rebuttal witness until August.

1 So, Mr. Gentile, tell me what you think your
2 proffered expert might add to the information I have heard as
3 part of these proceedings.

4 MR. GENTILE: Well, my expert is going to focus on
5 valuation, because that has been beat around with regard to
6 the question of irreparable harm. And I will tell the Court
7 -- and I do not mean to presuppose how this Court will rule,
8 but I suppose multiple ways, one of which would be to issue
9 the preliminary injunction. And if you do that, you're going
10 to be asked to set a bond. And the method of evaluating a
11 cannabis business is going to be -- in addition to where it is
12 now with regard to the issue of irreparable harm, is going to
13 be before you. And so my expert will testify in the following
14 specific -- well, general areas. Let me put it that way.

15 Approaches and methods to the evaluation of a
16 cannabis business; the evaluation of a startup and pre-revenue
17 cannabis business, which these all are because none of them
18 have opened; how to interpret a valuation report; and unique
19 issues with regard to evaluating a cannabis business such as
20 the Controlled Substances Act, the federal legislation;
21 Section 280(e) of the Internal Revenue Regs; the banking
22 situation and how that impacts the valuation; and the impact
23 that's being made on the industry as a whole because of
24 California and the increase in production in what it is for
25 the most part -- and I know we're focusing on Nevada -- a

1 market that is pretty much a fixed market.

2 THE COURT: Okay. So you said you had gotten some
3 dates. Tell me what those dates are.

4 MR. GENTILE: August 1st. I don't know if you're
5 available that day.

6 THE COURT: I am, because Mr. Koch's partner vacated
7 his preliminary injunction hearing witness that day.

8 MR. GENTILE: All right. Well, he's available
9 August 1st.

10 THE COURT: So is everyone else available on --
11 Mr. Kahn said he was not --

12 MR. KAHN: Yeah, I was out till August 5th, Your
13 Honor. I'm sorry.

14 MR. KOCH: On that issue, though, I would offer --
15 it sounds like what he's talking about sort of relates to the
16 calculation of a bond and not the actual determination of
17 whether an injunction is appropriate.

18 THE COURT: So if everyone is willing to stipulate
19 to do the bond hearing separately after I make a determination
20 on the injunctive relief portion, I would be happy to hear the
21 witness after I issue the decision, and then we wouldn't be in
22 this situation, I'd only be looking for a date to do closing
23 arguments.

24 MR. GENTILE: Well, let me give you some additional
25 dates that he's available.

1 THE COURT: Hold on. I'm trying to get --

2 MR. GENTILE: Okay.

3 THE COURT: -- a stipulation first. I have no
4 stipulation of such. I was waiting for somebody to say so
5 stipulate, got none of it.

6 MR. KEMP: Yeah, Judge. We think that would be a
7 good idea. We'd stipulate to that.

8 THE COURT: Yeah, but you're on the same side as Mr.
9 Gentile. So I was looking on the other side of the room.

10 MR. KEMP: Oh. Well --

11 MR. GUTIERREZ: And, Your Honor, we were operating
12 under that premise that we thought any testimony on the bond
13 would be done after. So we would stipulate, as well.

14 THE COURT: So I've got one stipulation.

15 MR. HONE: Stipulate.

16 MS. SHELL: Stipulate, Your Honor.

17 THE COURT: All right. So the defendants and
18 defendants in intervention have stipulated that what you are
19 describing is a bond issue that could be handled after I make
20 a determination.

21 MR. GENTILE: I think it's both. That's my concern.
22 My concern is with regard to irreparable harm, but --

23 THE COURT: I don't think it's an irreparable harm
24 issue, Mr. Gentile. I have heard sufficient testimony related
25 to the limited availability of marketable licenses in the

1 industry from the witnesses we've heard from. I understand
2 how limited that marketability is. There may be a value issue
3 imposed upon that impacts the bond, but I don't think it goes
4 to the irreparable harm as much as maybe others do.

5 MR. GENTILE: Well, rule number one prevails. But
6 what I would suggest, then, is that we at least look at these
7 other dates so that you can --

8 THE COURT: Well, hold on. First I want to set
9 closing arguments. When can I do closings, tomorrow? How do
10 you guys feel about tomorrow? Tomorrow's a great day.

11 MR. GENTILE: Judge, please.

12 THE COURT: Mr. Gentile said no. Okay. So tomorrow
13 doesn't work for you.

14 MR. KOCH: Next week?

15 MR. GENTILE: Your Honor --

16 THE COURT: How about next week?

17 MR. GENTILE: Well, that's my concern. I have
18 cancelled two trips this summer.

19 THE COURT: I'm sorry.

20 MR. GENTILE: But I did it without -- but this is
21 it. I can't cancel it any further. I can -- if we do it next
22 Friday, I can make it.

23 THE COURT: That'd be July 26.

24 MS. SHELL: I'm out of the jurisdiction on Friday,
25 Your Honor.

1 MR. BULT: So am I, Your Honor.
2 THE COURT: So what about tomorrow?
3 MR. PARKER: I can't do tomorrow.
4 MR. GENTILE: I'm leaving tomorrow.
5 THE COURT: Oh. You're leaving tomorrow?
6 MR. GENTILE: Yeah.
7 THE COURT: When do you get back?
8 MR. GENTILE: I will probably get back Wednesday
9 night.
10 THE COURT: What about Thursday?
11 MR. GENTILE: I suppose I could do it Thursday.
12 MR. BULT: Thursday the 25th is -- I'm out.
13 MR. KOCH: We're here on Monday for the summary
14 judgment hearing. Would you guys like to come --
15 THE COURT: Not everyone's here, I guess. Mr.
16 Gentile's going to be out of the jurisdiction.
17 MR. KOCH: Oh. You're out, Dominic.
18 MR. GENTILE: I take it "we" excluded me? That's
19 the second time in a couple of days. So it's not a problem.
20 THE COURT: Okay, guys. So it sounds like you don't
21 have the issues -- when's your expert available after August
22 1st? I can't give you any dates after --
23 MR. GENTILE: 7th?
24 THE COURT: Yeah, I can't help you.
25 MR. GENTILE: 7th, 9th, and 12th.

1 THE COURT: Can't help you. Got a new stack
2 starting the 2nd, on August 2. that's the only flexibility I
3 have. The other possibility will start after the calendar
4 calls on July 30th.

5 MR. GENTILE: Well, then August 1st if he's
6 available.

7 THE COURT: But I've got issues of other people not
8 being available. Okay. I guess I'll see you guys on Monday
9 to argue the motions. I don't have any other availability. I
10 can guarantee --

11 MR. GENTILE: Mr. Saverese is going to argue the
12 motions on behalf of our client.

13 THE COURT: That's fine. But I do not have time --
14 if I have an issue with availability among you all through
15 August 2nd, I can't give you a date until after my calendar
16 calls on July 30th.

17 MR. KOCH: Can we get, like we did last time, maybe
18 just available dates from the Court and we can by email
19 converse --

20 THE COURT: You all can get all the available dates
21 you want.

22 MR. KOCH: -- and try to get that --

23 MR. KAHN: Your Honor, we were approached by Mr.
24 Rulis to move the motion hearing on Monday due to a scheduling
25 issue. I don't know if you have availability on Tuesday

1 afternoon. I think that's when Mr. Rulis said he could be
2 available. We would be available. Otherwise I'm going to
3 have problems.

4 THE COURT: If you can confine your arguments to an
5 hour or less, I can have you come on the 23rd at 1:00 o'clock,
6 but I have mental health court that starts at 2:00, and they
7 usually try and set up at 1:45.

8 MR. GRAF: I'm available on Tuesday, Your Honor.

9 THE COURT: Can you do the argument in a half hour,
10 guys, half hour, 40 minutes?

11 MR. GENTILE: Is this summary judgment, not closing
12 argument?

13 THE COURT: No.

14 MR. KOCH: Right. Summary judgments.

15 MR. GENTILE: Okay.

16 THE COURT: The motion. Everybody okay moving the
17 motion to 1:00 o'clock on Tuesday, understanding you've got to
18 be done by 1:45 so the jail can bring the inmates for Mental
19 Health Court. Great. See you then.

20 MR. CRISTALLI: Your Honor, one issue is that there
21 is a motion to dissolve the bond that we previously addressed.
22 I think it's scheduled right now for August 15th in chambers.
23 I don't know if Your Honor wants to address that at the time
24 of our motion hearing or whether or not --

25 THE COURT: No. If Mr. Graf wants it heard in open

1 court, he'll ask.

2 MR. GRAF: We're going to file an opposition, Your
3 Honor.

4 THE COURT: Mr. Gutierrez, you need to give Dulce a
5 copy of the declaration or affidavit that you wanted to use
6 when I sustained the objection so she has it for purposes of
7 the record. Anything else? Bye.

8 (Court recessed at 11:47 a.m., until
9 a date and time to be determined)

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DEFENDANTS' WITNESSES

| | | | | |
|------------------------------|----------|----|-------|---|
| Judah Zakalik | 4/21/27 | 31 | 36/41 | - |
| Craig Rombough | 46/64/66 | 71 | | |
| Mark Bradley (Feldgreber) | 73/88 | - | - | - |

* * *

EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
|--------------------|-----------------|
|--------------------|-----------------|

PLAINTIFFS' EXHIBIT NO.

NONE ADMITTED

* * *

DEFENDANTS' EXHIBIT NO.

NONE ADMITTED

* * *

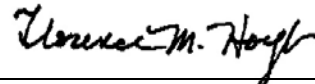
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

7/19/18

DATE

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 38 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |
| 50 | ANSWER TO CORRECTED FIRST AMENDED COMPLAINT | 37 | 7/15/2019 | 004414-004425 |
| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |

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| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAINST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |

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| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
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| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

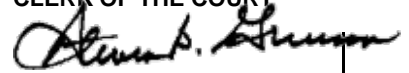
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITON FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**EVIDENTIARY HEARING - DAY 15
VOLUME II**

MONDAY, JULY 15, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL CRISTALLI, ESQ.
ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
NATHANIEL RULIS, ESQ.
ADAM BULT, ESQ.
MAXIMILIEN FETAZ, ESQ.
THEODORE PARKER, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
THERESA HAAR, ESQ.
BRIGID HIGGINS, ESQ.
RUSTY GRAF, ESQ.
ERIC HONE, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
JOSEPH GUTIERREZ, ESQ.
PHILIP HYMANSON, ESQ.

1 LAS VEGAS, NEVADA, MONDAY, JULY 15, 2019, 12:59 P.M.

2 (Court was called to order)

3 THE COURT: Who's our next witness?

4 MR. GUTIERREZ: Your Honor, we'll call Brett
5 Scolari.

6 THE CLERK: Please be seated. Please state and
7 spell your name for the record.

8 THE WITNESS: Brett Scolari, S-C-O-L-A-R-I.

9 BRETT SCOLARI, DEFENDANTS' WITNESS, SWORN

10 THE COURT: Sir, there's water in the pitchers.
11 There's M&M's in the dispenser, and there's a ton of binders.
12 If someone refers you to the statute it's in the back of that
13 book right there. Good luck.

14 MR. GUTIERREZ: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MR. GUTIERREZ:

17 Q Good afternoon, Mr. Scolari. Can you tell us what
18 your current position is.

19 A General Counsel for Tryke Companies.

20 Q And how long have you been with Tryke?

21 A About four and a half years.

22 Q Since 2015?

23 A Yeah, February 2015 is when I started with Tryke.

24 Q And what are your -- the scope of your duties with
25 the company?

1 A I am General Counsel. I do the day-to-day legal
2 counseling of the company, and then I'm in charge of the
3 regulatory and compliance efforts of the company as well as
4 analyzing any markets that the company will move into.

5 Q So as part of --

6 A So a business development piece.

7 Q Is part of understanding the regulatory compliance
8 do you -- are you familiar with the regulations under NAC 453A
9 and D?

10 A Yes.

11 Q Yes? And were you involved with filling out the
12 application for Tryke in the 2018 process?

13 A I was along with certain members of our executive
14 team.

15 Q And who else would be?

16 A We had help from our marketing director, our human
17 resources director, our construction and facilities person,
18 our CEO, maybe a couple others I'm forgetting, but it was a
19 team effort.

20 Q And are you currently part of the NDA?

21 A I am.

22 Q And what are you -- what's your position with the
23 NDA?

24 A I'm a director on the board.

25 Q And how long have you been with the NDA?

1 A About two years.

2 Q Two years?

3 A Uh-huh.

4 Q And is the role of the NDA to represent the industry
5 in legislative matters before the Department?

6 A Yes, generally. It has a membership of I think the
7 majority of the industry and it advocates for legislative and
8 regulatory issues on behalf of the industry as a whole.

9 Q Now, how many medical marijuana licenses did Tryke
10 have?

11 A Are you asking how many we have now?

12 Q How many did you have about the time you applied for
13 the recreational license in 2018?

14 A We had six medical licenses prior to the Early Start
15 program operating, six medical licenses operating.

16 Q Were the medical licenses held in different LLC
17 names?

18 A Yes.

19 Q And one of those names like Tryke Companies, Reno
20 LLC, for example, is that one?

21 A Correct.

22 Q So that company held one medical license; is that
23 fair?

24 A Tryke Companies, Reno, in their initial round held
25 four provisional medical licenses. It had two dispensaries,

1 and it had a cultivation and production license in a 2015
2 allocation.

3 Q And there was also Tryke Companies Southern Nevada
4 LLC; is that correct?

5 A Tryke Companies SONV LLC, yes. It had four
6 licenses, as well. It had two medical dispensaries, a
7 cultivation and a production.

8 Q How much time, can you estimate for us, did you
9 spend on the 2018 application process?

10 A I don't know. Probably -- I'd be guessing. I don't
11 know. I didn't keep track of time. Anyway, it pretty much
12 dominated a couple of months here and there -- that I had
13 other duties, as well, obviously with operations in Arizona.
14 So it was -- it probably dominated half of my days for a
15 couple months.

16 Q You were in charge of filling out the application
17 and also gathering the information?

18 A Yeah, it was -- again, it was a group effort in the
19 company. So it was our executive team put it together.

20 Q When did you start working on the 2018 application?

21 A Well, if you -- we -- prior to the July release we
22 were probably had worked four to five months to secure
23 properties, whether in an LOI or a contingent lease to
24 identify locations that we'd be applying for licenses on. So
25 I would say early 2018 we began.

1 Q How many employees other than yourself did you have
2 dedicated for the process, the application process?

3 A Five.

4 Q Five.

5 A Five or six.

6 Q And Tryke applied for licenses in the City of Las
7 Vegas, North Las Vegas, and Clark County; is that correct?

8 A Yeah, both the Tryke Reno entity and the Tryke SONV
9 entity each applied for three licenses, and it was a mix of
10 jurisdictions in each. But they were all Southern Nevada
11 jurisdictions.

12 Q So Tryke SONV was able to apply for multiple
13 licenses in the same jurisdiction; is that correct?

14 A We applied for -- and the reason we applied for -- I
15 think Tryke SONV applied for two locations in Clark County.
16 We rank those, as the State required, with the understanding
17 that we would only get one in that location.

18 Q What was your understanding as to why you would only
19 get one in that location?

20 A It was based on what the application said.

21 Q Okay. You would follow -- you're following the
22 regulations and the Statute, correct, when you were filling
23 out the applications?

24 A Correct.

25 Q And you were familiar with the regulations?

1 A Correct.

2 Q The regulations in NRS 453D, where did it say that
3 you could only apply for one application per jurisdiction?

4 A Again, we were complying with what the -- I had the
5 understanding from the application itself that we would be
6 only awarded one in a particular jurisdiction. So the State
7 asked us to rank those. So it was my understanding, rank
8 them, because we cannot award them two in one jurisdiction.
9 So that's why we ranked them the way we did.

10 Q My question to you though is in the regulations, NAC
11 453D, where does it say you could only apply for one?

12 A I'm not familiar if it says that.

13 Q It doesn't say that; correct? There's what we call
14 a anti-monopoly provision. You're familiar with that;
15 correct?

16 A Correct.

17 Q And it talks about the percentage of ownership per
18 jurisdiction? You're nodding your head. Is that a yes?

19 A Yes.

20 Q Okay. So you're familiar with that provision, but
21 you don't know of anywhere in the regulations that discusses
22 -- that prevents an applicant from submitting multiple
23 applications in the same jurisdiction?

24 A I don't have it off the top of my head, but, again,
25 it was clear to us that you would not be awarded more than one

1 in a jurisdiction. And essentially in my mind it linked up,
2 because the State asked us to rank our applications by
3 preference.

4 Q But you submitted three in the City of Las Vegas; is
5 that correct? Three applications in the City of Las Vegas?

6 A If I recall, yeah, potentially. I don't have it in
7 front of me and don't know the breakdown.

8 Q You submitted one for Tryke Companies SONV, score of
9 189.33. Do you recall that? Is that a yes?

10 A Generally, yes.

11 Q Okay. Tryke Companies Reno LLC scored a 182. Do
12 you recall that in the City of Las Vegas?

13 A Yes.

14 Q And then Tryke Companies Reno LLC, again, in the
15 City of Las Vegas scored a 181.33. Do you recall that?

16 A Yes.

17 Q Okay. Now, you submitted all three, but you said
18 all three, and you had the understanding even after you paid
19 all the fees that you would only get one?

20 A Tryke Companies SONV could only be granted one.
21 Tryke Companies Reno could be granted one.

22 Q Okay.

23 A So, again, it was separated by company.

24 Q Now, when did you find out that Tryke did not
25 receive any licenses?

1 A I believe it was the morning that the State released
2 the results. Started seeing the rejection letters come
3 through.

4 Q And they came through to you?

5 A Yes.

6 Q Was that on December 5th, 2018?

7 A Yes, I believe it was December 5th, yes.

8 Q Do you recall communicating with other applicants
9 about the results of their licenses on that time?

10 A Yeah, we had some friendly back and forth on that
11 day.

12 Q Do you recall texting my clients, Armen Yemenidjian
13 at Essence and Mitch Britten at Thrive, on that day about the
14 results of their applications?

15 A I remember Mr. Yemenidjian texting me and asking me
16 how we did.

17 Q We can move to admit Proposed Exhibit 5047, which is
18 the text message between Mr. Scolari and Mr. Yemenidjian.

19 THE COURT: Yes. Any objection?

20 MR. SHEVORSKI: No objection.

21 THE COURT: Be admitted.

22 (Plaintiffs' Exhibit 5047 admitted)

23 THE COURT: Sir, it will be on the screen, but if
24 you want the hard copy let us know.

25 THE WITNESS: Thank you.

1 THE COURT: Mr. Hymanson, welcome to our party.

2 MR. HYMANSON: Nice to be here. Judge.

3 THE COURT: Do you need any help?

4 MR. HYMANSON: I think I'm doing all right, but
5 thanks for checking in.

6 BY MR. GUTIERREZ:

7 Q Mr. Scolari, the 5047, and you've been handed it, as
8 well, it's on your screen. Do you have that in front of you?

9 A I do.

10 Q Okay. And this is a text message between you and
11 Armen at Essence; is that fair to say?

12 A Yes.

13 Q Okay. And the right side of this would be Armen's
14 text response to you; is that correct?

15 A Yes.

16 Q And then the left would be your messages to Armen;
17 is that fair?

18 A Yes.

19 Q Okay. So on this text you ask him, right down, it
20 says, "Want to sell us a couple? We have some good sites.
21 I'm serious." So at this stage you were requesting to buy
22 some of the licenses that Essence received; is that fair?

23 A I don't think it's fair. I think it was one moment
24 in time when -- probably found out about 30 minutes before
25 these texts went out that we struck out. So it was some

1 collegial banter with a colleague who I, you know, still
2 consider a friend. I mean, it wasn't -- that never went past
3 that text.

4 Q In a text you say, "City of Las Vegas, NLV, and
5 County." Is that correct? Those are the three jurisdictions
6 you were looking to buy licenses?

7 A Those are the three jurisdictions that we had
8 secured properties for the application.

9 Q The question was, you were looking to buy licenses
10 for those jurisdictions; correct?

11 A I think Armen asked me, would you sell me some
12 sites.

13 Q Okay. So did you have specific locations and
14 licenses that you were looking for?

15 A We had specific locations locked up in the City of
16 Las Vegas, North Las Vegas, and Unincorporated Clark County.

17 Q So you're saying you got those sites already under
18 lease; is that correct?

19 A We had them under a letter of intent or a contingent
20 lease.

21 Q You had an actual signed lease?

22 A Yes.

23 Q Okay. Now, you're saying the conversation with
24 Armen didn't go farther than this; is that correct?

25 A Nope.

1 Q Okay. But you had the ability to buy licenses --
2 under the statute you could buy a license from another
3 individual or entity; correct?

4 A Yeah, I think anyone could buy --

5 Q Okay.

6 A -- willing buyer, willing seller can buy a license
7 at this -- today.

8 Q Move to admit, Your Honor, 5048, which is the next
9 text message with Mr. Scolari --

10 THE COURT: Any objection?

11 MR. SHEVORSKI: No objection.

12 THE COURT: Be admitted

13 (Plaintiffs' Exhibit 5048 admitted)

14 BY MR. GUTIERREZ:

15 Q And, Mr. Scolari, this is a text message between you
16 and Mr. Britten at Thrive; correct?

17 A Yes.

18 Q Okay. Again, you're requesting licenses or asking
19 if he's willing to sell licenses; is that fair to say?

20 A Yeah, I think at that moment in time that was my
21 thought.

22 Q What were you willing to pay for the license at that
23 time?

24 A There was not even a price in my head.

25 Q Have you tried to buy licenses since --

1 A I'm not -- I wouldn't make that decision at Tryke.

2 Q Was Tryke in the market to buy licenses after they
3 found out they were not granted licenses?

4 A Not necessarily. We were just putting the feelers
5 out, and it was all, again, preliminary discussions, and we
6 didn't have all the facts of what had happened or not had
7 happened with the licensing process.

8 Q And you also state in this -- if you look at 3:23
9 p.m., "Did you hire -- did Amanda do your applications? We
10 should have hired someone to focus exclusively on that." Do
11 you see that??

12 A Uh-huh.

13 Q Is that a yes?

14 A Yes.

15 Q You're referring to Amanda Connor?

16 A Yes.

17 Q Okay. And what was the reason you said, we should
18 have hired someone to focus exclusively on that?

19 A Just conversation, again, there wasn't really any --
20 again, we were shock, you know, probably trying to find
21 reasons why we hadn't been successful. Stoking their ego a
22 little bit, but they did it the right way and maybe had the
23 right person doing it. Again, we didn't have the -- didn't
24 have all the facts or the circumstances of -- by that time I
25 hadn't -- I didn't know that 16 companies got the lion's share

1 of all the licenses. So it was just conversation.

2 Q Do you believe that if someone that would have
3 full-time been working on the application may have helped you
4 score higher?

5 A Potentially. I don't know. I don't know. I think
6 we did a very good job on our applications. So potentially.

7 Q Potentially?

8 A Maybe someone who was a little bit closer to the
9 process and had a little bit more insight into what the
10 Division was looking for.

11 Q What does that mean?

12 A What's that?

13 Q What does that mean, more insight to what they're
14 looking for?

15 A Again, I don't -- the reason I'm sitting here and
16 our company's sitting here, we don't think there was an even
17 playing field that occurred here. There's -- so that's --
18 maybe there was other folks that had a little bit more
19 information and insight into what the Department was looking
20 for. That's all it means.

21 Q Right. But we're here -- we've been here for almost
22 two months on a hearing, and is there any evidence you have
23 that there was something that Amanda Connor did wrong?

24 A No.

25 Q You don't have any evidence of that; correct?

1 A I don't have any evidence.

2 Q All right.

3 A I'm just -- all I said was there might have been
4 folks that had -- were a little bit closer to the process than
5 others.

6 Q But you brought a lawsuit -- your company brought a
7 lawsuit against the State of Nevada; correct?

8 A Correct.

9 Q After this process was released? Is that a yes?

10 A Correct.

11 Q And what is the relief specifically your company's
12 looking for from this injunction?

13 A I think from our perspective we would like to -- we
14 don't believe that at the end of the day there was an even
15 playing field -- folks -- and it goes back, it was evident
16 here today. Even folks on our side, it was unclear whether or
17 not a physical address was required or not. And there's
18 plaintiffs that didn't put a physical address. There's
19 defendants that didn't put a physical address. So to me there
20 was a lot of confusion in the process, and it did not create
21 an even playing field, and that's why we're sitting -- that's
22 why Tryke is sitting here today.

23 Q Tryke's position was limited to the physical
24 address; is that fair to say?

25 A No.

1 Q What else is Tryke concerned with about the process?

2 A I don't think the evaluation criteria were broken
3 down in a cohesive and -- in a cohesive manner so you knew
4 exactly what points that you needed to hit. Now that I see
5 the scoring sheets, you know, obviously it was, you know,
6 obviously it was -- but that wasn't communicated at least in
7 the application itself.

8 Q What else, do you have a position on diversity being
9 included?

10 A No, I really don't have a thought on diversity. I
11 mean, our ownership's pretty simple. So, I mean, that is what
12 it is for Tryke. So I don't really have a position on that.

13 Q So you don't believe the Department deviated from
14 the statute and the valuation by including diversity as a
15 criteria for grading?

16 A I don't believe the Division laid out what diversity
17 really meant for the application. I don't really have an
18 opinion whether it -- I think that's for a brighter legal mind
19 than mine whether or not diversity was violating the statute
20 or not.

21 Q But, do you have an opinion, you've been in the
22 industry, you're part of the NDA --

23 A Uh-huh.

24 Q -- as to whether or not diversity is directly and
25 demonstrably related to the operation of a marijuana

1 establishment?

2 A I'm not sure I understand.

3 Q Have you been to any of these proceedings and heard
4 any of the argument set forth by your side?

5 A This is the first time I've been here.

6 Q Okay. Well, one of the arguments being made is that
7 diversity should not have been considered as part of the
8 application, because it's not directly or demonstrably related
9 to the operation of a marijuana establishment.

10 A My understanding was that the direct and
11 demonstrative evidence of -- was your history of operating
12 establishments in the State of Nevada, and that's what we
13 tried to focus on for Tryke, because we've been established
14 since 2015.

15 Q The question is, do you believe diversity should be
16 part of that?

17 A Do I believe it should be part of that?

18 Q Yes.

19 A Again, if that was a criteria that was set out in
20 the law and it was defined as what diversity means then I
21 guess. I don't have an opinion whether that was -- we dealt
22 with it the way we dealt with on the application. I mean,
23 that's --

24 Q It was in the regulations and you dealt with it, you
25 complied with it; correct? Yes?

1 A We answered the diversity question by filling out
2 the owner, officer, board member sheets.

3 Q But what relief are you seeking for -- this is --
4 we're not in a trial, we're here for an injunction. You're
5 asking the Court to stop a certain process. What is the basis
6 for that request?

7 A Again, I'll go back to what I stated earlier. My
8 thought is that there was a lot of confusion on -- and I'm
9 picking on the proposed physical address piece, but that's the
10 one that sticks in my mind. We were under the impression you
11 needed to -- it asked for a proposed physical address. We
12 went out and secured properties, paid money, reservation fees
13 on letter of intents and contingent leases. And I think there
14 was enough confusion there to warrant that this was not a fair
15 process.

16 And the other issue that I -- that jumped out on me
17 was the amount of licenses that each company was given. I
18 don't think anyone in this industry had the impression that
19 certain companies were going to get, you know, a lion's share
20 of the licenses.

21 Q You understood that proposed location -- that the
22 location would be determined after final approval, correct,
23 for license? That was in the regulations?

24 A That wasn't my impression.

25 Q Let's go to NAC 453D.282. Are you familiar with

1 this provision of the regulations?

2 A Yes.

3 Q Okay. And that the marijuana establishment needs to
4 be -- that a license is conditional, do you see that, until
5 certain requirements for approval to begin are satisfied. Do
6 you see that?

7 A Yes.

8 Q And you read these before you did your application;
9 correct?

10 A Yes.

11 Q You read these before you went out and secured
12 property; correct?

13 A Yes. Yes.

14 Q You read these before you signed leases; correct?

15 A Yes.

16 Q So you knew that a marijuana license would be
17 conditional until local governments would approve the
18 location, and there would be then final approval by the State;
19 correct?

20 A Yes.

21 Q Okay.

22 A And, yes, we knew we would have to go get zoning
23 approval for our sites that we were paying money on.

24 Q Now, if my client sold you a license today, would
25 you still be pursuing a lawsuit against the State of Nevada?

1 A If they were to sell us a -- again, that's a
2 hypothetical. I don't make those decisions.

3 Q Hypothetically, if my clients were to sell you a
4 license at Tryke today, would you still be pursuing a lawsuit
5 against the State of Nevada?

6 A That would be a decision for our owners.

7 Q Okay.

8 A I didn't make the decision to file the suit either.

9 Q Specific to an injunction, there's been an
10 injunction against my client Thrive from opening their
11 location at Sahara, 3500 West Sahara under their City license.
12 Are you aware of that?

13 A Yes. Vaguely, yes.

14 Q Okay. Vaguely. But you are aware there's an
15 injunction in place, and there was a bond that was posted in
16 order to prevent Thrive from opening under their City of Las
17 Vegas license. Are you aware of that?

18 A Yes.

19 Q Okay. Explain to me what the harm is to your
20 company, to Tryke, if my client Thrive was able to open
21 tomorrow.

22 A Again, if we all started from what I believe to be
23 an even playing field I would have no problem with Thrive. I
24 still don't have a problem with Thrive. I think they should
25 be able to conduct their business in a fair way. So we --

1 again, the securing of these licenses, I don't believe
2 everyone is on the same playing field.

3 Q I understand that. But I'm saying, what's your harm
4 if Thrive opens tomorrow and starts generating revenue that
5 could be given to the public, tax revenue that would be given
6 to the public, which was the intent of the Ballot Initiative.
7 What's your position as to Thrive as the harm is to your
8 company if they're able to do that?

9 A Again, based on how these licenses were awarded our
10 right to a fair process and to preserve, you know, the market
11 share that we have there was -- in my opinion there was not a
12 fair process to get there. So we've been harmed by a market
13 share that could be threatened without having our fair
14 process.

15 Q What is your future harm if Thrive opens tomorrow?

16 A I don't know how to answer that. I don't know --

17 Q There isn't any; right?

18 A -- I don't even know what their -- I don't know what
19 their location -- we haven't done the analysis if it has
20 enough --

21 Q Don't you think you should have done the analysis
22 before you asked this Court to enter that injunction?

23 A Again, there was a process that we did not believe
24 was fair, and it has had a detrimental impact -- it could have
25 a detrimental impact on our business.

1 Q That wasn't the question I asked. I asked, don't
2 you think you should have done that analysis before coming to
3 this Court and asking the Court to stop Thrive from opening
4 that location?

5 A I don't have an answer for that.

6 Q You realize 27 people are ready to start working,
7 and they cannot work because there's that injunction in place,
8 are you aware of that?

9 A I was not aware of that.

10 Q Okay. Think that's fair?

11 A I don't think the process was fair.

12 Q So do you think that the process is not fair you
13 stop everybody, including Thrive, from opening to the public?

14 A Absolutely, until the industry can figure out what
15 happened and where we go from here.

16 Q But if you were sold a license today --
17 hypothetically, if you were sold a license you'd be fine with
18 the process; correct?

19 A It's not correct. I told you, I don't make those
20 decisions.

21 Q Okay. So if Tryke had a license on December 5th
22 that was sold by Thrive would you still be bringing this
23 lawsuit?

24 A I don't know the answer to that.

25 Q Okay.

1 A It's not my decision to make.

2 Q We talked about diversity, already, as a scoring
3 tool; right? You don't have an opinion that, as well, as to
4 whether or not that was part of the process or should have
5 been considered?

6 A Are you talking from a political standpoint or from
7 whether or not it should be in, I mean, diversity can mean a
8 lot of different things. We answered those questions for our
9 owners and officers and it was analyzed the way it was
10 analyzed. I don't have any more to say on that.

11 Q Right. But NAC453D.272(1)(b) says, "The diversity
12 of the owners, officers, or board members of the proposed
13 marijuana establishment could be considered as part of the
14 application process." You were aware of that; correct?

15 A Correct.

16 Q And when you read these regulations you didn't have
17 an objection to diversity being included; correct?

18 A No.

19 Q Okay. Do you have an objection now?

20 A No.

21 Q Okay. Now I want to go -- one of the considerations
22 the Court's going to have is the harm to the public if an
23 injunction's granted. You are aware that one of the arguments
24 in favor of the passage of Ballot Question 2 was that tax
25 revenue would be generated and given specifically to the

1 school district or the schools; correct?

2 A Correct.

3 Q That's in the statutes, in the Ballot Initiative;

4 correct? Was that a yes?

5 A Correct. Yes.

6 Q Do you want to go back to that or do you take me at

7 my word that that's what it says?

8 A I'll take your word on it.

9 Q Okay. I'm just -- for the record, 453D.020 NRS

10 says, "The people of the State of Nevada find and declare that

11 cultivation and sale of marijuana should be taken from the

12 domain of criminals and be regulated under a controlled

13 system, where businesses will be taxed and the revenue will be

14 dedicated to the public education and the enforcement of the

15 regulations of this chapter." You were aware of that;

16 correct?

17 A Uh-huh.

18 Q It's a yes?

19 A In a general sense, yes.

20 Q Okay. Are you aware that tax revenue's actively

21 being lost because of the injunction that is in place?

22 A I haven't done that math. I don't know to answer

23 yes or no to that question.

24 MR. GUTIERREZ: We move to admit Proposed Exhibit

25 5056, which is supplemental registration.

1 THE COURT: Any objection?

2 MR. GENTILE: Just a moment, Judge.

3 THE COURT: 56?

4 MR. GUTIERREZ: 5056.

5 THE COURT: So we're skipping from 48 to 56?

6 MR. GUTIERREZ: Yeah, we had some proposed ones,
7 Your Honor, that we haven't moved to admit yet.

8 MR. KOCH: 55 was admitted, right?

9 THE COURT: Okay.

10 MR. MILLER: Your Honor, I don't believe we were
11 provided in advance, and I'm just not sure what it is. Could
12 we have a little bit of --

13 THE COURT: It's all right, Mr. Miller. You do not
14 have to stipulate.

15 MR. MILLER: No, it's all right. I just want to
16 have a little bit of foundation as to what this is and --

17 THE COURT: We'll get some foundation for you.

18 MR. MILLER: -- if this is a public document.

19 MR. GUTIERREZ: For the record, Your Honor, this was
20 attached to our opposition to the TRO, which is a -- it's a
21 supplemental registration to the State provided by Thrive in
22 March of this year.

23 THE COURT: So, counsel, I need the foundation laid
24 by the witness.

25 MR. GUTIERREZ: Okay.

1 THE COURT: And if he doesn't know then you'll have
2 to utilize some other person to lay the foundation.

3 MR. GUTIERREZ: Oh. Just ask him about the
4 document, fair enough.

5 BY MR. GUTIERREZ:

6 Q Mr. Scolari, are you required to submit a
7 supplemental registration to the Department of Tax for your
8 companies?

9 A I believe so, yes.

10 Q And tell us what that document is.

11 A Estimates the amount of taxes for the company, for
12 their quarter or for a year.

13 Q And it's a document that you've prepared in the
14 regular course of your business for these establishments;
15 correct?

16 A Yeah, our CFO and the accounting department would do
17 that.

18 Q And you estimate the total monthly receipts that a
19 facility may make; is that correct?

20 A I believe so, yes.

21 Q And you also estimate the total monthly taxable
22 receipts, as well; correct?

23 A I believe so.

24 Q Okay. Your Honor, we just move to admit the
25 supplemental registration by Thrive that was propounded in

1 March, on March 13th of this year.

2 MR. MILLER: Judge, same objection. Lack of
3 foundation.

4 THE COURT: Same, it's overruled. Or the objection
5 is sustained. Sorry. The document's not admitted. he
6 doesn't have any information about your client's supplemental
7 filing.

8 MR. GUTIERREZ: Okay. Understood.

9 BY MR. GUTIERREZ:

10 Q Now, Mr. Scolari, if Thrive were to estimate that
11 their monthly receipts for their location at Sahara would be
12 1.3 -- taxable receipts would be 1.3 million --

13 THE COURT: You can't read from it, Mr. Gutierrez.
14 So look up while you're saying stuff.

15 BY MR. GUTIERREZ:

16 Q Mr. Scolari, if Thrive were to estimate that they
17 would have, hypothetically, \$1 million in receipts from this
18 location -- are you with me on that?

19 A Uh-huh.

20 Q -- \$1 million in receipts from the Sahara location
21 hypothetically, would you agree that would be tax revenue that
22 would be lost if they're not allowed to open?

23 A I don't know the answer to that. That could be
24 1.3 million from a competitor who didn't have a fair shot at
25 the application process.

1 Q Okay. So you think that additional dispensaries are
2 just going to dilute the whole process; is that your position?

3 A It could. I don't know if it's my position, but
4 it's a possibility.

5 Q Then why do you want more licenses?

6 A We want to compete for licenses.

7 Q The question was -- you're saying that additional
8 dispensaries are just going to dilute from the existing
9 businesses. Is that your position?

10 A I don't know. I don't know if that's my position.
11 I said it's a possibility.

12 Q And hypothetically if Thrive were to open and
13 generate \$1 million in taxable receipts, per month, you agree
14 that the public is losing out on that income; correct?

15 A I don't know that. I'm not a financial wizard. I
16 do not know whether or not -- where those revenues would come
17 from.

18 Q Okay. Let's hypothetically say that Thrive were to
19 generate even \$500,000 for taxable revenue for the State,
20 okay. How is that -- how is that harm that the public is
21 incurring from lack of revenue, how is that more important or
22 less important than the harm that you're claiming your client
23 is incurring?

24 A Again, if it was new revenue, I don't think there
25 would be a difference.

1 MR. GUTIERREZ: Okay. I'll pass the witness, Your
2 Honor. Thank you.

3 THE CLERK: Mr. Gutierrez, your actual document?

4 MR. GUTIERREZ: We didn't admit -- oh. I'll get you
5 a copy.

6 THE COURT: It doesn't matter. You offered it.

7 MR. GUTIERREZ: I'll get you a copy, Your Honor.

8 THE COURT: All right. Anyone else have questions?
9 Mr. Cristalli, you want to give yours to Dulce? Thank you,
10 Mr. Cristalli. That is very kind of you.

11 MR. CRISTALLI: You're welcome, Your Honor.

12 THE COURT: You're saving Mr. Gutierrez extra steps.

13 MR. CRISTALLI: I thought that would help.

14 THE COURT: Was there anyone who wanted to ask Mr.
15 Scolari any additional questions? Mr. Shevorski.

16 MR. SHEVORSKI: The State, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. SHEVORSKI:

19 Q Good afternoon, Mr. Scolari. It's always good to
20 see a Jones Vargas alumni.

21 A Good to see you.

22 Q That was for the Judge.

23 THE COURT: I'm not a Jones Vargas alumni.

24 MR. SHEVORSKI: No, you're not.

25 THE COURT: But Mr. Kemp is.

1 MR. SHEVORSKI: Yes, he is.

2 THE COURT: Sort of.

3 MR. SHEVORSKI: Well, it was Jones, Jones, Close &
4 Brown I think at the time, Your Honor.

5 BY MR. SHEVORSKI:

6 Q Mr. Scolari, good afternoon. My name is Steven
7 Shevorski. I'm with the Attorney General's Office. Do you
8 have an email address bscolari@trykecompanies.com?

9 A Yeah.

10 Q Can you please turn to Exhibit 21. It should be --
11 may I approach, Your Honor.

12 THE COURT: You may.

13 BY MR. SHEVORSKI:

14 Q Try to help you out, but usually it's -- Dulce
15 usually helps me. Dulce, State's 21?

16 THE CLERK: [Inaudible].

17 MR. RULIS: Steve, Just to be clear, you mean 2021?

18 MR. SHEVORSKI: 2021, excuse me.

19 THE CLERK: Here, Mr. Shevorski.

20 MR. SHEVORSKI: Thank you, Dulce.

21 BY MR. SHEVORSKI:

22 Q Could you please turn to -- you're familiar with the
23 term "Bates numbers"; correct?

24 A Uh-huh.

25 THE COURT: Is that yes?

1 THE WITNESS: Yes.

2 BY MR. SHEVORSKI:

3 Q DOT044715. Read that, sir.

4 A Yes.

5 Q Do you see your email address indicated on about the

6 fifth or the sixth from the top?

7 A I do.

8 Q And the date indicated in the far right is April

9 10th, 2018?

10 A Yes.

11 Q Okay. My friend Mr. Gutierrez was asking you a few

12 questions about addresses, and you mentioned that they were --

13 properties were locked up. Do you recall that?

14 A Yes.

15 Q And you've been a lawyer for quite a long time. For

16 a letter of intent -- there are letters of intent that are

17 contracts, and there are letters of intent that are not

18 contracts. Is that familiar to you?

19 A Yes.

20 Q Okay. With respect to the Craig Road property, you

21 had a letter of intent for that property; correct?

22 A I believe so. There were some that had contingent

23 leases, some that had letter of intents, yes.

24 Q You know, with respect to the Craig Road property,

25 you would agree that that letter of intent was not an

1 agreement; correct?

2 A Correct.

3 Q Okay. And Tryke Companies was not bound by that
4 letter of intent?

5 A No, we are not.

6 Q With respect to contingent leases, are you familiar
7 with the distinction between an expressed condition that has
8 to take place before there is an agreement and a condition
9 which may occur subsequent?

10 A Yes.

11 Q Those conditional leases, was there an expressed
12 condition before that lease became a contract?

13 A Yes.

14 MR. SHEVORSKI: Okay. No further questions, Your
15 Honor.

16 THE COURT: Thank you. Anyone else from the
17 defendants, defendants' intervention wish to ask Mr. Scolari
18 any questions? Anyone from -- Mr. Miller.

19 CROSS-EXAMINATION

20 BY MR. MILLER:

21 Q Sir, I believe you indicated that you are familiar
22 with the limitation in the application that suggested that an
23 applicant could not obtain more than one license per
24 jurisdiction; correct?

25 A Yes.

1 Q Do you remember that testimony? Why did you apply
2 for and put in more than one application per jurisdiction?

3 A We did that as a strategy. We figured if we -- we
4 were only allowed one in a jurisdiction we would try to lock
5 up, because we really wanted to get another license or two in
6 Clark County so we went out and searched for properties, and
7 if they fell in the same jurisdiction then we figured we could
8 rank them for the State, and if we were awarded one we'd get
9 one that would be, you know, desirable that we had, you know,
10 we had locked up ready to go. But we had the understanding
11 that we would not get more than one in each jurisdiction.

12 Q Okay. And was that based in part upon your
13 understanding that those specific proposed physical locations
14 might have been evaluated differently through the application
15 process based on those locations?

16 A Absolutely. So what -- and this was my
17 interpretation and I did not seek any clarification with the
18 Department, but my understanding was when the State asked for
19 a proposed physical address we better have some rights to that
20 address. We didn't put TBD, we didn't put P.O. BOX, we went
21 and put actual addresses we had some rights to under those
22 LOIs and contingent leases.

23 From that, when we got to the non-identified portion
24 each of those locations we analyzed specifically for the
25 market around those locations, including whether or not the

1 square footage of those buildings that we had at least on
2 contingencies would be adequate to serve that -- serve the
3 public around it. So we analyzed 21-and-over folks in the
4 areas as well as put together, you know, some general plans
5 that showed the security and everything else that would be a
6 part of that location.

7 Q And in preparation for your testimony today did you
8 review a provision of those applications that references the
9 testimony that you just referred to under building
10 establishment information?

11 A Correct.

12 Q Okay. The Proposed Exhibit 264 that had been
13 previously provided to authorities I'd like to try to admit
14 without objection.

15 THE COURT: Any objection to 264?

16 MR. SHEVORSKI: I'm sorry, Your Honor, one second.

17 MR. MILLER: Excerpt of a --

18 THE COURT: Was it 264?

19 MR. MILLER: Yes.

20 THE COURT: I've got the number right?

21 MR. MILLER: Hope so.

22 THE COURT: Hold on a second, Shane.

23 MR. SHEVORSKI: Oh. That you -- that got the email
24 today?

25 MR. MILLER: I think Friday.

1 MR. SHEVORSKI: Yeah, no problem, Your Honor.

2 THE COURT: Any objection? Be admitted.

3 (Plaintiffs' Exhibit 264 admitted)

4 BY MR. MILLER:

5 Q Mr. Scolari, let's turn to the Bates Stamped -- I
6 believe the Bates Stamped was 536, is that correct, on the
7 first page of that?

8 A Yes.

9 Q Can you communicate what this is, and indicate what
10 it is.

11 A This is answering -- this is answering a non-
12 identified portion where we analyzed -- again, there's three
13 locations on each of our applications so we analyzed the
14 square footage, we put together how many terminals would be
15 needed, the 21-plus adults in the area, adults per square
16 foot. And then we also analyzed kind of what the stores --
17 each store would do from day to day as far as point of sale.

18 Q Okay. So on those three locations some of them have
19 different square footage that you identified; correct?

20 A Correct.

21 Q All right. And you indicated that some of them have
22 additional areas that may have been different based on the
23 proposed locations as you were able to secure; is that right?

24 A Right. So depending on square footage, because, you
25 know, we analyzed how many point of sales we could have in

1 those locations and whether it was adequate to serve the
2 community around it.

3 Q Okay. And why did you include that information as
4 part of the application?

5 A We felt the question was asked up above -- if you
6 scroll up above it's asking, "authorized to engage in the use
7 of marijuana must be included in this tab. So serve the needs
8 of persons who are authorized." So that's why we did the 21-
9 plus analysis around each site.

10 Q And with respect to adequacy of size, you testified
11 that you performed additional analysis to try to be responsive
12 to the application. Can we turn to the next page, 537. Can
13 you tell us what this page generally describes.

14 A This is kind of the backup to the chart that was on
15 the first page. So it analyzes adults per square foot, adults
16 per POS terminal based on the square footage of what we could
17 fit in those proposed sites that we had.

18 Q Okay. So say you made a specific attempt to
19 identify a number of people that might be able to purchase
20 marijuana within the radius of the proposed locations; is that
21 right?

22 A Correct.

23 Q Okay. Let me turn to page 540. What's reflected on
24 this page?

25 A This is a floor plan that -- so for a plus or minus

1 6,000 square foot, which was one of our proposed sites. This
2 is a floor plan that we would -- we were proposing to overlay
3 at that site and put together. It was part of our -- it was
4 part of the general floor plan that was requested as part of
5 the question.

6 Q Okay. And page 541. What's reflected on that page?

7 A This would show the security features of that
8 particular site. And the security camera coverage, we felt
9 that was important to show the State.

10 Q And this square footage and the security plan
11 portion are they different than the other applications that
12 you provided, different than the other locations?

13 A Yeah, because we had locations that were different
14 square footages that we had tied up in the LOIs or contingent
15 leases. So we tried to be specific to those types of square
16 footages or those sizes.

17 Q And if we go to page 542. Can you tell what this
18 floor plan indicates.

19 A This would be the floor plan for one of our sites
20 that was around 4500 square feet. So it was a little bit
21 different analysis than the 6,000 square foot facility.

22 Q Okay. And the next page, 543. Can you tell us what
23 this is.

24 A Yeah, same thing. So another 4500 square foot, a
25 little bit different analysis on cameras and point of sales,

1 et cetera.

2 Q Okay. So you changed and modified the plan based on
3 the specific proposed locations; is that correct?

4 A Correct.

5 Q Okay. And page 545. Can you tell us what -- I'm
6 sorry. Display the entirety of it. Can you see that?

7 A Yes.

8 Q Okay. Can you tell us what this page reflects.

9 A I haven't seen this in a while, but my recollection
10 is that this would show kind of the backup of our financials
11 to roll these locations out. And this talks about the actual
12 hardware and equipment that would be required to equip the
13 different size of facilities we were considering at those
14 locations. And this would tie directly into the budgets that
15 we gave the State and the financial piece.

16 Q Okay. And all of that would have been different
17 based on the proposed locations; is that correct?

18 A Yeah, it would vary on the square footage that we
19 were proposing, because the different sites that we had tied
20 up were different square footages.

21 Q So if you look on this page the point of sale, for
22 example, on Location Number 1 would be different from Location
23 2 and 3, because there is a different square foot that it
24 relates to; correct?

25 A Correct.

1 Q And when you compiled this information did you
2 expect that those applications would be evaluated differently?

3 A I would expect they would, because, again, I go back
4 to the original question. Is the adequacy of size to serve
5 the patrons, I mean, to us the location was very important,
6 because if it wasn't required we should have just all checked
7 the box to say what jurisdiction we want to be in. I don't
8 know why proposed physical address was ever asked. If the
9 intent was not to have a physical address I don't know why
10 they asked about adequacy of size and community impact,
11 because how would you know?

12 Q Can you tell us the amount of approximate resources
13 that you spent preparing these locations to be specific to a
14 proposed location.

15 A Well, I think it was a lot of staff time and then to
16 pay reservation fees on the leases and LOIs, you know, has
17 probably approached, you know, 50 or \$60,000.

18 Q And each of the applications that you submitted that
19 would have been from one applicant it's specific to a location
20 also that added a location fee that you had to pay, right,
21 application fee that you had to pay?

22 A Yes.

23 Q And did you go through that entire process because
24 you expected that this might be evaluated differently and
25 attempt to give yourself a better chance of winning one of

1 those licenses?

2 A Yeah, again, I think we were trying to answer this
3 question specific to locations, and we felt that it was
4 important to show the State that we had sites, we had a plan
5 to move forward and get these up and running in the time frame
6 that, you know, everyone was living under, which was the, you
7 know, operational by 12 months.

8 MR. MILLER: I have nothing further.

9 THE COURT: Anyone else have any questions for Mr.
10 Scolari?

11 MR. SHEVORSKI: Just one real quick, Your Honor.

12 THE COURT: Yes, Mr. Shevorski.

13 REDIRECT EXAMINATION

14 BY MR. SHEVORSKI:

15 THE COURT: So, sir, would it be fair to say you
16 expected each of your applications to be evaluated on an
17 individual basis given the differences in locations you chose?

18 THE WITNESS: Yes.

19 THE COURT: Okay.

20 MR. BULT: Your Honor, do you mind repeating the
21 question you just asked. We didn't hear you.

22 THE COURT: Why?

23 MR. BULT: We didn't hear you.

24 THE COURT: Why didn't you hear me?

25 MR. BULT: I've got it. Sorry.

1 THE COURT: I asked if he thought each of his
2 applications would be evaluated on an individual basis because
3 he went to the trouble of having an individual location and
4 plan for each one.

5 MR. BULT: Thank you, Your Honor.

6 THE COURT: It's all I asked. And he said, yes.
7 And it wasn't a leading question, but, you know --

8 MR. SHEVORSKI: May I approach, Your Honor.

9 THE COURT: You may. What's the proposed exhibit
10 number?

11 MR. SHEVORSKI: 2023, Your Honor.

12 THE COURT: Thank you.

13 MR. SHEVORSKI: It's actually --

14 THE COURT: Any objection, Mr. Miller?

15 MR. MILLER: No objection.

16 THE COURT: Be admitted.

17 (Defendants' Exhibit 2023 admitted)

18 BY MR. SHEVORSKI:

19 Q Mr. Scolari, you've just been handed Exhibit 2023.
20 Do you recognize that document?

21 A I do.

22 Q And if you look at -- is this concerning the Craig
23 Road property the we were talking about before?

24 A Yes.

25 Q Is this the letter of -- for the Craig Road property

1 the letter of intent that you were referring to?

2 A Yes.

3 Q If you look at Bates Number DOTTRYKERENO, I'll just

4 short it, 28. Can you look at that page, sir.

5 A Yes.

6 Q It says, "This proposal is not intended to ask and

7 does not constitute a binding agreement by any party, nor an

8 agreement by any party to enter into a binding agreement but

9 is merely intended to specify some of the proposed terms and

10 conditions of the transaction contemplated herein." Did I

11 read that correctly?

12 A Uh-huh. Yes.

13 MR. SHEVORSKI: No further questions, Your Honor.

14 THE COURT: Anybody else. Any more questions for

15 Mr. Scolari? Thank you, sir. Have a nice day. Next witness.

16 MR. GUTIERREZ: Your Honor, we would call Frank

17 Hawkins.

18 THE COURT: Mr. Hawkins, if you'd come on up. I

19 know you've been here almost every day. So now you get to

20 switch to a different chair.

21 FRANK HAWKINS A PLAINTIFF HEREIN, SWORN

22 THE CLERK: Please be seated. Please state and

23 spell your name for the record.

24 THE WITNESS: Frank Hawkins, F-R-A-N-K

25 H-A-W-K-I-N-S.

1 THE COURT: Thank you, Mr. Hawkins. You've been
2 here a long time, but you've heard me tell people about the
3 water in the pitcher and the M&M's in the dispensers and the
4 exhibits. If you need anything you let us know. Mr.
5 Gutierrez, you're up.

6 MR. GUTIERREZ: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. GUTIERREZ:

9 Q Good afternoon, Mr. Hawkins.

10 A Good afternoon.

11 Q Mr. Hawkins, can you just tell us the relief that
12 you're seeking in this litigation.

13 A We're asking the Judge to continue to grant TRO. At
14 the end of the day we're hoping that the process is thrown out
15 and that the process has to be redone.

16 Q You're saying keep the TRO in place, throw the
17 process out and then redo it all; correct?

18 A That's correct.

19 Q Okay. And you want to keep a TRO in place to --

20 A Well --

21 Q -- go ahead. I'm sorry. Go ahead.

22 A Basically the process has flaws. It's clear that
23 the process was manipulated and that people were manipulated,
24 and I'll just use the simple word that people cheated, and
25 therefore the awards shouldn't be able to stand and whatever

1 course the Judge takes that's what should happen.

2 Q You're saying people cheated?

3 A Well, I deem it to be cheated.

4 Q I'm sorry?

5 A Yes.

6 Q Who cheated?

7 A Whoever manipulated the process to change the
8 locations. Whoever manipulated the process to convince the
9 Deputy Director to make the changes he did to the location, I
10 mean, I've been sitting here listening. Whoever decided not
11 to follow the law, whomever all of those people were they
12 elected not to follow the law, therefore, they cheated.

13 Q You mentioned proposed location as one of them.
14 What else?

15 A First of all, I think they should have had public
16 hearings like they did in 2014. It started out a closed
17 system without people having information. We sit here, we
18 heard them talk about training the trainers. Well, obviously
19 from what we heard of the Taxation people he elected not to --
20 or did not know how to train the folks who were going to
21 evaluate the scores. I really found it interesting that when
22 we talk about the three modules that the State of Nevada used
23 to train, none of those dealt with scoring. And as we talked
24 about scoring that training was all verbal. Doesn't make
25 sense to me.

1 THE COURT: And that was sarcasm?

2 THE WITNESS: Sarcasm?

3 THE COURT: Yeah.

4 THE WITNESS: Oh. I'm sorry.

5 THE COURT: Just trying to make sure, because
6 sometimes sarcasm doesn't come clear on the printed word.
7 It's okay, I get in trouble for that all the time.

8 BY MR. GUTIERREZ:

9 Q Mr. Hawkins, you mentioned lack of public hearings?

10 A Sure.

11 Q Lack of public hearings for what, adopting the
12 regulations?

13 A No. Prior to the applications coming out, 2014,
14 there were hearings. Other states have hearings. In 2018
15 even though it was only available to those folks who currently
16 had an MMJ license there was no discussion.

17 Q With respect to the regulations that were adopted
18 under NAC 453D what are your objections, and what's your
19 position on anything the State did wrong with that?

20 A Well, I don't think the State followed that. I
21 think that's been clearly stated, as well, from the witnesses
22 that came here.

23 Q When you initially brought this lawsuit that wasn't
24 your complaint though; correct?

25 A No. My complaint was the fact that we submitted an

1 application to best of our ability based on the information
2 that we had. When the scores came out -- we received our
3 scores at the end of the day. I sent emails to the State
4 saying I would like clarification. There are inconsistencies
5 that I believe based on my score. I would like to have time
6 to sit down and go through the application. The answer was we
7 don't do that.

8 Q Okay. Go ahead.

9 A If I may. I sent four or five emails, and they say
10 you will ultimately have a hearing date after 30 or 40 days.
11 I then called my attorney and said, I have a concern because I
12 believe that if we don't do something we might lose our PO
13 rights, asked the State, they would not answer. Finally they
14 gave us a date.

15 We went to the State meeting at the State building,
16 they had a piece of paper there, and they said this all you
17 can do. You can look at the score, you can't take a picture,
18 you can't make a copy, you can't do anything. Subsequently I
19 found out through here and reading, following, tracking, that
20 they were also supposed to make the applications available,
21 which they never did for that meeting.

22 And Ms. Cronkhite said to me in that hearing, number
23 one, that diversity -- and I know in my head, but I want to
24 lay it out -- that diversity was never supposed to be a part
25 of the application. It was supposed to be used as a tie

1 breaker. Now, I don't even know what role diversity played,
2 because I hadn't been here and only saw what score we
3 received.

4 And then she told me in the meeting that she trained
5 all the trainers. I said, well, I had heard that Manpower was
6 selected; oh, we can't talk about that. So that was the end
7 of that. But no resolution from that meeting, no going
8 through our application, simply 30 minutes to write down what
9 was on that one single page.

10 Q You mentioned diversity. One of your initial
11 complaints was that you believe diversity should have been
12 scored and it wasn't. Is that your complaint as you sit here
13 today?

14 A That's what I thought. No, my complaint isn't that
15 today.

16 Q Okay.

17 A It's that today we all know it was manipulated from
18 every kind of way possible. And based on what happened --
19 based on what we know, there should not have been any
20 diversity because of the manipulation of the process.

21 Q Is it your position today as you sit here that
22 diversity should not have been included in the application
23 process as a criteria?

24 A My opinion today, Frank Hawkins's opinion is, based
25 on what I've learned in this court over the past three months

1 or however long it's been, that diversity was used,
2 manipulated as a tool to allow those people who didn't have
3 diversity to garner points through their employees who they
4 called officers, through putting people on the board that for
5 whatever reason -- but obviously certain people knew more
6 information than others. So I don't have to worry about
7 diversity, because what they were talking about is part of me,
8 okay?

9 Q I understand. Let me --

10 A Okay.

11 Q Let me -- answer --

12 A Sure.

13 Q -- the question I'm asking. You understood
14 diversity was added from AB 422 to the medical application
15 process, right, and to the NRS 453A. You understood that;
16 correct?

17 A My understanding of that was that they wanted more
18 owners, O-W-N-E-R-S, in the marijuana business, not board
19 members, not employees who are officers, owners. That's my
20 understanding.

21 Q Mr. Hawkins, I understand you've been here since day
22 one. I've seen you here every day.

23 A Yes.

24 Q Other than my client, I think you're the only two
25 that have been here every day. Can you recall back -- let's

1 go all the way back to Day 1 when John Ritter testified, and
2 he said, I don't believe diversity should be included as a
3 criteria because it's not directly or demonstrably related to
4 the operation of a marijuana establishment. You heard him
5 when he said that; right?

6 A I heard him.

7 Q And do you agree or disagree with him?

8 A He's entitled to his opinion.

9 Q So do you agree or do you disagree with him?

10 A No, I don't disagree or agree. He's entitled to his
11 opinion.

12 Q What's your opinion as to whether diversity should
13 be included?

14 A My opinion is that 422 was going to include and
15 ensure there were more ethnic minority owners in the marijuana
16 industry. That was my understanding of what 422 and Tick
17 Segerblom and the other legislators said that their intent was
18 to do, diversify the industry, not diversify the industry with
19 public companies, and I don't have a problem with that, but
20 diversify the industry with ethnic minority people.

21 Q But using diversity as a scoring tool as part of the
22 application, do you have a problem with that?

23 A No, I don't have a problem. I think it was misused
24 in this process.

25 Q When you say misused do you think it should have

1 been scored higher or lower or what's your position?

2 A No, I don't think they should have let the people
3 who manipulated the process manipulate it.

4 Q Specifically, who are you talking about?

5 A Whoever got 16 and 20 points and didn't have ethnic
6 minority people as owners.

7 Q You got a 20 out of 20, is that correct, your
8 company?

9 A No.

10 Q On diversity?

11 A No.

12 Q What did you get?

13 A Well, we got -- we ended up with 20 because of the
14 percentage.

15 Q What was your score on diversity?

16 A It ended up at 20.

17 Q Okay.

18 A But if you look at the scoring. I think they scored
19 it 1 percentage off. So it was technically 19, but, yes, 20
20 for the purposes of the points, because we had one white
21 veteran on our board. So he didn't count.

22 Q Did you ever go to any of the meetings for AB 422?
23 Did you ever testify in front of legislature for that?

24 A I called in.

25 Q And did you give testimony in support of adding

1 diversity to AB 422?

2 A Yes.

3 Q Okay. You also remember Paul Seymour, remember the
4 expert that came in from Colorado on Day 1?

5 A Yes.

6 Q He said diversity shouldn't be considered. Do you
7 disagree or agree with him?

8 A No, I disagree with him. If the legislature approved
9 it I'm for it. If I may add, if you're okay. What the
10 legislature's intention was is not what came out in the
11 reality.

12 Q Mr. Hawkins, one of your initial complaints in your
13 complaint was that you scored really well in 2014; is that
14 correct?

15 A Correct.

16 Q And that you felt because you scored well in '14 --
17 the process hadn't changed much from '14 to '18, so you
18 thought you should have scored well in '18 because you had the
19 additional criteria of diversity; is that fair to say?

20 A No.

21 Q Does that sum up what your complaint said? We could
22 read from it, if you want.

23 A Go ahead.

24 Q Okay. This is your complaint, page 4, through
25 paragraph 12. You say, "Plaintiff received a score of -- at

1 that time --" we're talking about 2014 -- or the 2015 process
2 "-- Plaintiff received a score of 198.62. It was ranked as
3 the highest applicant for the medical marijuana dispensary in
4 Las Vegas, Nevada, and received a score of 193.62." Is that
5 true?

6 A Yeah.

7 Q "And was ranked the 7th highest applicant for the
8 medical marijuana dispensary in the City of Henderson" Is
9 that true?

10 A Yes.

11 Q You also say, "The factors used for 2015 rankings
12 were substantially similar to the factors to be used by the
13 Department for the 2018 rankings for the allocated licenses."
14 Is that true?

15 A I believe so.

16 Q Okay. "The only difference," you say in paragraph
17 14, "between the factors assessed for the 2015 rankings and
18 the 2018 rankings was the addition of diversity of race,
19 ethnicity, or gender of applicants, owners, officers, or board
20 members to the existing merit criteria." Is that true?

21 A Yes.

22 Q So you're saying everything was similar, however,
23 you add diversity, you should have scored higher; correct?

24 A Yes.

25 Q And you state on paragraph 16, "On or about December

1 5th, 2018, despite its prior exceptional rankings, plaintiff
2 was informed by the Department that all of its applications to
3 operate recreational marijuana retail stores were denied."
4 Correct?

5 A Correct. Yes.

6 Q So what you were saying is you did well in '14.
7 Process is similar; correct?

8 A Correct.

9 Q '18 you send in your application, they add
10 diversity, you should score higher; correct?

11 A Yes.

12 Q But you didn't, so you believe there was something
13 that the Department did wrong; is that fair to say?

14 A That's fair to say.

15 Q Okay.

16 A And I asked the Department would you please meet
17 with me and show me. The Department said, no.

18 Q Who filled out your applications in 2015 process?

19 A I did.

20 Q And you did it yourself?

21 A Yes.

22 Q Who helped you?

23 A Who helped me?

24 Q Anyone help you gather the documents to do all that?

25 A Yeah. Yeah.

1 Q I'm sorry?

2 A Andre, my partner.

3 Q Okay.

4 A And two of our employees.

5 Q And then who helped you with the 2018 process?

6 A I did.

7 Q Okay. And you did everything by gathering the
8 information, putting -- submitting it to the Department;
9 correct?

10 A Yes.

11 Q What did you do to improve on your application from
12 '14 to '18?

13 A Read, as best I could, what they were asking for in
14 2018 and tried to answer the questions.

15 Q Anything else that you did?

16 A No.

17 Q Now, Mr. Hawkins, we're here -- you understand we're
18 here and it's not a trial, this is what they call an
19 injunction hearing; is that --

20 A Sure.

21 Q Okay. You've been here. Now, what's the harm to
22 your company if the 61 conditional license holders are able to
23 open tomorrow and get final approval and open to the public?

24 A The harm to our company. One of my partners decided
25 to come down here from Reno, Luther Mack [phonetic]. He's 80

1 years old. And he was a mentor of mine, and Andre, who has
2 been sitting in here the last couple of weeks, who's our other
3 partner, if we aren't able -- and we're all Nevadans -- to
4 open, and we aren't public, but we have a brand, we've hired
5 people from the community, and we want to be able to compete
6 like everyone else. So if we are not afforded licenses, it
7 negatively affects our ability to grow our business, to grow
8 our brand, to help the community which we give back to. And
9 we want to continue that. And more importantly, we want to
10 have a legacy. Brian Greenspun, a friend of mine, sat out
11 here for a few days. I knew his father, Hank Greenspun.
12 Great guy. But Brian is here because of Hank. That's legacy.
13 In 15 or 20 or 30 years I want my daughter to be sitting out
14 there because of legacy. And if we don't get more licenses,
15 if we can't compete, especially with the public companies,
16 they've got big money, then we may be forced out of business.
17 That's the harm we face.

18 Q Have you attempted to buy a license?

19 A No.

20 Q Why do you say that?

21 A Why would I buy a license?

22 Q It's an option, though; correct?

23 A Not for me. The option was to win licenses in the
24 process.

25 Q Okay. But it's an option for certain people who

1 didn't win licenses. They had the ability legally to buy a
2 license and have that transfer pursuant to the statute;
3 correct?

4 A Well, that's their -- I don't know. I can't speak
5 for them. It's not an option for us.

6 Q Okay. And let's use my client, Thrive, for example.

7 A Go ahead.

8 Q If Thrive's able to open say their Sahara location
9 on their City license, does that affect your existing
10 operations?

11 A You know it does.

12 Q Tell me how.

13 A It's within a mile of my operations.

14 Q So from a competitive standpoint you lose business;
15 fair to say?

16 A Right. Right. I don't know, but I'm willing to
17 compete against him.

18 Q Okay.

19 A But here's my issue with that. I believe he's on
20 300 feet of a church, so he shouldn't be able to open that
21 location.

22 Q Is that your decision, though, or is that the local
23 government's?

24 A That's the local government, and the State's
25 supposed to check it.

1 Q Okay.

2 A I don't know if they have or not, but hopefully they
3 will.

4 Q Well, assuming the local government's approved it
5 and assuming the State's approved it, would you still have an
6 objection?

7 A Sure I do. It's within 300 feet of a church.
8 That's the law.

9 Q You understand the law. You know when that church
10 came into play?

11 A No. The same time as the church in 2014 that
12 they're right next door to. The same as the one on West
13 Cheyenne that there's not only a gym, but gymnastics and
14 everything else within 300 feet.

15 Q Okay.

16 A The State's not doing nothing about that, either.
17 Neither did the local jurisdiction.

18 Q Did you appear at the local City Council meeting in
19 May when they were getting approval from the City?

20 A Not my job.

21 Q Okay. You're right, it's not your job. It's the
22 job of the City; correct?

23 A That's correct.

24 Q And if the City approved it, then you have no
25 objection; correct?

1 A That doesn't mean it's right.

2 Q Okay. And if the State approved it, then you have

3 no objection?

4 A Doesn't mean it's right.

5 Q Okay. Well, let's get back to the initial question.

6 A Okay, sir.

7 Q The initial question was the harm to your company.

8 A Right.

9 Q And you talked about competitive harm, you talked

10 about you would have no problem competing, but it would be

11 purely financial, though; correct?

12 A No, not financial.

13 Q What other harm --

14 A It's about legacy. It's about hiring new people.

15 We get four new locations, we got 29 employees. Somebody

16 talked about they have 25. We got 29 employees. That allows

17 the people that we've trained to now become managers who are

18 ethnic minorities. If that doesn't happen, then they might be

19 stagnant.

20 Q Have you hired those employees yet?

21 A They work for me now. They'll be promoted up.

22 Q I'm talking -- okay. But for those locations that

23 you don't have yet, have you hired employees for those --

24 A No. We trained our current employees to be able to

25 move to new locations.

1 Q What about the current employees from Thrive, the 27
2 people that were ready to start work on May 15th before this
3 injunction was issued? What about them?

4 A What about them? I didn't tell Thrive to go close
5 their location on Commerce. They closed that on their own.

6 Q They have a new license from the City of Las Vegas
7 that they were awarded that they have ready to open for the
8 Sahara property on 3500 West Sahara. You understand that;
9 correct?

10 A No. Is that -- okay, let me ask you a question. Is
11 that the new license, or is that the transfer license?

12 Q It's a new license.

13 A Oh. I called the City the other day and the City
14 seems to think that's a transfer from Commerce to Sahara.

15 Q The injunction's very clear that Thrive cannot open
16 under their new City license at that location. Are you aware
17 of that?

18 A Yes.

19 Q Okay. Now, if they had 27 people that are ready to
20 open at that location, they still have Commerce, they still
21 have Cheyenne, those people are out of a job; correct?

22 A Well, I don't think they should be able to open
23 3500, not only because of this case, but because it's from
24 300 feet of a church.

25 Q Okay. But you said that's the City and the State's

1 decision; correct?

2 A Or maybe they'll go look today after this meeting.

3 Q Okay. We've been here for two months, and I still
4 don't understand what's the harm to your company if these
5 licenses are allowed to open. You can still challenge the
6 process out of trial. What's the harm to your company?

7 A No, you can't. How are you going to do that and
8 they're doing business.

9 Q So fair to say stop them from doing business, stop
10 the public from getting much-needed tax revenue so that you
11 have a chance to get a license? Is that fair?

12 A So we sent on the revenue. The State is getting
13 revenue from the current operations that are open. If there
14 had been no licenses issued, no businesses open, there's no
15 loss of revenue. There's loss of what you make off projected
16 revenue, but that ain't real revenue.

17 Q But that's the reason in the ballot initiative that
18 Question 2 was passed; correct? That was how it was sold to
19 the public; correct?

20 A Well, I don't know about what they were trying to do
21 about the ballot initiative, because obviously what they
22 thought and what happened and obviously didn't happen -- well,
23 we all wouldn't be here.

24 Q But you understand the ballot initiative of the
25 statute says that marijuana was passed to generate tax revenue

1 for the school system; correct?

2 A Sure.

3 Q You understand that?

4 A Yes.

5 Q You understand there's a lawsuit going down a few
6 courtrooms down where there's an injunction to prevent the
7 deans' positions from all the schools from being eliminated?
8 Are you aware of that?

9 A No.

10 Q Are you aware of the budget shortfall that the Clark
11 County School District is facing?

12 A No.

13 Q Okay. Does it matter? It should matter in this
14 case, though; right?

15 A It shouldn't matter in this case, because has the
16 Department of Taxation given the money prior years to the
17 District, get to any of the Districts? I don't know that
18 answer. And if they haven't, my question would be why not.
19 So why are you going to promise something in the future and
20 you haven't given what you already have? I don't know the
21 answer.

22 Q Right. But the purpose of -- the only reason
23 everyone's here is because the purpose of the ballot
24 initiative was to generate tax revenue for the school system;
25 correct? You can agree on that?

1 A No. No, I don't believe that.

2 MR. GENTILE: Objection. Objection to the form.

3 THE COURT: Sustained

4 MR. GENTILE: Thank you.

5 BY MR. GUTIERREZ:

6 Q Are you aware what the ballot initiative says about

7 taxable revenue for the school, for the public schools?

8 A I'm aware that the State is supposed to give them

9 X amount of percentage of money. But those of us who have

10 some experience with government know that that money could be

11 transferred from one pot to another and the end number never

12 changes.

13 Q Right. But you're aware that's why the initiative

14 was put in place?

15 A No. I think the initiative was put in place because

16 people wanted recreational marijuana, and they pay. They got

17 the money from some other people to sponsor the initiative,

18 period. They didn't give a rat's butt about the School

19 District. Give me a break.

20 Q Right. Let's turn to Ballot Question 2, page 17.

21 THE COURT: Mr. Hawkins, thank you for making me

22 smile today.

23 THE WITNESS: You're welcome, Your Honor.

24 THE COURT: I appreciate it.

25 MR. GUTIERREZ: Actually, Brian, turn to NRS

1 453D.020.

2 BY MR. GUTIERREZ:

3 Q Mr. Hawkins, you've seen this, we've been here for a
4 while, 453D.020. Do you see that?

5 A Yes.

6 Q Subsection (2)?

7 A Yes.

8 Q Where it says, "The people of the State of Nevada
9 finally declare that the cultivation, sale of marijuana should
10 be taken from the domain of criminals and it be regulated
11 under a controlled system or business, will be taxed, and the
12 revenue will be dedicated to public education and the
13 enforcement of the regulations of this chapter."

14 A Yes.

15 Q Correct?

16 A Yes.

17 Q And that statute becomes what the ballot question
18 had?

19 A I agree.

20 Q Okay. So if that's the intent of the public, to
21 generate revenue, taxable income, that would be -- you'd
22 consider that a -- that's the interest of the public in this
23 case?

24 A Yes, as well as removing marijuana from criminals.

25 Q Okay. So let's talk about the first, and we'll get

1 to the second.

2 A Okay.

3 Q If the public's interest is to generate tax revenue,
4 how does an injunction which prevents companies from opening
5 to generate revenue, how does that help the public?

6 A Oh. I don't think it hurts the public. Once the
7 licenses are issued then -- if there are licenses issued,
8 then this process can take place.

9 Q Okay. This process, though, Thrive is already at
10 the point where it's ready to open. And you understand that
11 under their City of Las Vegas license they're a conditional
12 licensee?

13 A So why are they at that point if there was an
14 injunction? They ignored the injunction? They decided, we
15 don't care what the injunction is, we're going to sign a
16 lease, get our building ready, hire the people and open
17 anyway?

18 Q Well, yeah, the injunction's very clear. It says,
19 they cannot open to the public.

20 A Okay.

21 Q The injunction also said they're not -- Judge says,
22 I'm not preventing them from getting City approval, okay?

23 A Uh-huh.

24 Q Now, if --

25 A Didn't they get City approval?

1 Q Let me ask the question, though, Mr. Hawkins.

2 A Yes.

3 Q If the injunction was so important, why did you wait
4 until May to bring it and didn't bring it back in December
5 when you found --

6 A We brought it as soon as we could. We couldn't get
7 information from the State.

8 Q You filed your lawsuit on January 15th, 2019. The
9 injunction wasn't filed until almost May to stop them from
10 opening.

11 A Right.

12 Q Why?

13 A You mean Thrive?

14 Q I mean Thrive.

15 A Oh.

16 Q You're okay with them opening; is that what you're
17 saying?

18 A No. Yeah, no. No, of course not.

19 Q Okay. Well, then that's what I'm trying to figure
20 out. Because that's -- the law is what's the harm to your
21 company when it comes to them being able to open. You can
22 still dispute the suit. What's the harm to your company?

23 A Okay. I just want to be clear about your question.
24 So you're asking me the harm of Thrive opening at West Sahara,
25 3500, and it's not a transfer from Commerce, it's the new

1 recreational license issued by the State?

2 Q Correct.

3 A Why should they be able to open?

4 Q That's not the question. The question is what's the
5 harm to you if they do open.

6 A The harm to me is that they would be not following
7 the law.

8 Q Okay. What's the harm to you?

9 A The harm to us is that they have a potential --
10 they're going to be a friendly competitor, I've got no problem
11 with that. But they need to follow the law. They should not
12 be overawarded or rewarded or they should not be special
13 entitlement, privileged, and I'll put the word before
14 privileged privilege, they don't have that and shouldn't have
15 it. They're no different than anybody else. They followed
16 the law, too. That's what we were taught, the rich and the
17 powerful shouldn't be able to manipulate the system because
18 they're the rich and the powerful or they're connected, and
19 that's what happened as I see through my lens in this court
20 and this process from 2018.

21 Q Assuming they're following the law, should they be
22 allowed to open?

23 A No.

24 Q Okay. Thank you, Mr. Hawkins.

25 A You're welcome.

1 MR. GUTIERREZ: Pass the witness.

2 THE COURT: Anyone else haven't asked Mr. Hawkins

3 any questions? Mr. Shevorski.

4 MR. SHEVORSKI: The State, Your Honor. Thank you.

5 DIRECT EXAMINATION

6 BY MR. SHEVORSKI:

7 Q Good afternoon, Mr. Hawkins.

8 A Good afternoon, Mr. Shevorski.

9 Q Does Nevada Wellness have an email address for

10 people to contact them on its Website?

11 A I don't know.

12 MR. SHEVORSKI: May I approach, Your Honor?

13 THE COURT: You may.

14 BY MR. SHEVORSKI:

15 Q It's to refresh your recollection. Turn to the

16 third page of that document.

17 A I saw it.

18 Q nvwellnesscenter@gmail.com?

19 A Right.

20 Q Does this appear to be a true and correct copy of

21 information contained on Nevada Wellness Center's Website?

22 A Correct. It is.

23 MR. SHEVORSKI: Move for admission, Your Honor.

24 THE COURT: Any objection?

25 MR. PARKER: No objection, Your Honor.

1 THE COURT: Be admitted.
2 (State's Exhibit 2024 admitted)
3 THE CLERK: Mr. Shevorski, can I get a copy of that.
4 MR. SHEVORSKI: Yes. Of course. I'm sorry.
5 THE CLERK: And that will be 2024.
6 MR. SHEVORSKI: May I approach, Your Honor.
7 THE COURT: You may.
8 MR. PARKER: Steve, can you say the number, again,
9 please.
10 THE CLERK: 2024.
11 MR. PARKER: Thank you, Dulce.
12 THE COURT: At least you're going in order.
13 MR. SHEVORSKI: The day ain't over yet, Your Honor.
14 I can still mess it up.
15 (Pause in the proceedings)
16 BY MR. SHEVORSKI:
17 Q Mr. Hawkins, you've been handed what's now Exhibit
18 2024. And can you read what the email address says there,
19 sir.
20 A nvwellness@gmail.com.
21 Q Okay. Would you please turn to Exhibit 21 -- 2021,
22 excuse me, which should be right next to you. It's the one
23 that's open. It should be on page DOT044715.
24 A You're talking about the numbers at the bottom of
25 the page?

1 Q Yes, sir. I apologize.
2 A Okay. What's the number again?
3 Q 44715. I think it might have been opened to the
4 same page before --
5 A This is 24 to 2500.
6 Q Were you here when Mr. Scolari was here?
7 A Yes.
8 MR. SHEVORSKI: May I approach to help the witness?
9 THE COURT: You may.
10 (Pause in the proceedings)
11 MR. PARKER: Your Honor, may I approach while he's
12 on this?
13 MR. SHEVORSKI: Yeah. Of course.
14 THE COURT: Sure. Not me; right? Them?
15 MR. PARKER: Yes.
16 (Pause in the proceedings)
17 BY MR. SHEVORSKI:
18 Q Mr. Hawkins, are you at page DOT44715?
19 A Yes.
20 MR. RULIS: Steve? Sorry. Just to be clear. 2021
21 goes from 44721 to 44756. At least that's on your exhibit
22 list.
23 MR. SHEVORSKI: That's not the one he has up there.
24 MR. RULIS: Okay. Just trying to be quick.
25 THE COURT: We're using the one the guy from the

1 Department of Administration who knows how Listservs were
2 brought.

3 MR. RULIS: Thank you, Your Honor.

4 BY MR. SHEVORSKI:

5 Q If you look about 15 lines down from the top do you
6 see email address nvwellnesscenter@gmail.com?

7 A Yes.

8 Q Okay. And the date indicated across from that is
9 April 10th, 2018?

10 A Yes.

11 Q And before we -- my friend Mr. Gutierrez was talking
12 to you, and you talked about manipulating the system with
13 respect to diversity. Do you recall that?

14 A Yes.

15 Q Okay. And I know you've been here a lot, and I
16 appreciate your dedication to the suit. Part of it -- I think
17 some of the arguments you may have heard is that the system
18 was manipulated -- diversity was manipulated by advisory
19 boards; is that a fair characterization?

20 A No.

21 Q Okay. Does NV Wellness Center have an advisory
22 board?

23 A An advisory board, yes.

24 Q And NV Wellness Center is a limited liability
25 company?

1 A Yes. And if I may, the advisory board was put
2 together to help us expand into our new location so we could
3 have the same community impact as we currently have at our
4 current location.

5 Q The members of your advisory board, you also refer
6 to them as a community board; is that correct?

7 A Yes.

8 Q Okay. And on Exhibit 2024 I believe you provide a
9 paragraph that celebrates the diversity of your community
10 board; correct?

11 A Yes.

12 Q Okay. And the language skills that they have?

13 A Yes.

14 Q And perhaps their -- how their inherent diversity
15 may impact the customers they serve; correct?

16 A Yes.

17 Q You felt that was important, important enough to put
18 on your Website so that the customers, the end user of your
19 product could see that; correct?

20 A We are updating and upgrading our Website, yes.

21 MR. SHEVORSKI: No further questions, Your Honor.

22 THE COURT: Anybody else have questions for Mr.
23 Hawkins? Mr. Koch.

24 //

25 //

1 DIRECT EXAMINATION

2 BY MR. KOCH:

3 Q Good afternoon, Mr. Hawkins. I like a guy who tells
4 it like it is. It's refreshing.

5 A No, you don't. No, you don't.

6 Q I do. I try to cut to the chase like the judge
7 says. I mean, I think I agree with you. On Question 2 it's
8 your opinion that the voters were going to the polls thinking
9 yes or no on recreation marijuana. Is that what you
10 understood?

11 A Yes.

12 Q As far as the actual language of the statute, did
13 you have anyone come to you and say, hey, Frank, what do you
14 think about this language in the statute that's on the
15 Question?

16 A Of course not.

17 Q Yeah, I didn't think so. Did you ever have anybody
18 ask you any question about what a word meant in the statute,
19 the proposed statute as part of the initiative?

20 A No.

21 Q Did they ever come to you and ask about what this
22 means doing background checks or any of this kind of stuff?

23 A They didn't care about my opinion, no.

24 Q And did they -- well, you were in the business at
25 that time; right?

1 A Yes.

2 Q And so kind of like people come to me and ask me
3 about judges and I only know a little bit --

4 A Right.

5 Q -- I can only help them out a little bit, you could
6 help them out but they didn't come to you even though you were
7 operating a marijuana business?

8 A That's correct.

9 Q With respect to the manipulation that you've talked
10 about, it sounded like the manipulation you were referring to
11 was relating to setting the parameters, the rules that were
12 adopted by the Department, is that right?

13 A Yes.

14 Q Was there any manipulation that you're aware of or
15 you're claiming that the actual scores themselves, that anyone
16 went in and manipulated what the evaluators did while they
17 were scoring?

18 A If I can, I think when Mr. Pupo was here, Mr. Pupo
19 admitted going to lunch and breakfast and dinner and trips and
20 all of those things. Mr. Pupo said, But I didn't score the
21 application. And I sat back there and I said to myself, maybe
22 he doesn't understand. Whether or not he scored the
23 application, he put in motion what changed the application.
24 When he single-handedly, as he said, he decided that there
25 would be no location, he single-handedly did that. He went

1 against, in my opinion, the law.

2 Q Okay.

3 A When -- if I may, one more?

4 Q Sure.

5 A When they talked about MJ in Nevada and everyone is
6 applying for a recreational license to operate a dispensary
7 but yet they score everybody -- I can't say everybody because
8 I don't know what any scores are -- the language that they
9 used was not specific for marijuana recreation current. So
10 therefore they gave people who have never operated a
11 recreational marijuana, which is what they were talking about,
12 higher scores, obviously from what we see without going to see
13 the details.

14 And lastly, I'm not quite sure in non-identified
15 that you would know to put lighting or lights, standard, in a
16 dispensary and/or a sink in a dispensary when what they're
17 talking about, in my view, is cultivation for lighting and
18 production for sinks. So if people knew that and got points
19 and maxed that out, hmm.

20 Q It raises some suspicions?

21 A I'm just saying.

22 Q Let's talk about the sink. I thought we might be
23 done with that for this hearing --

24 A Okay.

25 Q -- but we're going to go back to the sink. Were you

1 here when we talked with Kara Cronkhite about the handwashing
2 sinks?

3 A The first day, yes.

4 Q Okay.

5 A Yes.

6 THE COURT: And Norovirus.

7 MR. KOCH: And the Norovirus.

8 THE WITNESS: Oh, yes, I was here.

9 BY MR. KOCH:

10 Q Okay. I asked her some questions. A particular
11 point is there's a regulation, are you aware, regarding
12 washing of hands by employees or volunteers at a business?

13 A Yes.

14 Q And that regulation requires employees or people
15 working at the business to wash their hands on -- I think
16 there are 11 different types of occasions that somebody needed
17 to wash their hands. Are you familiar with that?

18 A Not the 11 different types, but I'm familiar with
19 the washing of the hands.

20 Q Right.

21 A And if I may, so the washing of the hands takes
22 place when you're weighing or handling product. So throughout
23 the valley there's all different kinds of processes that we
24 all use. In the City of Las Vegas we're like a 7-Eleven. You
25 buy the marijuana already prepackaged. In the County you can

1 look at the marijuana and then you can say I want that nub and
2 they take it out with a thong and put it -- weigh it for you
3 and then you can take it and go away. We don't have that
4 process in the City and if you aren't weighing then that is
5 not applicable. However, we have a sink, anyway. But for
6 them to score that on the application makes me say hmm again.

7 Q And would it be possible for an applicant to read
8 the regulations that were adopted in January of 2018, see that
9 handwashing sinks are required not just in the toilet facility
10 but also another one outside and say, hmm, per the regulation
11 I better put a handwashing sink in there someplace? Is that a
12 possibility?

13 A Possibility. On the floor plan?

14 Q On the floor plan. Yeah, that's right, we'll put it
15 on the floor plan. That's a good place to put it.

16 A Okay. Yeah, it's possible.

17 THE COURT: For the location at the post box, the
18 Mailboxes, Etcetera or the UPS Store.

19 THE WITNESS: Right.

20 BY MR. KOCH:

21 Q So that sink is going to be there. And then what
22 was the other thing you said that you thought --

23 A The lighting.

24 Q The lighting. Okay.

25 A The lighting is typically applicable to cultivation

1 because they need special lights so the plant grows.

2 Q All right. So lighting was something that you
3 thought somebody could not have known to put on the plan
4 unless they maybe got some information from somebody, is that
5 what you're saying?

6 A That's what I'm saying. If you're writing about
7 lighting but you don't show it on your plan.

8 Q And are you aware of any regulations with respect to
9 lighting a marijuana establishment?

10 A Just that lighting is required.

11 Q Okay. You talked about Mr. Pupo saying that some of
12 the changes that he may have made to take out or put in some
13 things that may have been there. You're not saying Mr. Pupo
14 went and talked to the evaluators while they were scoring and
15 asked them to change their scores; right?

16 A Okay. No, I'm not saying that about Mr. Pupo. What
17 I'm suggesting about the evaluators, number one, they may not
18 have been qualified. We don't know because we haven't brought
19 any of them here. But that's the responsibility of the State
20 to train them. It's clear from testimony from the State that
21 they haven't trained them.

22 Q So you haven't actually talked with any of these
23 evaluators yourself, have you?

24 A No. I've been trying.

25 Q Okay. And you've read kind of what's been said

1 about them --

2 A Sure.

3 Q -- both for and against?

4 A Sure.

5 Q So there's some explanations of what their
6 qualifications are. You read those?

7 A Well, they say they're qualified, so other than
8 that, I'm going to go back to the training because that's what
9 the State showed. But when you asked the question, How did
10 you teach them to score -- We didn't. We did it verbally. So
11 if you tell me something one time, I don't know, I may or may
12 not get it.

13 Q All right. So you thought there maybe should have
14 been better training for those evaluators, possibly?

15 A For sure, without question. I think the State
16 admitted that.

17 Q And, but you're not -- I guess other than the
18 testimony that's been provided here during this hearing,
19 you're not aware of what that training encompassed, is that
20 right?

21 A If it was more than what we received or what the
22 plaintiffs have received, then Mr. Shevorski didn't give it to
23 the plaintiffs.

24 Q Let me ask you about the actual scoring, then.
25 You've seen the scores that Nevada Wellness Center got from

1 its applications; correct?

2 Q Yes.

3 Q And if you'd turn to Exhibit 5004, which is the

4 rankings, score and rankings.

5 MR. KOCH: Do you have that, Brian? All right.

6 BY MR. KOCH:

7 Q You've looked at this sheet before. I think this

8 was provided after SB32 was passed.

9 A Yes.

10 Q And Nevada Wellness Center, it looks like -- let's

11 just start with City of Las Vegas on the bottom of page 1.

12 Nevada Wellness Center applied for a license in Las Vegas;

13 correct?

14 A Yes.

15 Q And on that scoring rubric Nevada Wellness Center

16 scored 72nd, it looks like, is that right?

17 A Yes.

18 Q Okay. So out of 156 --

19 A Well, that says 72, but it's far enough down where

20 it don't matter.

21 Q Okay. And maybe that's my question. 156 points were

22 awarded, 156.51 to Nevada Wellness Center; right?

23 A Right.

24 Q And the cutoff for this rubric is 208 points was

25 Number 10 in Las Vegas; right?

1 A Yes.

2 Q Okay. So Nevada Wellness was about 52 points away
3 from falling within that top 10. Are there particular points
4 that you thought Nevada Wellness Center did not get that it
5 should have that were scored incorrectly in particular?

6 A Without the State being able to articulate how they
7 scored each section and why and how they trained the
8 evaluators, it's virtually impossible. And herein lies the
9 reason that I'm confident that we did the right thing by
10 filing the lawsuit. We could not get information and I'm not
11 sure the State knows what they were doing. And so if they
12 don't know what they were doing, how could they train the
13 evaluators to score? So, for example, they took points away
14 from us because they said when you walked into the dispensary
15 you walked right into it. Well, obviously whoever is reading
16 the plan doesn't know how to read plans. Andre Rhodes, one of
17 our partners, is a fire captain. Just because you're a
18 fireman or a fire inspector does not know you know how to read
19 plans. We have a mantrap in both locations. They deducted
20 points for that.

21 Q Okay. So there's some spots that you could look
22 back on and think they scored this incorrectly in our opinion.
23 Is that fair to say?

24 A All I would like to know -- I would have liked to
25 sit down with the State and gone through. For example, we

1 build affordable housing through the State. The State has a
2 program and they have public hearings, and they say this is
3 what we're going to do, this is how we're going to score it.
4 And at the end of the day before they make any awards they
5 send everybody their score and they say you have to sign off
6 on your score. So you say, oh, no, you scored me 158, I think
7 I should be a lot higher. So you go in and meet with them.

8 Q Right. And what --

9 A And you agree on a score and then all the scores are
10 released; there is no problem.

11 Q What department runs that process?

12 A Department of -- the Housing Division.

13 Q Okay. And the rules and regulations on that you
14 would agree are different than the Department of Taxation has
15 for the marijuana applications; correct?

16 A That's correct.

17 Q And are you aware of any rule or regulation that
18 would allow an applicant to have that same type of process,
19 get your score first, go in, sit down and walk through the
20 scores, make corrections to them in the marijuana application?

21 A Missouri is doing it right now. Everything is
22 transparent. You have the weight, how it's going to be scored
23 each section, how many words they want, how many pages they
24 want. I don't think it's going to be a problem at the end of
25 the day.

1 Q Okay. So Missouri does it differently than Nevada;
2 right? Is that right?

3 A Yes. I think Nevada did it wrong.

4 Q Okay. And if Nevada were doing this process again,
5 let's say in 2021, is it possible Nevada might look at
6 Missouri and say, hey, that was a great process, maybe we
7 should adopt some of that? Is that possible?

8 A I think because of you great lawyers Nevada is going
9 to do it right the next time.

10 Q I hope so. There will be somebody complaining, I
11 guarantee you that.

12 A That's true.

13 Q All right. So if there's different ways to do it,
14 you believe that Nevada maybe could make some improvements to
15 the way that they did it. Is that fair to say?

16 A Oh, I think they need to throw it out and start over
17 and do it properly.

18 Q And who's going to tell them how to do it properly
19 next time? Frank Hawkins or somebody else?

20 A Oh, no. I think if they involve the people in the
21 business and the public and they are transparent about this is
22 how we're going to score, this is what we want from diversity,
23 this is what we mean when we say adequacy of building, this is
24 what we mean when we say MJ in Nevada, I think it's all clear.
25 They can clarify it.

1 Q All right. You're aware that there was a Governor's
2 Task Force that worked on some of the items that you're
3 talking about there as far as what would be expected, what
4 would be scored; right?

5 A Yes.

6 Q Did you participate in that Task Force?

7 A Yes.

8 Q And how did you participate?

9 A I called in on some of those items that related to
10 retail.

11 Q Okay. And one of the overall recommendations was to
12 keep the regulations similar to medical marijuana except for a
13 few changes. You're aware of that?

14 A Yes.

15 Q And one of those items, you're probably been here,
16 you've seen a lot was similar to marijuana except for scoring
17 of a location. The location would not be scored. Are you
18 aware of that recommendation?

19 A No.

20 Q You didn't see that when Mr. Ritter was asked about
21 it?

22 A So, what Mr. Ritter was asked and my interpretation
23 of what was written is different. So what was written was
24 that the concern of the Task Force was that the local
25 governments would hinder the application process from going

1 forward. Therefore, they wanted to keep the locations in.
2 They didn't want to have the location evaluated by the local
3 government until the awards happened. They never said one
4 time that I read anywhere, and I've looked, where it says
5 don't score based on location, don't require location as a
6 part of the application.

7 Q The Task Force didn't recommend that?

8 A The Task Force didn't say that. Mr. Pupo said here
9 that he got calls from some industry friends that asked him to
10 make that change and thereby he did, if I recall correctly.

11 Q Okay. You know, we'll think about that but I think
12 it's already in as far as what the report actually said. So
13 was there any discussion about taking the location off
14 completely for purposes of scoring at the Governor's Task
15 Force that you're aware of?

16 A Not that I'm aware of.

17 Q You didn't attend any of those meetings in person,
18 it sounds like?

19 A No.

20 Q So it would surprise you if there was an express
21 recommendation that location would not be scored as part of
22 the application process?

23 A Not required to be listed or scored?

24 Q Let's just say scored first.

25 A Okay. I would be surprised on both.

1 Q Okay. Or listed, you would be surprised with that,
2 too. You talked a little bit about diversity. You said that
3 Tick Segerblom said that minorities should become owners, is
4 that --

5 A No, no. No.

6 Q Go ahead.

7 A I'm saying the concern was ownership. There is no
8 diversity of ownership. Now, what the puppetmasters spun that
9 to say, it's going to be board members and officers and all
10 this other stuff. I don't know where that came from.

11 Q Okay.

12 A But my concern and the concern of others was
13 ownership.

14 Q And practically, you're aware that in order to apply
15 in September 2018 you needed to have a medical certificate;
16 correct?

17 A True.

18 Q And the existing ownership of those medical
19 establishments was -- it was what it was in 2018 --

20 A Yes.

21 Q -- it wasn't -- I mean, there was nobody new coming
22 in; right?

23 A Right.

24 Q And so how did you envision that happening, that
25 minority ownership only would be increased through the

1 application process in September 2018?

2 A I didn't envision it. That was my concern from day
3 one and I have continued to express that.

4 Q Was there an anticipation or expectation that
5 perhaps minority ownership groups would be given substantially
6 more weight or credit than the 20 points that we've talked
7 about here?

8 A No, because as you just said, there were technically
9 no other minorities. My concern was trying to get minorities
10 into the industry.

11 Q Okay. Were there -- did you attend any discussions
12 or any potential legislation meetings, anything like that
13 where there would be a requirement for existing owners to
14 perhaps sell part of their stake to minorities in order to get
15 a new application or get a new --

16 A No. I wasn't invited to those meetings, either.

17 Q Okay. Do you know of any of them that took place?
18 I'm just --

19 A No.

20 Q -- asking for the record.

21 A I do know they had many meetings. I do know that.

22 Q Okay. A lot of meetings?

23 A Yeah, they did.

24 Q You went to some of those?

25 A No.

1 Q Oh, you didn't go to any of those?

2 A No, they didn't invite me to any meetings ever.

3 Q Who was holding these meetings?

4 A The Legislature. Tick Segerblom really was the
5 driver of the process.

6 Q All right. And did you -- you didn't expect -- the
7 fact that your company was the sole -- was it the sole 100
8 percent minority-owned business that had a medical
9 certificate?

10 A To my knowledge the only one.

11 Q All right. And by filing a recreational application
12 with that you need qualifications. Did you expect to I guess
13 automatically receive a recreational license, or how would
14 that be factored in your estimation?

15 A No. We have to be better.

16 Q So you've got to still be scored on the other
17 characteristics; right?

18 A That's correct.

19 Q You didn't expect that the other points and
20 qualifications would be scored differently because of minority
21 ownership; right?

22 A Right.

23 Q Okay. What about female ownership? Was that
24 something you thought would be scored as well as part of
25 diversity?

1 A Well, as a part of the system females are considered
2 a part of diversity. Now, I don't know how the State looked
3 at that, but in my -- what I do, typically the white guy has
4 enough money so he puts his wife in there as a minority and
5 then she benefits, so they still benefit.

6 Q So there's potential, based upon how the process
7 was, to add board members, add officers, do things to increase
8 diversity? It sounds like that's what you're saying. Right?

9 A Well, as you stated earlier, the ethnic minorities
10 were already there. So if you weren't already in the business,
11 how were you going to bring them in? The legislature, those
12 folks never asked me my opinion because I would have asked
13 some of those questions.

14 Q Okay. And I guess my question -- you saw our very
15 first witness a long, long time ago, our cannabis law expert
16 who did a bunch of different mathematical models where he put
17 diversity variations up on the board, did you see those?

18 A Wasn't that a woman?

19 Q No. The cannabis law, that was a man.

20 A Okay.

21 Q Then there was a linguistic --

22 A Okay.

23 Q -- expert who was a woman.

24 THE COURT: He was the guy from Idaho, right?

25 MR. KOCH: That was diversity.

1 THE COURT: Oh, okay.

2 MR. KOCH: He was the guy from Denver.

3 THE COURT: Oh, all right. I'm sorry.

4 MR. KOCH: Who's now in Maryland. I think he's

5 teaching school there or probably by the time we finish this

6 thing.

7 BY MR. KOCH:

8 Q So do you remember seeing some of those models where

9 he put up diversity, he took out diversity and what happens to

10 the point total?

11 A Yes. Yes.

12 Q You would agree with me based upon the rubric that

13 the State used to assign 20 points for diversity, even if all

14 the top 10 in Las Vegas that we looked at in Exhibit 5004,

15 even if all 10 of those got zero points for diversity, it

16 would not give Nevada Wellness a license, Nevada Wellness

17 would not move to the top 10; right?

18 A That is correct.

19 Q Okay. So there are other factors that kept Nevada

20 Wellness out of the top 10 aside from diversity?

21 A And that being one of many.

22 Q Say that again?

23 A That being one.

24 Q Diversity?

25 A No. You're saying if you took these 20 points away

1 --

2 Q Right.

3 A -- there are 20 points -- that doesn't help Nevada

4 Wellness. I agree.

5 Q Okay. I just want to understand because that

6 certainly has been something there's been fight -- I think

7 people on this table have taken both sides of that position.

8 Diversity shouldn't have been considered or it should have and

9 we didn't do it right. And your position is it should have

10 been considered but we just didn't do it right?

11 A Correct.

12 Q All right. And there's some potential for

13 manipulation?

14 A Yes.

15 Q Was there any understanding that you had with

16 respect to adding a board member, was there any sort of tenure

17 requirement? Did they have to have been on at any point in

18 time in order to be qualified as a board member?

19 A For the whole process?

20 Q For diversity purpose.

21 A For diversity?

22 Q Let's just say for diversity.

23 A No. No, I -- for us, and I can't speak for

24 everybody else and I'm not here to pick them apart and

25 challenge them. My bone of contention -- let me preface

1 before I make my statement. People are going to do whatever
2 they need to do to win. I'm very experienced in that. But
3 it's the government's responsibility to make sure that there
4 is a fair process or as fair as it can be. So if people added
5 people to their board, got away with adding an officer and the
6 State saw it and did nothing, shame on them. Shame on the
7 person that did it, but shame on the State because it's their
8 responsibility at the end of the day to make sure we have a
9 transparent process so that everybody can say, yeah, you know,
10 I made a mistake, he made a mistake, they made a mistake, one
11 or two, chalk it up to next time, but not the whole process.

12 Q And what about that? Let's say somebody added a
13 minority officer the day before they submitted their
14 application, sent it in, they get credit for that minority
15 officer and they keep that officer on after they get their
16 license and that officer plays an important role in the
17 business, would you agree that that increases diversity in the
18 operation of a marijuana establishment in Nevada?

19 A No.

20 Q It does not?

21 A Because I don't believe Phil Peckman back there, who
22 is a friend of mine -- he may not be after today, but I
23 consider him that -- there is nobody going to run our
24 businesses but us. So if we have a volunteer board, advisory
25 board, community board, that is a specific purpose, at least

1 for Nevada Wellness Center. It's not for them, which may be
2 different from the public standpoint, to come in and say, hey,
3 I got a vote, I got -- do this and do that. That doesn't
4 happen in the real world.

5 Q Okay. And I guess I'm trying to understand. So
6 let's say Nevada Wellness got 10 licenses, opens 10 new
7 stores.

8 A Four will be enough.

9 Q Okay.

10 A Can you say four?

11 Q We'll go four. Let's say four. Let's talk about
12 that. Opens four new stores. Would that be more difficult
13 for you individually to manage those four stores?

14 A Sure.

15 Q So it would be more work. You'd probably need to
16 bring in some more people; right?

17 A Without question.

18 Q Bring in some more people to manage the process?

19 A Yes.

20 Q And maybe hiring an officer or something to take
21 care of finances or something like that; right?

22 A We have an in-house CPA now.

23 Q Okay.

24 A But yeah, possibly another one.

25 Q And by adding that person it might be a minority, is

1 that right?

2 A Yes.

3 Q Okay. And is it your testimony, then, that adding
4 an officer in that sort of a function to now be operating in
5 the marijuana industry would not be increasing minority
6 representation or diversity in the marijuana industry?

7 A Yes. And they would be an employee. So we would be
8 hiring employees. There are only three of us. That's Dr.
9 Mack, Andre and I that are the owners. We would be building
10 our business through hiring more employees. And would they be
11 diverse and ethnic? Probably, yes.

12 Q Okay. And why would they be? Why would you make
13 that consideration in hiring?

14 A Why would we not? We're going to look for the best
15 person --

16 Q Right.

17 A -- to fill our needs.

18 Q Okay. And so when you're doing that you consider
19 the community you serve. Let's say if you're in a
20 predominantly, say, Latino neighborhood, would you look to
21 potentially hire Latino employees?

22 A Yes.

23 Q And you think that that would be a consideration in
24 the hiring to reflect the community that you're located
25 within?

1 A Yes.

2 Q Okay. You've heard a lot of questions about
3 deficiencies and questions about compliance. Nevada Wellness
4 Center, has Nevada Wellness Center ever received a statement
5 of deficiency from the Department of Taxation?

6 A You're not going to believe what I'm about to tell
7 you. No.

8 Q Never?

9 A And I was gassed when Charlie sat here and said he
10 received thirty.

11 Q So you've never received one ever in inspections
12 taking place?

13 A Not to my knowledge. And I called the State a
14 couple weeks ago and said how many deficiencies has NWC
15 received? They said based on our records, zero.

16 Q So you've never received a statement of deficiency
17 and submitted a letter of correction for that deficiency?

18 A I'm just telling you what they told me.

19 Q And were you here when Ms. Cronkhite was here when
20 she testified about deficiencies?

21 A Yes.

22 Q And as she testified that every operation has
23 received a deficiency and if one has not she would have a
24 question about the inspectors?

25 A But she never met us, did she? Never even heard of

1 us.

2 Q She never heard of your company?

3 A No.

4 Q Oh, okay. All right.

5 A Which is good.

6 Q That is good. But sends inspectors out to your

7 company; right?

8 A Right.

9 Q And they've never once found a deficiency?

10 A I'm just telling you, you know, what they --

11 Q Who is there for the inspections when those take

12 place at your company?

13 A Me.

14 Q And you've talked to the inspectors?

15 A Yes.

16 Q And they've never found anything wrong with your

17 business?

18 A I'm telling you. And before me, the other guy back

19 there, you can drag him up here, Andre.

20 Q All right. Okay, very good.

21 A He doesn't want to come. Thank you.

22 MR. KOCH: No further questions.

23 THE COURT: Any of the other defendants or

24 defendants in intervention have questions for Mr. Hawkins?

25 MR. GRAF: Yes, Your Honor.

1 THE COURT: Mr. Graf.
2 DIRECT EXAMINATION
3 BY MR. GRAF:
4 Q Good morning, Mr. Hawkins.
5 A Good morning, Mr. Graf.
6 THE COURT: It's afternoon, Mr. Graf.
7 BY MR. GRAF:
8 Q I represent Clear River in this action. Do you know
9 who the owner of Clear River is, sir?
10 A No. Can you tell me?
11 Q It's Randy Black, Sr.
12 A Oh. He's hiring right now. No, I'm just kidding.
13 All right, go ahead.
14 Q I don't know about that, but he's not in the
15 jurisdiction, I know that.
16 A I know Randy very well.
17 Q Do you know who his daughter is?
18 A Tish Black?
19 Q Yes, sir.
20 A I don't know her personally. I know who she is.
21 Q So if I understand, your testimony is in the future
22 when your daughter is old enough --
23 A Uh-huh.
24 Q And by the way, I've met your daughter --
25 A Yes, you did.

1 Q -- and she is a fine young woman.

2 A Thank you very much.

3 Q You would be willing to put her on your advisory
4 board; correct?

5 A Oh, no, no, you mis-- you misstate.

6 MR. GENTILE: Objection to the form.

7 THE COURT: Overruled.

8 MR. GENTILE: It's compound. Does he want Tisha or
9 his daughter running it?

10 THE COURT: No, he's not going to put Tisha Black on
11 his board.

12 MR. GRAF: I'll clarify, Mr. Gentile. I apologize.

13 BY MR. GRAF:

14 Q So in the future --

15 A I know what you mean. It's okay. So what I was
16 saying is --

17 Q Frances; right?

18 A Peerless.

19 Q Peerless. Sorry.

20 A I would want my daughter to be able to benefit, to
21 leave a legacy. Part of the other attorney's question, I want
22 to have legacy.

23 Q So --

24 A Andre wants to have legacy. Mr. Mack might be too
25 old to have legacy, but that's --

1 Q Never too old.

2 A Well, he's 80, so. But the goal is to be able to

3 pass something down.

4 Q So is the goal to in the future put your daughter on

5 the board of this company that you own and operate?

6 A No. I want my daughter to be an owner --

7 Q Okay.

8 A -- not a board member.

9 Q Okay. And, but you don't -- is there anything wrong

10 with a man putting his daughter on an advisory board for a

11 company that he runs and operates?

12 A It depends on the man.

13 Q Okay. Do you know that Ms. Black is also the

14 president of the NDA?

15 A No. I don't belong to the NDA.

16 Q Okay. And do you know Mr. Flintie Williams?

17 A Flintie Ray?

18 Q Yes.

19 A He's hiding, too. Yeah, I know Flintie.

20 Q But you know him, don't you?

21 A I know him.

22 Q And you've been in this community since the '70s?

23 A A long time. Not long to me, but a long time.

24 Q Okay. And do you have any problem with seeking his

25 advice in running this company, a local company in the state

1 of Nevada?

2 A Are you saying Flintie is going to run a dispensary?

3 Q That he's on the board and providing advice and

4 consent to this company, do you have a problem with that?

5 A Let me make sure I understand what you're saying.

6 So you're saying Flintie is on Randy's board?

7 Q Uh-huh.

8 A And Flintie is going to direction to Randy on how to

9 run the business?

10 Q Sure.

11 A I'd say no, that will never happen, only because I

12 know Randy and I know Flintie.

13 Q That wasn't the question.

14 A Oh, I'm sorry, then I misunderstood.

15 Q I appreciate your response, Mr. Hawkins, but that's

16 not the question.

17 A Okay. So you're saying if Randy put Flintie on the

18 board --

19 Q Sure.

20 A -- and will Randy take advice? Could he take

21 advice?

22 Q So your response is that Mr. Black won't take the

23 advice?

24 A That's my response.

25 Q Okay. Mr. Hawkins, you've been here the whole time;

1 right?

2 A Except for two days.

3 Q Have you heard any testimony during all of this

4 process that the advisory board is somehow against the Nevada

5 Revised Statutes, NRS 86 that governs LLCs?

6 A No.

7 Q And you wouldn't have done it yourself if you

8 thought it was a violation of NRS 86; right?

9 A Done what?

10 Q Created an advisory board.

11 A We have an advisory board.

12 Q Oh, I know.

13 A And we --

14 Q And you don't think that that's illegal, do you?

15 A And we had one in the very beginning in 2014.

16 Q And you don't think that that's illegal, do you?

17 A No.

18 MR. GRAF: Okay. Thank you.

19 THE WITNESS: You're welcome.

20 THE COURT: Anyone else who's a defendant or a

21 defendant in intervention have questions for Mr. Hawkins?

22 Mr. Parker.

23 MR. PARKER: Just a couple, Your Honor.

24 THE COURT: Uh-huh.

25 THE WITNESS: I don't want you asking me no

1 questions. No.

2 MR. PARKER: I will tell you Mr. Kemp has said I
3 should not because you have done so well. I will tell you
4 that up front, Mr. Hawkins. And so I'm going to be very brief
5 because I learned through my tutelage that you typically don't
6 ask many questions of your client.

7 CROSS-EXAMINATION

8 BY MR. PARKER:

9 Q So in terms of taxes, is NWC paying taxes right now
10 for its sale of recreational marijuana?

11 A Yes.

12 Q So in terms of the State or the school district or
13 whatever this money, tax money may go, people buying --
14 citizens of Nevada or people visiting Nevada can buy
15 recreational marijuana?

16 A Yes.

17 Q And that tax money is being given to the State?

18 A Yes.

19 Q And if the State wants to give it to the school
20 district, you have no qualms with that?

21 A None.

22 Q Thank you. In terms of the time it took to bring
23 your lawsuit, you indicated that you got the scores in
24 December, is that correct?

25 A Yes.

1 Q How long did it take for you to actually get a
2 meeting with the Department of Taxation to discuss your
3 scores? Do you recall that?

4 A Months.

5 Q All right. After that -- that was sometime, I
6 believe, of 2019, after that do you recall asking for an
7 appeal?

8 A Yes.

9 Q Did the Department of Taxation refuse your appeal?

10 A Yes.

11 Q After that do you recall then authorizing your
12 counsel to file a lawsuit?

13 A Yes.

14 Q After you filed the lawsuit, do you recall the
15 Department of Taxation not agreeing to accept service of
16 process?

17 A Yes.

18 Q After you -- after the filing the service, do you
19 recall authorizing your counsel to request by order of the
20 Discovery Commissioner a preservation of evidence?

21 A Yes.

22 Q Do you recall how long it took for the Department of
23 Taxation to respond to that?

24 A I don't know if they responded.

25 Q Do you recall after receiving the order from the

1 Discovery Commissioner granting your request that the
2 Department of Taxation objected to that?

3 A Yes.

4 Q All right. And then after that do you recall
5 joining in in this injunction request?

6 A Yes.

7 Q All right. And that's the process you recall?

8 A That's what I recall.

9 MR. PARKER: All right. That's all I've got. Thank
10 you very much.

11 THE COURT: Thank you, Mr. Parker. Anyone else want
12 to ask any follow-up questions to Mr. Hawkins?

13 Thank you, Mr. Hawkins.

14 THE WITNESS: Thank you.

15 THE COURT: We appreciate you and thank you very
16 much for returning us to the point kind of discussion.

17 THE WITNESS: You're welcome.

18 THE COURT: Next witness.

19 MR. CRISTALLI: Your Honor, before Mr. Gutierrez
20 calls the next witness, the one issue we have -- we have a
21 subpoena for Chad Christensen for Fidelis Holdings and I made
22 representations to Your Honor that --

23 THE COURT: He was one of the people you told me
24 earlier will be here.

25 MR. CRISTALLI: No. I said that Mr. -- Chad was out

1 of the country and then you said have a client representative
2 here.

3 THE COURT: Okay. I may have said that.

4 MR. CRISTALLI: So we do. We do. We have Daniel
5 Stewart here who's prepared to testify, but Daniel leaves on
6 Wednesday. And I just wanted to make sure, because I don't
7 think Mr. Gutierrez now wants to call Mr. Stewart or a
8 representative from Fidelis, that I have --

9 THE COURT: Can I release Mr. Stewart?

10 MR. GUTIERREZ: Yes, you can, Your Honor.

11 THE COURT: Bye, Mr. Stewart.

12 MR. GENTILE: What about anybody else?

13 MR. CRISTALLI: And, Your Honor, just before we do
14 that --

15 MR. SHEVORSKI: He can't hear you, I guarantee it.

16 MR. CRISTALLI: Before we do that, we've complied
17 with having a client representative available for testimony.

18 THE COURT: I appreciate that.

19 MR. CRISTALLI: We don't anticipate getting another
20 request for Fidelis as a witness for the intervenors or the
21 State.

22 THE COURT: Does anybody want to ask Mr. Stewart any
23 questions before he leaves? Since no one wants to ask him
24 questions now, he's leaving.

25 MR. CRISTALLI: And that would satisfy all of our

1 requirements to have --

2 THE COURT: All the people in the room said it was
3 okay. And Mr. Hone is here this afternoon, he wasn't here
4 this morning, but he's here now.

5 MR. CRISTALLI: Okay. And there will not be another
6 request for a representative of Pisos?

7 THE COURT: Fidelis. Fidelis; correct?

8 MR. CRISTALLI: Fidelis. Correct. I'm sorry.

9 THE COURT: Okay. Next witness.

10 MR. GUTIERREZ: We're calling Ben Sillitoe.

11 THE COURT: Mr. Sillitoe, if you'd come up, please.

12 We're going to take a break. Sorry, sir, my staff
13 needs a break and I forget.

14 (Court recessed from 2:59 p.m. until 3:08 p.m.)

15 THE COURT: All right. Ready now?

16 BEN SILLITOE, DEFENDANT'S WITNESS, SWORN

17 THE CLERK: Thank you. Please be seated and please
18 state and spell your name for the record.

19 THE WITNESS: Ben Sillitoe. S-I-L-L-I-T-O-E.

20 THE COURT: Sir, you know there's water in the
21 pitchers, M&Ms in the dispenser behind you and there are tons
22 of exhibits. Counsel will help you through them if you need
23 help.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: Mr. Gutierrez, you may proceed.

1 MR. GUTIERREZ: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MR. GUTIERREZ:

4 Q Good afternoon. Can you tell us your current
5 position?

6 A I'm the president of CLS Nevada, which is the
7 holding company owned by the company that acquired us last
8 year that operates the Nevada arm of a multi-state operator.

9 Q Can you explain that more?

10 A So I'm the co-founder of Oasis Cannabis, Serenity
11 Wellness Center, dba Oasis Cannabis. About a year ago we were
12 acquired by CLS Holdings, USA, which is a United States public
13 company traded on the OTCQB, also dual-listed now on the
14 Canadian Stock Exchange. And they retained me as the market
15 president for Nevada in charge of operations here.

16 Q And when did that transaction go through?

17 A June 28th, 2018 was the closing date.

18 Q So your company was a publicly traded company --
19 [inaudible].

20 A Yes. It became a publicly traded company upon the
21 consummation of that sale.

22 Q And how many dispensaries does Oasis Cannabis
23 operate?

24 A Just the one.

25 Q Where is it located?

1 A On Industrial Road in the City of Las Vegas.

2 Q And what was your role with the 2018 application
3 process?

4 A I was heavily involved with the preparation of the
5 application and our law firm and the application team.

6 Q And how many licenses did your company apply for?

7 A I believe it was seven.

8 Q Seven. Now, Mr. Sillitoe, did you -- were you a
9 part of the process in testifying in front of the State when
10 the regulations were adopted?

11 A No, actually I was really busy operating the company
12 at the time. I knew a lot about what was going on. I kept
13 abreast of it but I was not involved in that. I didn't make
14 any testimony.

15 Q When the regulations were adopted in February of
16 2018, did you provide any testimony or support of the
17 regulations?

18 A No, sir.

19 MR. GUTIERREZ: Can we go to Exhibit 5045,
20 previously admitted, specifically page 7.

21 BY MR. GUTIERREZ:

22 Q Mr. Sillitoe, do you see your name there?

23 A Oh, okay, I apologize. Yes. Thank you for
24 reminding me. Yes, that was at the Tax Commission hearing.

25 Q Okay. So this was at a Tax Commissioner hearing

1 where -- on February 27, 2018 where the State is adopting the
2 regulations that are in NAC453D, is that correct?

3 A I'm sorry, can you state the question again?

4 Q Sure. This is testimony you gave in front of the
5 Tax Commission when the Department is adopting the regulations
6 in what is now NAC453D; correct?

7 A Correct.

8 Q Okay. And then can we go through what you stated on
9 this? Do you see that in front of you?

10 A Yes. I'm refreshing my memory as we speak.

11 Q You state that the -- "Oasis Cannabis Las Vegas
12 stated that the regulation process for R092-17 was followed
13 and there were adequate opportunities for input from
14 interested parties." Do you believe that?

15 A Yes.

16 Q So you believe the Department had followed -- that
17 the regulation process was followed, is what you stated;
18 correct?

19 A Correct.

20 Q And then you said they had adequate opportunities
21 from interested parties. What does that mean?

22 A They had the working groups that were a part of the
23 process to come up with the regulations and there was -- six
24 months were spent on those.

25 Q So you believe that the Department in adopting

1 regulations was thorough in getting all the recommendations
2 from the industry and the Governor's Task Force?

3 A Yes.

4 Q Do you have any objections or as you sit here today
5 anything that you believe is wrong with the regulations?

6 A No. I don't think the regulations in their form are
7 bad. I don't think that the execution of the process
8 according to the way the regulations were written was done
9 right.

10 Q So your position is not necessarily -- it's not with
11 the statute or the ballot initiative or the regulations, it's
12 how those were played out with the actual application for
13 2018?

14 A Correct.

15 Q Okay. You also state that it's your opinion that
16 "the intent of the law was to allow the best operators to be
17 the ones to face the public because public perception is
18 important." What did you mean by that?

19 A I think at the time it was in reference to
20 cultivators who were claiming that they were entitled to a
21 license, and my point was that having operated a dispensary we
22 had experience in operating dispensaries and we were scored
23 high enough in 2014 to be awarded a license. And it was in
24 reference to the ability to put together a good application
25 and then the track record of operating a compliant dispensary.

1 Q Okay. And you authorized a lawsuit to be brought
2 against the State of Nevada sometime this year, is that fair
3 to say?

4 A Yes, I was part of the group.

5 Q And what is the relief specifically that you're
6 seeking from this injunction hearing?

7 A The process needs to be redone.

8 Q And when you say the process needs to be redone,
9 everyone submit 427 applications again?

10 A Applications and scoring, yeah, done completely
11 over.

12 Q And with the scoring, do you have problems with the
13 fact that independent graders were used?

14 A I don't necessarily have a problem with the fact
15 that independent graders were used, but I do call into
16 question whether or not they were adequately trained.

17 Q Okay. So hypothetically you want new scoring. Who
18 would you want to be doing the grading?

19 A Adequately trained personnel.

20 Q Okay. So 427 applicants resubmit their applications
21 is theoretically what you are looking for; correct?

22 A If that many people want to apply.

23 Q Okay. But specific to the hearing we're at today,
24 which is an injunction to stop a certain activity, can you
25 explain what your basis is for the injunction?

1 A Well, the licenses that were granted weren't done in
2 a fair and open manner, and so therefore they're not valid.

3 Q So stop the license winners from opening; correct?
4 That's your position?

5 A No, I don't really necessarily want to stop anyone
6 from opening per se if it was done in a fair manner. If it
7 was granted in a fair manner, then by all means I would like
8 them to open their businesses.

9 Q Okay. So Thrive, for example, my client, are you
10 aware of them?

11 A Yes.

12 Q And Essence is another one of my clients. Do you
13 know who they are?

14 A Yes.

15 Q Okay. So if Thrive wants to open their Sahara
16 location under their City of Las Vegas license, you have no
17 problem with that?

18 A I mean, I think that Thrive will probably obtain a
19 license in a new round of licensing that's done fairly and
20 they should be able to open their store at that time.

21 Q Okay. So after we go through a whole new licensing?

22 A Right.

23 Q How long do you think that would take?

24 A I can't say. Four months, maybe; three or four
25 months just like before.

1 Q And in that new hypothetical round of licensing,
2 would you want diversity to be scored?

3 A I have no problem with diversity being scored.

4 Q Okay. Do you believe diversity is directly and
5 demonstratively related to the operation of a marijuana
6 establishment?

7 A Not necessarily.

8 Q But you say you have no problem with it being
9 scored. Can you explain?

10 A Yeah, I have no concern with it, but I can't see how
11 simply having a diverse set of ownership means you're going to
12 operate a better dispensary, but I'm not opposed to it being
13 included. I was in support of AB422.

14 Q You were in support of AB422, which authorized --
15 which added an amendment to add diversity to the medical
16 marijuana portion; correct?

17 A Correct.

18 Q You never objected to that being a part of this
19 process?

20 A No.

21 Q Okay. With the -- has your company tried to buy a
22 license?

23 A We've had talks but we've never entered into any
24 agreement to purchase a dispensary.

25 Q What do you value a license at? And specifically

1 we'll use the City of Las Vegas, for example.

2 A Well, that's hard to say. I mean, there are a lot
3 of things that come into play with regard to that. It's not
4 easy to just say a license is worth X, so there are a lot of
5 nuances. I'd need more details to be able to give you an
6 answer there.

7 Q Is your company looking for a license in the City or
8 the County? What specific jurisdiction?

9 A We applied in seven jurisdictions, all with
10 significant populations.

11 Q Now, would your company be looking for a -- let's
12 say hypothetically was able to buy a license in the City of
13 Las Vegas for a million dollars. Would it do that?

14 A I can't say for sure. We are -- now we have a board
15 of directors. I'm not sitting on that board of directors.
16 And so that would be a strategy decision that I would have to
17 take up with them.

18 Q Let's say a \$100,000. If someone was fire selling
19 the license, would you buy that license from them?

20 A I would wonder why they would want to sell it for
21 \$100,000 and if it's worth even anything.

22 Q Okay. Hypothetically, though, you would -- let's
23 say your company did buy a license. Would you still be
24 pursuing this lawsuit?

25 A I can't say for sure whether we would be or not.

1 Q Is this process harming any of your existing
2 locations or dispensaries, this litigation?

3 A No.

4 Q And the reason you want to redo the process and get
5 more licenses is because you're looking to obtain more
6 revenue, increase revenue for the company, is that fair to
7 say?

8 A Correct. And also to maintain our market share and
9 be able to continue competing. As a single location we are at
10 somewhat of a disadvantage to those who have multiple
11 locations. So staying a single location while other stores
12 are adding half a dozen or more, that puts us at a significant
13 disadvantage.

14 Q Got it.

15 A It's not necessarily to increase revenue. I'm not
16 of the opinion that new stores means more revenue for
17 everyone.

18 Q Increased market. Maintain your position in the
19 marketplace, market share, is that correct? You're nodding
20 your head. Is that a yes?

21 A That is a yes.

22 Q And now we've talked about taxpayer revenue and
23 that's important; correct?

24 A It is important.

25 Q You believe that that was the intent of the ballot

1 initiative; correct?

2 A No. The intent of the ballot was to legalize
3 cannabis. I think a side benefit of that was the increased
4 tax revenue and the State has seen over 70 million dollars in
5 the last fiscal year of cannabis taxes, in addition to another
6 30 million dollars in State sales taxes. So the ballot
7 initiative's desire to increase taxes for the State has been
8 satisfied through the Early Start program and the 61
9 dispensaries that are currently in existence.

10 MR. GUTIERREZ: Okay. Can we go to 5043, the ballot
11 question.

12 MR. CRISTALLI: What's the number? Oh, I'm sorry.

13 MR. GUTIERREZ: And specifically -- I believe this
14 has already been admitted.

15 THE CLERK: Yes.

16 MR. GUTIERREZ: Page 17.

17 BY MR. GUTIERREZ:

18 Q It says, "Argument for Passage." Do you recall
19 reading this when the ballot question was out?

20 A Yes.

21 Q The third bullet point up there, what does it say?

22 A "It will generate millions of dollars in new tax
23 revenue to support K to 12 education."

24 Q This is what was sold to the public when Ballot
25 Question 2 was passed; correct?

1 A It's part of it.

2 Q But that's what it says; right?

3 A Sure. It's part of it.

4 Q So if a voter is reading this and they believe I
5 don't use marijuana but I believe this is going to help our
6 schools, I'm going to vote for that?

7 A Correct. Now, it didn't make a difference. The
8 budget stayed the same. The schools aren't being given new
9 money from cannabis, they're replacing money. There's a
10 funding formula that exists that caps the amount of money that
11 goes to the schools regardless of how much cannabis money
12 flows into the system. So all we've done is replace other
13 money and the cannabis money has gone into the school system
14 and there is money left over as a result.

15 So it doesn't mean to say that more cannabis tax
16 revenue would mean more money for the schools because we all
17 know that that's not the case. Until the funding formula is
18 changed for the students, they won't have any additional
19 money, no matter if we're making a billion dollars in tax
20 revenues. Our schools will still be broke and the deans will
21 still be out of jobs and it has nothing to do with the amount
22 of money raised by the cannabis industry.

23 Q Wasn't that just addressed by the last legislature?

24 A Well, it still hasn't been fixed yet, obviously.

25 Q Okay. And we're still talking about the purpose of

1 the statute; correct? The purpose was to generate --

2 A The purpose of the statute was to provide personal
3 liberty to Nevadans and people visiting here that wanted to
4 purchase cannabis without being subjected to, you know, a
5 criminal justice system that wasn't fair.

6 Q Understood.

7 A And then one of the side benefits, the third bullet
8 point, not the first bullet point, explains how it will
9 generate millions of taxes. So if it was the most important
10 thing, it might have been the first bullet point.

11 Q Okay, fair enough. Let's go to the bottom where it
12 says, "The initiative provides for a 15 percent excise tax on
13 marijuana which will generate an estimated 20 million
14 annually." Correct?

15 A That is correct.

16 Q What's an excise tax?

17 A An excise tax is the value -- a tax on the value of
18 marijuana, on the wholesale value set by the market analysis
19 conducted by the State.

20 Q So the more people buying marijuana, the more taxes
21 raised; correct?

22 A That is correct, to a certain extent.

23 Q The next sentence says, "This will cover the cost of
24 enforcing regulations. It will also support K through 12
25 education in the State." Correct?

1 A Correct.

2 Q "In addition to this tax, legal marijuana sales will
3 generate more than 30 million annually in state and local
4 sales tax revenue." Correct?

5 A It looks like we've by far beaten that estimate
6 already with just 61 dispensaries.

7 Q Correct. And these new round of dispensaries are
8 putting -- or new round of licenses are putting dispensaries
9 where there really aren't -- haven't been; correct?

10 A In the cases where they were underserved, it could
11 grow the market, sure.

12 Q Thank you. So the next page, page 18, it talks about
13 generating tax revenue and creating thousands of jobs in the
14 state. We've talked about that; correct? And there's a
15 footnote 2. If you could go down to footnote 2, have you seen
16 this study? It's a fiscal benefits analysis, July 2016 by RCG
17 Economics. Have you read that study?

18 A I briefly recall looking through it. I don't know
19 if I read the study in its entirety.

20 Q It's very thorough and it does talk about these
21 issues; correct?

22 A To my knowledge, to my recollection it does.

23 Q And there was even a supplemental study done in
24 October of 2018. Are you aware of that?

25 A Perhaps. I don't know.

1 Q Okay. If this was one of the intents of the statute
2 and of the public, don't you believe that by preventing these
3 61 licenses from opening and operating and restricting revenue
4 that we are harming the intent of the public by --

5 A I don't believe so.

6 Q Let me finish the question. Harming the intent of
7 the public by not allowing this tax revenue to be generated?

8 A No, I don't believe so. It doesn't mean -- just
9 because you open new stores doesn't mean additional taxes will
10 be generated.

11 Q So you're of the position that others dilute the
12 market?

13 A Well, if there are underserved areas that are
14 getting new stores, then perhaps it will help grow the market
15 there. But to just place new stores in areas that are already
16 served by the existing dispensaries doesn't mean that you will
17 just automatically increase your tax base. It will take time
18 to grow the market and the market will grow with the existing
19 number of dispensaries as well.

20 Q Okay. But every month that we go by and the State
21 is not generating income from these additional licenses,
22 there's a loss to the public; correct?

23 A No. The public never had that in the first place,
24 so they're not losing anything.

25 Q So they never had it. So let's us my client, Thrive.

1 They were ready to open in May.

2 A Okay.

3 Q Correct. And let's hypothetically say they would
4 have generated a million dollars in taxable revenue per month.

5 A I don't know if that would have come from Nevada
6 Wellness Center or if that would have come from Oasis
7 customers or some of the other dispensaries that are just up
8 the street from there like The Source or Essence or Relief.
9 You know, I can name six stores within a couple miles of that
10 new location, so it's hard for me to say whether it would have
11 been new customers who just all of a sudden decided to stop
12 buying from the black market because there's a new store down
13 the street from another new store. That's a really hard
14 conjecture for me to make.

15 Q I still don't understand why you want new licenses
16 if it's just going to dilute the market.

17 A I want to maintain my market share. If there will
18 be double the number of licenses, then I'd like to double my
19 number of licenses, too.

20 Q So we've been here for two months just because
21 people want to maintain their market share? You're saying
22 you're not going to have any additional revenue generated?

23 A No, I didn't say that. I said it will take time to
24 grow revenue. You don't just automatically bring people from
25 the black market just because a new store opens. It takes

1 time.

2 Q Okay.

3 A And so time will grow the market. The number of
4 stores doesn't necessarily grow the market. There are other
5 reasons why people choose to not purchase cannabis legally
6 right now and the number of stores in their neighborhood is
7 the least of them at this point.

8 Q Now, can you articulate what the harm is to your
9 company if my client, Thrive, is allowed to open on Sahara?

10 A Well, then the unfair licensing process will have
11 been allowed to continue and there would be harm to not only
12 my store but to the public, the people of Nevada who expect a
13 fair licensing process.

14 Q Any harm to your store specifically?

15 A I can't say.

16 Q Can't say?

17 A I don't know what it would be, if anything.

18 MR. GUTIERREZ: Thank you. I'll pass the witness.

19 THE COURT: Any more defendants or defendants in
20 intervention wish to ask Mr. Sillitoe questions?

21 Mr. Koch.

22 DIRECT EXAMINATION

23 BY MR. KOCH:

24 Q 'Afternoon, Mr. Sillitoe. I know we just met in the
25 hall, and I think you know my brother from way when, so --

1 A Good afternoon, Mr. Koch.

2 Q -- good to meet you this afternoon.

3 Mr. Sillitoe, you're here on behalf of Serenity

4 Wellness; is that right?

5 A That's correct.

6 Q Okay. And Serenity --

7 MR. KOCH: If we could go to Exhibit 5029. Has that

8 been admitted?

9 THE COURT: Is it a proposed exhibit?

10 Any objection to 5029?

11 MR. CRISTALLI: I don't know what it is.

12 MR. KOCH: It's Serenity's Secretary of State

13 printout. It's just a printout from --

14 MR. CRISTALLI: No objection.

15 THE COURT: Be admitted.

16 (Defendants' Exhibit 5029 admitted)

17 BY MR. KOCH:

18 Q We'll put it up on the board for you. Exhibit 5029

19 is the Nevada Secretary of State's printout for Serenity

20 Wellness Center LLC, which shows -- lists the information for

21 Serenity. This is the entity that applied for the license; is

22 that right?

23 A That's correct.

24 Q And listed there the registered agent is Derek

25 Connor. You see that?

1 A Yes.

2 Q He's still the resident agent for the company?

3 A That's correct.

4 Q That's -- he worked with Amanda Connor?

5 A That's correct.

6 Q And we've talked about Amanda Connor. Did Amanda

7 Connor represent Serenity for purposes of the application

8 process?

9 A No, she didn't.

10 Q Okay. But Connor & Connor, that law firm, is that

11 your registered agent?

12 A Yes.

13 Q Okay. On the bottom of that page there's a listing

14 of the officers, and the only officer listed, the one active

15 one in that case Alternative Solutions LLC. Was that the only

16 manager of the company when Serenity applied?

17 A Yes. That was our holding company prior to selling

18 to CLS Holdings USA. So that is the -- that entity is a

19 wholly owned subsidiary of the public company.

20 MR. KOCH: All right. And then let's go to Proposed

21 Exhibit 5030. It's just the Secretary of State for

22 Alternative Solutions.

23 THE COURT: Any objection to 5030?

24 MR. CRISTALLI: No objection.

25 THE COURT: Be admitted.

1 (Defendants' Exhibit 5030 admitted)

2 MR. CRISTALLI: I haven't seen it yet, but I'll take

3 Mr. Koch's word that that's what it is.

4 BY MR. KOCH:

5 Q Just as exciting as the last one. So this is the

6 Secretary of State printout for -- this is the holding

7 company, as you said?

8 A Yes.

9 Q All right. Once again Derek Connor is the resident

10 agent; is that right?

11 A Right.

12 Q Okay. And the officer listed there is CLS Holdings

13 USA, Inc.; is that right?

14 A That's fair.

15 Q And then Debra Freeman, is that a current or -- it

16 looks like historical officer.

17 A That's a historical.

18 Q All right. So as of right now the only manager is

19 CLS Holdings USA?

20 A That's correct.

21 Q That's a public company?

22 A That's correct.

23 MR. KOCH: Last one, Proposed 5031, Secretary of

24 State for CLS Holdings.

25 THE COURT: Any objection?

1 MR. CRISTALLI: No objection, Your Honor.
2 THE COURT: Be admitted.
3 (Defendants' Exhibit 5031 admitted)
4 BY MR. KOCH:
5 Q All right. And this printout, CLS Holdings USA,
6 Inc., this is the public company that you've been referring
7 to?
8 A Yes.
9 Q Here you've got looks like a registered agent, it's
10 a registered agent corporate type of commercial entity; right?
11 Is that right?
12 A Yeah.
13 Q And then the officers listed below it is Jeffrey
14 Binder and Frank Tarantino; is that right?
15 A Yes.
16 Q They're both listed in Miami, Florida; is that
17 right?
18 A Correct.
19 Q Ask you to take a look at Proposed Exhibit 5033,
20 which is corporate structure that you guys have for --
21 MR. CRISTALLI: Comes from the attachment?
22 MR. KOCH: From the exhibit -- the application.
23 THE COURT: 5033? What happened to 5032?
24 MR. KOCH: I just thought I'd skip it.
25 THE COURT: Okay.

1 MR. KOCH: Do you want to see it? It's redacted.

2 MR. CRISTALLI: Okay. No objection.

3 THE COURT: Be admitted.

4 (Defendants' Exhibit 5033 admitted)

5 BY MR. KOCH:

6 Q All right. So for Exhibit 5033 is a corporate
7 structure chart that came from Serenity's application. Are
8 you familiar with this chart?

9 A Yes.

10 Q And did you help the preparation of this chart?

11 A Yes.

12 Q This chart shows Serenity Wellness Center LLC d/b/a
13 Oasis Cannabis. That was the applicant in this application?

14 A That's correct.

15 Q The individuals that are redacted there below, those
16 are all officers, it appears, of Serenity; is that right?

17 A That is correct.

18 Q Okay. Do you know why they're redacted for purposes
19 of this submission?

20 A They're in place, so I don't think their names need
21 to be on here.

22 Q All right. We can -- I won't ask you more about
23 that, but come back if we need to.

24 Up above, then, it shows -- well, on the right-hand
25 side, bottom right, there's "Wholesale Operations." Serenity

1 has wholesale operations; is that right?

2 A That's correct.

3 Q Those entities, did they apply for licenses, also?

4 A No, they did not.

5 Q Just Serenity Wellness Center d/b/a Oasis Cannabis
6 for retail?

7 A Yes.

8 Q Up above that next level is Alternative Solutions.
9 That's the one we looked at the printout for; is that right?

10 A That's correct.

11 Q And it says, "Operations managed by" redacted "CEO
12 and co-founder." I don't think that information is
13 confidential. It's --

14 A That's me.

15 Q That's you. Okay. So you're listed there.

16 A Yes.

17 Q All right. Good. So if we took those black
18 redactions off, your name would be found in --

19 A That's correct.

20 Q Perfect. Up above that, CLS Holdings USA, Inc., the
21 national parent company, "100 percent owner of Nevada
22 operations pending ownership transfer." That's the public
23 company we're talking about; right?

24 A That's correct.

25 Q And the individuals listed there, board chairman and

1 CEO, who is that?

2 A That's Jeffrey Binder

3 Q Okay. Board member. Who's that?

4 A Andrew Blascho [phonetic].

5 Q And the next board member?

6 A Frank Karetski [phonetic].

7 Q And chief financial officer?

8 A That would be Frank Tarantino.

9 Q All right. And this is the current structure of

10 your company?

11 A Frank Tarantino's no longer with us. We have a new

12 CFO.

13 MR. KOCH: All right. Go to Proposed 5035, although

14 it may have been admitted.

15 THE CLERK: It has been admitted.

16 MR. KOCH: Yeah. [Unintelligible] 5035.

17 BY MR. KOCH:

18 Q And 5035, do you recognize this letter, Mr.

19 Sillitoe?

20 A I do.

21 Q What is this letter?

22 A Well, we had a -- we had already completed the sale

23 pending the ownership transfer approval. CLS Holdings

24 purchased 10 percent of our company first, and we submitted

25 the ownership transfer request subsequent to that and worked

1 for months to try to get that done. But that was a very
2 difficult process to complete because of the lack of resources
3 the Department of Taxation had towards ownership transfers.
4 And so when the application period came up we wanted to
5 disclose to the State that we had completed the transfer and,
6 even though the ownership of record with the State was
7 different, we wanted to submit the actual ownership and make
8 sure that it was clear to -- you know, to everyone reviewing
9 the applications that these were the new owners even though it
10 doesn't match the ownership of record.

11 Q Okay. And the State --

12 MR. CRISTALLI: Mr. Koch, is 5035 a stipulated
13 admission on an exhibit?

14 THE COURT: It was admitted earlier.

15 MR. CRISTALLI: Thank you, Your Honor.

16 THE COURT: July 1st.

17 MR. CRISTALLI: Thank you.

18 THE COURT: Thank Dulce.

19 MR. CRISTALLI: Thanks, Dulce.

20 BY MR. KOCH:

21 Q So we've heard some testimony about that from the
22 Department. The ownership transfers will take some time to
23 process from the State's side; right?

24 A Correct.

25 Q And the State would keep -- or the Department would

1 keep a list of all owners, officers, and board members that
2 had been submitted to the Department and track those; is that
3 right?

4 A Yes.

5 Q Okay. And if Serenity or that other entity were
6 submitting proposed change of ownership, it would have to
7 submit that to the State, then the Department would review it
8 and approve or deny that?

9 A Correct.

10 Q And as part of that transfer you'd have to list the
11 individual owners who would be proposed, who the new owners
12 would be, and provide full information to the State?

13 A Yes.

14 Q And that was all for purposes of clarity so the
15 State can make sure the dispensary is being run and operated
16 properly by individuals who it could consider and vet; is that
17 right?

18 A That is correct.

19 Q And this letter -- who wrote this letter? Is this a
20 letter from you?

21 A I wrote that letter.

22 Q All right. So the CEO, co-founder would be, again,
23 if you pulled off the redaction, it'd be Ben Sillitoe down
24 there; is that right?

25 A Yes.

1 Q Okay. And you were referring to the transfer or the
2 purchase from CLS Holdings. And I want to ask a question
3 about the second paragraph, where it says, "All the former
4 owners and founders of Oasis Cannabis are now stockholders in
5 CLSH, and together they own about 29 percent of the
6 outstanding shares of the public company. We have included
7 information from a few significant stockholders that were part
8 of the previous ownership group. The stockholders who are
9 included are" redactions. "The remaining owner information
10 contained in this application relates to officers and board
11 members."

12 So let me ask you just a couple questions about
13 that. The prior owners and founders of Oasis now owned as of
14 the date of this letter 29 percent of the company; is that
15 right?

16 A That is right.

17 Q Who owned the rest of the 71 percent?

18 A The board members at CLS and institutional investors
19 and I assume some retail investors, as well.

20 Q Okay. How many shares outstanding did CLS have as
21 of the date this letter was written?

22 A I believe it was close to 125 million. But I'm not
23 -- I'm not certain.

24 Q Do you know how many shareholders CLS had as of the
25 date of this letter?

1 A I do not.

2 Q 125 million shares. You think it was more than
3 125 shareholders?

4 A It's pure speculation if I say anything.

5 Q So you don't know if it was more than a thousand or
6 less than a thousand?

7 A I have no idea.

8 Q Have you ever reviewed the shareholder list for CLS
9 Holdings?

10 A I have -- I've reviewed the public filings that
11 show the significant shareholders, insiders, and people over
12 10 percent, but I have not reviewed a full shareholder list.

13 Q So the public filings have a cutoff of 10 percent;
14 is that right?

15 A I believe so.

16 Q Do you know why it has that cutoff?

17 A I don't know why. I'm not an SEC attorney. But I
18 would guess that it has something to do with how practical it
19 is to list everyone.

20 Q Okay. Do you know who is redacted here when it
21 says, "The stockholders who are included are," blank, blank,
22 blank, blank, blank?

23 A I think so.

24 MR. KOCH: Okay. I don't know if there's a
25 confidentiality issue with this. I don't think so. But I'm

1 happy to ask Mr. Cristalli first if he has any objection in
2 disclosing those names.

3 MR. CRISTALLI: Your Honor, I think we submitted our
4 Attachment A, which would have all that relevant information
5 that was redacted. So Mr. Koch I think has access to that
6 material.

7 THE COURT: But that would be me that you're asking
8 about, so do you want me to have it, or not?

9 MR. CRISTALLI: Yes, Your Honor. That's fine.

10 THE COURT: Then -- okay. So answer, please.

11 BY MR. KOCH:

12 Q So can you tell us who those names are, the
13 insufficient stockholders.

14 A Well, we asked everybody to do it. Every member
15 that made up that 29 percent, we asked them to be a part of
16 it. So it was only those that were willing to have their
17 names listed who ended up on the application. And so I don't
18 know if my previous partners would be comfortable with me
19 disclosing it, but since this SB 32 came out, then I guess
20 it's all public anyways. Todd Swanson, he's a local
21 orthopedic surgeon; Debra Freeman, one of my founding
22 partners; Archie Perry, who is a significant stockholder, is
23 probably our largest passive stockholder; and Thomas Kim.

24 THE COURT: So was it a cash or a stock sale?

25 THE WITNESS: Both.

1 THE COURT: Part cash, part stock?

2 THE WITNESS: Yes.

3 BY MR. KOCH:

4 Q Okay. And were there some among the 29 percent of
5 the shareholders who did not want their names to be listed in
6 the application?

7 A Yes.

8 Q And so they weren't listed?

9 A That's correct.

10 Q Okay. Do you know if they were ever -- the
11 Department was ever notified of their ownership of part of
12 that 29 percent?

13 A Absolutely. Every owner was approved by the State
14 of Nevada.

15 Q So they were approved, but they weren't put on the
16 application.

17 A That's because we had sold the company at that time
18 and they felt they were only stockholders and they had no
19 obligation to list their names.

20 Q Okay. So you didn't -- some of these individuals
21 thought as stockholders they did not need to list themselves?

22 A That's correct.

23 Q They owned equity in the company, though; right?

24 A Yes. Much less than 5 percent in some cases.

25 Q All right. And the 5 percent you thought was of

1 significance?

2 A Yes.

3 Q Why?

4 A Because we were directed to only include those over
5 5 percent.

6 Q That was part of the regulations; correct?

7 A I believe so.

8 Q And do you believe that that was a reasonable cutoff
9 for determining how could or would not be listed?

10 A I'm not making a judgment on whether it reasonable
11 or not. I only did what I was told.

12 Q Okay. Did you ever provide a shareholder list to
13 the Department irrespective of the fact that there's this
14 5 percent cutoff?

15 A I don't believe we did.

16 Q Okay. So you never said, I know there's a 5 percent
17 but I want to make sure each owner of our company is
18 background checked so here's the full shareholder list?

19 A Had the Department requested that we absolutely
20 would have done so.

21 Q Okay. So the Department never requested -- if they
22 requested it today and they said, we want to run a background
23 check on every one of your shareholders, you'd provide that;
24 right?

25 A We would.

1 Q Okay. And do you expect them to be able to complete
2 that task of background checks?

3 A I don't take anything away from the ability of the
4 Department of Taxation to accomplish difficult things.

5 Q All right. So difficult things. What about -- how
6 many shares of CLS Holdings change hands in a typical day?

7 A Oh, I think we do a couple hundred thousand in
8 volume every day.

9 Q All right. And so if somebody buys a share today,
10 you submit the shareholder list to the Department, they sell
11 that share of stock tomorrow, and then next week that
12 shareholder list will look different; right?

13 A It's very likely.

14 Q Okay. So if the Department asked you to submit a
15 shareholder list, it would depend on which say of the week or
16 month or year that shareholder list that was submitted, that
17 would change who was on there; right?

18 A I believe so.

19 Q Okay. And do you believe -- somebody said the
20 Department's capable of extraordinary feats that may seem
21 impossible. But if you submitted a shareholder list to them
22 every day, do you think they'd complete a background check on
23 each of those individuals on the shareholder list by let's say
24 the next day?

25 A I mean, I can't see how logistically they could

1 accomplish it by the next day.

2 Q What about if you actually submitted a weekly
3 shareholder list? Could that be accomplished?

4 A I can't say. I don't know.

5 Q Do you -- you still own stock in the company;
6 correct?

7 A I do.

8 Q If a shareholder in Canada sitting up there in
9 Ottawa buys 10 shares of CLS Holdings stock and they call you
10 up, say, Mr. Sillitoe, I think we should make some changes in
11 how the company is run, are you going to listen to that
12 shareholder?

13 A No. I report to the board of directors of the
14 company.

15 Q Okay. And have you had any -- strike that.

16 So as of now you're not aware of any minor
17 shareholders, less than 5 percent, that have been submitted
18 for the Department to conduct background checks; is that
19 right?

20 A Well, that's not necessarily true, because everyone
21 who owned stock in the previous company has been through a
22 background check.

23 Q Okay.

24 A And there are many -- well, we had maybe 12 members,
25 I think, of the previous company, and each one of them has

1 been through a background check, and most of them are less
2 than 5 percent.

3 Q Right. So as of now there's some prior owners that
4 continued on as owners, and they were background checked when
5 they got the medical certificate; correct?

6 A Correct.

7 Q And that background check is still in place today;
8 right?

9 A I assume so.

10 Q And the Department needs to run that background
11 check again after some period of time; is that right?

12 A Yes. I guess. If that's what you're telling me.

13 Q And that background check, do you know what that
14 entails?

15 A I do not.

16 Q Do you know if fingerprints are required?

17 A I believe so.

18 Q Currently do you have any role with respect to
19 communications with CLS Holdings USA shareholders as far as
20 reports or releases that go to them?

21 A No.

22 Q Have there been any notices to shareholders of CLS
23 Holdings that they may need to submit to background checks as
24 part of their ownership of shares of --

25 A I'm not aware.

1 Q The 5 percent rule or regulation we've talked about
2 that's found at NAB 453D.255, you were aware of that
3 regulation at the time that this application was prepared and
4 submitted?

5 A I believe so.

6 Q Because that was passed in January or February,
7 adopted in 2018; right?

8 A Yes.

9 Q Was that fairly well known in the industry, that
10 there's a 5 percent threshold?

11 A I don't know if that's fairly well known.

12 Q Among public companies do you believe that that's
13 fairly well known?

14 A I think that it's probably well known among -- or at
15 least known among who needs to know at public companies.

16 Q Is there any rule against a public company owning a
17 marijuana establishment in the state of Nevada that you're
18 aware of?

19 A Not that I'm aware of.

20 Q Do you believe that there should be a rule against
21 public companies from owning marijuana establishments?

22 A No.

23 Q That's probably -- I'd be surprised if you said yes.
24 I never know. Gotta ask.

25 Let me ask you about the scores for Serenity here.

1 You're aware of the scores that Serenity received as part of
2 this application?

3 A Yes.

4 MR. KOCH: And if we can go to Exhibit 5004. Good
5 job, Brian. And we're going to look at the first four.

6 BY MR. KOCH:

7 Q [Unintelligible] in Las Vegas; is that right?

8 A That's correct.

9 Q And if we can go to the bottom I believe is Las
10 Vegas. What place did Serenity come in in Las Vegas?

11 A I don't recall.

12 Q Forty-sixth; does that sound about right?

13 A It looks right on here.

14 Q Okay. We can zoom it in. I'm having a hard time
15 seeing it.

16 Okay. Forty-sixth, with 180.17 points; is that
17 right?

18 A That's correct.

19 Q So that was about 28 points short of getting into
20 the top 10, it looks like; correct?

21 A Yes.

22 Q Were there any -- as you sit here today do you
23 believe that Serenity was misscored? After you've seen the
24 information related to Serenity were there any misscorings
25 that you believe should --

1 A I don't have enough information to make that
2 determination.

3 Q And if we look at North Las Vegas, couple sections
4 down, we can look at thirty-ninth place. Serenity also
5 applied in North Las Vegas; correct?

6 A Correct.

7 Q And same score, 180.17; right?

8 A Yes.

9 Q And 214 is the cutoff there. So about 34 points
10 out; is that right?

11 A I'm not great at math without a calculator, but I
12 think you're right.

13 Q Okay. This lawsuit, do you believe that -- are you
14 anticipating that the Court will award Serenity a license as a
15 result of this lawsuit?

16 A I can't say what the outcome of this lawsuit will
17 be.

18 Q Okay. And I won't ask you to talk about your
19 communications with counsel, but surely you must have thought
20 about why we're filing this lawsuit and what was the purpose.
21 of filing this lawsuit.

22 A Well, the whole process was done without
23 transparency, without adequate training for the people
24 involved, and without clear scoring mechanisms that were
25 discussed with us afterwards. We had no idea why we scored

1 what we scored, were there errors that could have been
2 addressed, could more information have been requested as the
3 State indicated they would request in the application process.
4 And none of those things turned out to be true. So we believe
5 that it was not done in the proper manner and needs to be
6 thrown out, as Frank said, and redone.

7 Q So the relief that Serenity would like as a result
8 of this lawsuit is to just throw out the old process and start
9 again?

10 A Yes.

11 Q Would that be preparation of brand-new applications?

12 A You know, I don't know if we would prepare brand-new
13 applications. We might, you know, secure locations and do
14 more work with regard to that. But I don't think that we
15 would draw up the applications and start from scratch.

16 Q And with respect to securing locations, what if the
17 State came back and said, all right, we're doing brand-new
18 applications, just like last time you don't need a location,
19 just submit "to be determined," something like that, that be
20 -- change the outcome at all with respect to locations?

21 A I can't say whether or not it would.

22 MR. KOCH: Okay. In fact if we go to Exhibit 303.
23 I know this one's been admitted, so I think we're good there.
24 BY MR. KOCH:

25 Q This says a score sheet or the tracking sheet the

1 State has provided. And have you ever seen this before today?

2 A I have not.

3 Q If we go to Bates Number 41840, this has --

4 MR. KOCH: We're going to go down to the bottom,

5 Brian, where Serenity Wellness has its entries.

6 BY MR. KOCH:

7 Q Serenity is listed there as [unintelligible] from

8 RD322 to 328. You're aware of those numbers being assigned to

9 Serenity?

10 A They're familiar.

11 Q And the address that was submitted as part of

12 Attachment A for Serenity on each of those applications, can

13 you read what it says on 322.

14 A "To be determined."

15 Q All right. The same for the rest down to 328;

16 correct?

17 A Correct.

18 Q So that's what Serenity submitted, to be determined.

19 It did not submit a specific location; correct?

20 A That is correct.

21 Q You understood that that was acceptable; right?

22 A Yes.

23 Q It would not discount or disqualify Serenity from

24 obtaining a license to submit to be determined; is that right?

25 A That was my understanding.

1 Q And the process as we understand it is that a
2 conditional license would be awarded and then the applicant or
3 successful applicant would work with the jurisdiction or
4 locality to secure a final location that would be approved
5 both by the jurisdiction and then finally by the Department.
6 Did you understand that?

7 A That was my understanding.

8 Q And let me ask you this last thing. Question 2, you
9 talked about your understanding of why that question -- what
10 it was really asking. And you said it's personal liberty, the
11 ability to use marijuana products; is that right?

12 A I believe that, and to eliminate crime or reduce
13 crime.

14 Q So to get rid of black market or illegal sales of
15 marijuana, allow it to be regulated in a manner to eliminate
16 or at least limit crime in that area; correct?

17 A Nevada has a great track record of regulating things
18 which would otherwise be illegal, and it has shown to reduce
19 crime and make it safer for people who would do it without
20 regulation.

21 Q Right. So you're talking about maybe gaming?

22 A Prostitution.

23 Q Prostitution. Other areas that maybe don't fly in
24 other states, but Nevada decided let's try it?

25 A It's kind of our thing.

1 Q All right. And marijuana -- we followed some other
2 states, and some other states are now following us. You're
3 aware of that; right?

4 A Yes.

5 Q And Nevada has adopted regulations with respect to
6 recreational marijuana. Do you expect those regulations will
7 change over time?

8 A Oh, yeah. They continue to evolve all the time.

9 Q They'll hopefully improve; right?

10 A They have only improved since the beginning.

11 Q Good. Good. And same goes -- gaming regulations,
12 you're aware that gaming regulations over time or statutes
13 have improved or changed; right?

14 A I'm not an expert in gaming, but I assume that seems
15 like it would be reasonable.

16 Q And you would expect that over the passage of time,
17 10 years from now the regulations relating to the regulation
18 and licensing of marijuana may be very different from what we
19 see today?

20 A I would expect so.

21 Q And if the Department of Taxation were to adopt a
22 new process -- let's say two years from now they say, we're
23 going to submit -- we're going to allow for new applications.
24 We're going to allow people to submit new applications, that
25 those rules and regulations may be different the next time

1 around than they were this time?

2 A They may be.

3 Q And they may learn from this time and say, well,
4 here's some things we can do better, we'll improve next time;
5 correct?

6 A You would hope.

7 Q Okay. You wouldn't expect perfection the first time
8 around when they have an application process?

9 A Perfection is always an elusive thing.

10 MR. KOCH: All right. Thank you. No further
11 questions.

12 THE COURT: Anyone ones, defendants, defendants in
13 intervention?

14 MR. SHEVORSKI: Just real quick, Your Honor.

15 THE COURT: Mr. Shevorski.

16 DIRECT EXAMINATION

17 BY MR. SHEVORSKI:

18 Q Good afternoon.

19 A Good afternoon.

20 Q Quick question with respect to -- Mr. Koch's asked
21 you a few questions about retail investors and it's possible
22 for a retail investor to hold a share of the holding company
23 for one day, couple hours?

24 A Presumably so.

25 Q And you're aware that it's possible for not even a

1 human being to purchase a share; right? It could be through
2 an algorithm in the computer?

3 A I'm not aware of that.

4 Q Okay. With that, shares purchased and sold within
5 the same day and it's a small proportion, say two shares of
6 your company, during that time period has the ownership of
7 that share any threat to public health and safety in Nevada?

8 A No. That 60-cent investment is probably
9 inconsequential.

10 Q It doesn't matter who the owner is?

11 A I can't see how they would benefit from owning two
12 shares of stock.

13 Q My question was does it matter who the owner is of
14 that 60-cent investment during the time period to the public
15 health and safety of Nevada.

16 A I don't see how it would impact the public health
17 and safety of Nevada.

18 MR. SHEVORSKI: Thank you. No further questions.

19 THE COURT: Anyone else?

20 MR. GRAF: Real quick, Your Honor.

21 THE COURT: Mr. Graf.

22 DIRECT EXAMINATION

23 BY MR. GRAF:

24 Q Good afternoon, Mr. Sillitoe. My name is Rusty
25 Graf, and I represent Clear River in this action. I just want

1 to make sure I was clear and the Court was clear on something.
2 You applied for seven -- or you submitted seven applications?
3 A Correct.
4 Q Seven applications, different jurisdictions?
5 A Yes.
6 Q Okay. And in those -- or with those applications
7 were you ever given any guarantees that you were going to get
8 a license on any of those?
9 A No.
10 Q Okay. Were you ever told by anybody at the State
11 that there was a certainty that you would get a license if you
12 submitted an application?
13 A No.
14 Q Okay. You sold -- or your company sold within the
15 last year, I think you said.
16 A A little over a year ago.
17 Q Okay. And there was a price?
18 A Yes.
19 Q And that was a known price?
20 A Yes. Publicly available.
21 Q I'm sorry?
22 A It's publicly available information.
23 Q So what did it sell for?
24 A \$18,250,000. But that was all three of our
25 companies, not just the dispensary.

1 Q Okay.

2 A And I think it was a low price.

3 Q All right. And you think it could have been more?

4 A Absolutely.

5 Q And you're aware and you stay up on the sales of

6 other dispensaries, production, and cultivation facilities in

7 Nevada --

8 A Somewhat.

9 Q -- right?

10 A Somewhat. But not -- I don't follow it religiously,

11 but I am aware of some.

12 Q Okay. And they're selling for prices that you're

13 aware of; right?

14 A Yes.

15 Q And those prices are known in the public and in the

16 industry?

17 A Yes.

18 Q Okay. You said that your -- and this is my last

19 area I'm going to ask you about. You said that your problem

20 with this process is that it wasn't fair. Do you remember

21 that?

22 A Did I say fair?

23 Q I thought so.

24 A Okay. Sure.

25 Q I wrote it down.

1 A That sounds good.

2 Q Is your problem with the score that you received, or
3 the score that other applicants received?

4 A My problem is that I don't believe the scores were
5 all given out in the same manner. They weren't graded in the
6 same way, and there was probably too much subjectivity that
7 occurred with the scorers.

8 Q Okay. So your problem is with the scores that were
9 received by the other applicants that were successful?

10 A I can't speak to whether or not theirs were graded
11 fairly, but the process itself wasn't conducted in a fair
12 manner, and it's likely that many of the scores were graded in
13 an unfair way.

14 Q Okay. So --

15 A Without consistency.

16 Q And maybe I talked you into it, but I'm trying to
17 figure out what you mean by an in an unfair way. What was --

18 A Kind of the same things I said before, where there
19 was a lack of clarity on how the different scoring was given
20 out for each category and the people that were doing it, that
21 were giving out the scores, they weren't trained properly in
22 order to score effectively and correctly. So it's hard to
23 argue that they were experts that were knowledgeable enough to
24 give objective scores out. And so it just wasn't done in a
25 transparent and fair way.

1 MR. GRAF: Thank you.

2 THE COURT: Anyone else?

3 MS. SHELL: Your Honor, I --

4 THE COURT: Ms. Shell.

5 MS. SHELL: I just have a quick question for Mr.

6 Sillitoe.

7 THE COURT: No. You never ask questions. So we are

8 going to make sure that we listen.

9 MS. SHELL: That's not entirely true, Your Honor.

10 I have asked questions before when forced to.

11 THE COURT: It is rare for you to ask questions.

12 MS. SHELL: You know, my co-counsel at table here do

13 such an adequate job of thoroughly --

14 DIRECT EXAMINATION

15 BY MR. SHELL:

16 Q So, Mr. Sillitoe, my name's Alina Shell. I represent

17 GreenMart of Nevada an LLP in this matter. I just had a quick

18 question for you in response to some answers you gave to Mr.

19 Graf. Now, you said that it was not likely that the scoring

20 was conducted in a fair manner. What do you base that on?

21 A The outcome.

22 MS. SHELL: No further questions, Your Honor.

23 THE COURT: Anybody else? Anyone else?

24 Thank you, sir. We appreciate your time. Have a

25 very nice afternoon.

1 Your next witness.

2 MR. GUTIERREZ: Thank you, Your Honor. I would call
3 Sean Luse.

4 SEAN LUSE, DEFENDANTS' WITNESS, SWORN

5 THE CLERK: Thank you. Please be seated. Please
6 state and spell your name for the record.

7 THE WITNESS: Sure. My name is Sean Luse, S-E-A-N
8 L-U-S-E.

9 THE COURT: Sir, there's water there if it's still
10 in the pitcher, there are M&Ms in dispenser, and tons of
11 exhibits. So if you need a break, you let us know.

12 Mr. Gutierrez, you're up.

13 DIRECT EXAMINATION

14 BY MR. GUTIERREZ:

15 Q Good afternoon, Mr. Luse. What's your current
16 position?

17 A I am an owner of Nuleaf and also serve as the chief
18 operating officer.

19 Q And how long have you been with Nuleaf?

20 A Since the founding. So we founded the company in
21 early 2014.

22 Q When you say we who are you discussing?

23 A Well, my various co-founders.

24 Q Who were they?

25 A Specifically Tim Schick and Dan Bontan, so longtime

1 business partners of mine from California. And then local
2 people, Kenny Kuykendall, Ben Sabouri, Jeff and Paulette
3 Copoff, John Sandy III.

4 Q And how many dispensaries does Nuleaf currently
5 operate?

6 A We operate two. We also have a City of Las Vegas
7 license that's currently unoperable -- nonoperating.

8 Q Where are those two dispensaries?

9 A There's one in Incline Village. It's on the
10 Boulevard, and then one here in Clark County, unincorporated
11 Clark County, Twain and Paradise.

12 Q Okay. And were you part of the 2014 application
13 process?

14 A I was, yes.

15 Q And did you fill out the applications personally, or
16 who did that for your company?

17 A Oh. I was involved in the coordination of them.
18 You know, we had a team involved, as well as legal
19 representation. So it was a team effort.

20 Q And was Mr. Kuykendall a part of that, as well?

21 A Not in a big role, no. I mean, he was certainly at
22 that point a founder of the company and a board member, but
23 wasn't that involved in the application process.

24 Q Was he part of the 2018 process?

25 A Same thing. Still a part of the company, so

1 involved in a tangential way through board meetings and things
2 like that, but not involved intimately in the process.

3 Q And how many medical marijuana licenses did Nuleaf
4 obtain?

5 A So we were granted five initially in 2018, two
6 cultivation and three dispensary -- or 2014.

7 Q And was Nuleaf part of the State and County
8 lawsuits?

9 A That's correct.

10 Q What side was Nuleaf on?

11 A So we would have been the State [unintelligible].

12 Q So you were granted licenses by the State; is that
13 fair to say, or at that point, 2014, or is it opposite?

14 A Well, I guess -- when you say which side were we on,
15 I would say were the State [unintelligible], because we
16 initially had our special use permit denied by the County, but
17 then we ranked highly when the State rankings came out, and
18 then the resolution came during the legislative session.

19 Q And how did that whole State and County lawsuit
20 affect the development of the 2018 process?

21 A For us personally, or are you asking me more
22 broadly, like the whole process or --

23 Q More broadly for the industry. That lawsuit
24 presented some type of -- there was a -- they knew there was
25 an inconsistency with how local governments were approving

1 with the State; correct?

2 A Uh-huh.

3 Q Is that a yes?

4 A That's generally at the heart of it, yes.

5 Q But how did the industry sort of lobby or discuss
6 that with the Department in how to improve the 2018 process?

7 A You know, it's hard for me to speak on all the broad
8 swath of lobbying. I mean, I think, you know, there was court
9 cases around that, too, a case in the City of Las Vegas that
10 we were involved with that ended up at the Supreme Court. So,
11 you know, I think it probably influenced people's thinking on
12 the process some and -- about locations and who really gets to
13 decide those and things.

14 Q And that case, that was a published Supreme Court
15 decision; right? Is that correct?

16 A Uh-huh. Yeah.

17 Q Yes?

18 A Yes.

19 Q That involved you said your City of Las Vegas
20 license?

21 A Yeah, it did.

22 Q Tell me a little bit about that case.

23 A Yeah. Sure. So in 2014 the State ranked us as
24 Number 2 in the City of Las Vegas jurisdiction, but just a
25 couple weeks before that we had our special use permit denied.

1 And then -- so as we were moving forward it was our
2 understanding that we would go for a new location, you know,
3 we had a counsel member on record during the hearing saying
4 that, hey, we like these operators, we just don't like that
5 location. So our understanding was we'd just get a new
6 location and apply for another special use permit, since we
7 were ranked so highly by the State and had that provisional
8 license. Other participants felt otherwise, and they filed
9 suit with an attempt at having our provisional license
10 reassigned to another group, to the thirteenth group in the
11 City, since the top 12 received provisionals.

12 Q Who was that other group?

13 A It was originally GB Sciences, is my recollection.
14 And then at the last minute, though, there was a scoring
15 change and the group that became Acres came from way down the
16 list at 40-something and became the new 13, the new thirteenth
17 ranked applicant. And then when the District judge sided with
18 them, they -- 13 got the license, Number 2, Nuleaf, did not.
19 And then we appealed to the Supreme Court, the Supreme Court
20 reversed that decision back to us.

21 Q Supreme Court reversed that decision in your favor;
22 correct?

23 A Yeah. And now we have the City of Las Vegas
24 license.

25 Q And you just haven't got the special use permit to

1 get that operational?

2 A We have that. We just haven't completed build-out
3 and actually opened to doors, but we do have the special use
4 permit.

5 Q Okay. Now, as part of the 2018 process how much
6 time did Nuleaf spend on that application?

7 A Oh, a significant amount of time. We had multiple
8 people from Sandy Law working, working on the application for
9 months. We had multiple staff members involved. We were
10 actively engaged in real estate pursuits, trying to tie up
11 properties and get that. So there's a lot. I don't have a
12 firm number on it, but significant.

13 Q Did -- and Nuleaf did very well on the medical
14 application, correct, on their scores?

15 A Yeah, I'd say so.

16 Q And Kenny Kuykendall, it's -- did he have -- I know
17 we asked this, but what was his role with the application
18 process?

19 A I'd say in preparing the application virtually no
20 role other than filling out his attestation and, you know, the
21 required things as a minority owner and a board member. But
22 in terms of writing applications or things like that --

23 Q Were there portions of the application for Nuleaf
24 that you just did a find and replace for medical?

25 A I don't think that was our approach, no. I mean,

1 certainly we did a number of -- you know, we did edit
2 documents, we did create new documents. You know, regulations
3 changed, our operation's evolved. But I don't think it was a
4 simple find and replace, no.

5 Q But some portions you would agree that were you just
6 a find and replace?

7 A No. That's not my recollection of a process.

8 Q If Mr. Kuykendall told that to Mr. Burton, my
9 client, that would be false, that Nuleaf just did a find and
10 replace and that was one of the reasons he believed they lost?

11 A Yeah. I don't believe that's true, no.

12 Q Okay. With that application how did Nuleaf do in
13 the scoring round for the 2018?

14 A How did we do? We applied for five licenses, five
15 jurisdictions, and we received zero.

16 Q And what jurisdictions were they?

17 A It was unincorporated Clark County, City of Las
18 Vegas, North Las Vegas, Reno, and Sparks.

19 Q Okay. Now -- and you authorized this lawsuit to be
20 brought; correct?

21 A Correct.

22 Q And what was the basis for you bringing this
23 lawsuit?

24 A A feeling that the process was -- initially when we
25 started we were concerned about the opaque nature of it. We

1 really didn't know what happened. When we started to piece
2 together information we saw that it appeared that a large
3 number of licenses had accumulated in the hands of very few
4 groups and didn't -- didn't make sense to us, and we didn't
5 know what really happened, and we felt the only way to
6 preserve our rights and find out was to file the lawsuit.

7 Q And since the filing of the lawsuit SB 32 gave a lot
8 of transparency on the scoring process. Do you agree?

9 A I do agree.

10 Q And is transparency still an issue for your company
11 with this litigation?

12 A I don't believe -- transparency is not a huge issue
13 for us at this point. I do think there's been a lot, both
14 through these hearings and through that piece of legislation
15 that has come out. But the more we've learned in here I think
16 the more we've realized that our suspicions maybe were true
17 and that there was a lot inconsistent things which seemed to
18 be sloppiness, poor training, you know, a number of things
19 that have come to light now that we've shown the light on it.

20 Q Sloppiness and poor training. But one of the
21 initial allegations that came out of this was some type of
22 favoritism or corruption. You no longer believe that;
23 correct?

24 A I haven't seen any evidence of, you know, bribery or
25 corruption. I do think that what it sounds like is some

1 people had more access and maybe even personal relationships
2 with important people in the Department of Taxation that may
3 have -- may have been part of this.

4 Q You believe this was a scoring process using
5 impartial graders, though; correct?

6 MR. CRISTALLI: Objection. Calls for speculation.

7 THE COURT: Overruled. You can answer.

8 THE WITNESS: You know, I have no evidence that
9 they're not impartial, but I don't know a lot about --
10 BY MR. GUTIERREZ:

11 Q Well, let me ask it this way. The graders that were
12 used for this were independent contractors; correct?

13 A That's my understanding, yes.

14 Q They weren't part of the Department of Taxation;
15 correct?

16 A Correct.

17 Q They didn't have any knowledge as to how the
18 different companies were; is it fair to say?

19 A I would imagine that's fair.

20 Q Okay. So do you believe using an independent
21 contractor, as opposed to like a compliance officer, gives
22 that grading process more of an impartial feel?

23 A It could be more impartial, yes. But I think it may
24 also make it less informed and less likely to make the proper
25 determinations.

1 Q And do you think the scoring process is similar to
2 2014 in 2018?

3 A The scoring process, like how the actual
4 applications were judged and --

5 Q Yes.

6 A I think on paper it looks somewhat similar. But I
7 think in practice I don't believe it was similar.

8 Q Do you -- are you making any claim that NRS 453D,
9 the actual statute that adopted the ballot issue, that that is
10 flawed? Are you making that claim?

11 MR. CRISTALLI: Objection. Attorney-client.

12 THE COURT: Overruled. You can answer.

13 THE WITNESS: That Question 2 was --

14 BY MR. GUTIERREZ:

15 Q Let me ask you this way. Question 2, the ballot
16 initiative, was put into a statute, NRS 453D; correct?

17 A Correct.

18 Q Are you making the claim that NRS 453D isn't
19 consistent with the ballot initiative?

20 A Am I making that claim? I think it's likely that
21 there are some inconsistencies, yes.

22 Q Okay. Let's go through that. Let's pull up 453D
23 and ask specifically what those -- and I'm talking about
24 inconsistency with the ballot initiative and that statute. I
25 want you to explain for us -- if the book is front of you, you

1 can turn to 453D. Right to your left, sir.

2 THE COURT: It's right here, this blue book. And in
3 the paper part on the back. It's called a pocket part for
4 lawyers.

5 BY MR. GUTIERREZ:

6 Q We could pull up the ballot initiative, too, if you
7 need it. But my question's very specific as to this statute
8 in following the ballot question, are you claiming that this
9 statute is inconsistent in any way the ballot initiative?

10 MR. CRISTALLI: Objection. Calls for a legal
11 conclusion.

12 THE COURT: Overruled.

13 THE WITNESS: Yeah. I mean, I'm not going to be
14 able to read the whole thing and cross-reference it while
15 we're here. So --

16 BY MR. GUTIERREZ:

17 Q We've been talking about regulations under NAB 453D.
18 Are you aware of that?

19 A Yes, I'm aware of its existence, uh-huh.

20 Q Okay. And is your claim that the regulations don't
21 follow this statute, or is it that the statute doesn't follow
22 the ballot initiative? Just trying to be clear on this.

23 A Right. Yeah. So I'm -- I'm -- believe it's my
24 thinking is the regulations not following --

25 Q Okay. And you've been in court; right?

1 A I have. Not nearly as much as maybe some people,
2 but I've been here a few days.

3 Q Not as much as Mr. Hawkins, though. So we've been
4 talking about the regulations following the statute. But, to
5 be clear, you're not saying that the statute is not -- is
6 inconsistent with the ballot initiative?

7 A Yes, I suppose I am talking about the regulations be
8 inconsistent with the statute.

9 Q We've talked about background checks and you've been
10 here on background checks; correct?

11 A Yep.

12 Q And we've talked about diversity; correct?

13 A Uh-huh.

14 Q We also talked about the whole proposed location;
15 correct?

16 A Right.

17 Q Now, with diversity are you -- is it your position
18 that diversity's not directly or demonstrably related to the
19 operation of a marijuana establishment?

20 A Yeah. That is --

21 Q And explain why you believe that.

22 A Because I believe that absolutely no evidence or
23 studies or anything that would indicate that somebody's
24 State's Exhibit or ethnic background is an indicator or
25 predictor of how well they can operate a dispensary.

1 Q With respect to background checks and the 5 percent
2 requirement, was the 5 percent requirement in place when you
3 did the 2014 and '15 applications?

4 A I believe it was. We are a private company
5 ourselves, so it's not a focus of ours.

6 Q You said you believe it was?

7 A Yes.

8 Q Okay. You had no objection then, to the 5 percent
9 requirement?

10 A Not a formal objection.

11 Q Okay. But now you have an objection because you
12 didn't get a license, is that fair to say, because of this
13 5 percent requirement?

14 MR. CRISTALLI: Objection. Argumentative.

15 THE COURT: Overruled.

16 THE WITNESS: Yeah. I wouldn't say that, no. I
17 think that between the 2014 and 2018 a lot has changed and
18 we're seeing there's a lot more public companies, there's a
19 lot different ones, they're based in other countries. It's
20 just a -- it's whole 'nother world than there in just five
21 years, in my opinion.

22 BY MR. GUTIERREZ:

23 Q But you had the opportunity to object to any of the
24 regulations during the process when they were holding public
25 workshops or talking with the industry leaders; correct?

1 A Yeah.

2 Q And you didn't raise any issue with the 5 percent
3 requirement when they were adopting the regulations for 2018;
4 correct?

5 A No, I did not.

6 Q Okay. We've talked about irreparable harm and the
7 harm that could be incurred if there's an injunction that's
8 not granted. Can you express that -- explain that to me what
9 the harm would be to your company, Nuleaf, if an injunction is
10 not granted?

11 A Yeah. I would say that -- back to the point of
12 background checks, you know, I believe we've heard now and
13 know that many owners of companies weren't background checked,
14 weren't fully vetted. And so I worry that there could be a
15 broad backlash by the federal government that may disrupt our
16 whole program here and pull the rug out from under us and
17 perhaps everybody would lose our licenses, lose the tax money.
18 And so I think that's one potential harm that could come.

19 Q Okay. Anything else?

20 A Obviously there's the potential for financial harm
21 to our business or loss of market share, loss of revenue,
22 things like that?

23 Q Anything else?

24 A I would say the other harm is just the nature of the
25 concentration of licenses that this new round would create,

1 that there could be an oligopoly of a few operators who
2 control, you know, double digit licenses, and I think that has
3 the potential to pervert the whole market, potentially drive
4 down tax revenue, and create a competitive imbalance that
5 harms other businesses.

6 Q You're aware that the regulations for NRS 453D allow
7 that in the judgment of the Department they can do a
8 background check on a less than 5 percent owner?

9 A I am aware of that, yes.

10 Q So hypothetically, if the Department did background
11 checks on public companies tomorrow, would that satisfy your
12 concern and allow these licensees, these 61 licenses to go and
13 get opened?

14 A Not every single concern, no.

15 Q Well, then we have -- what other concern would we
16 still have?

17 A Well, there would be the concern of the entire
18 process and what we might learn farther down the line in this
19 case, and there's the comments I still made about what a
20 virtual oligopoly could create here in the market forces at
21 play, things like that. Certainly there's more. That was
22 just the main one that came to mind first.

23 Q And there is an anti-monopoly [unintelligible] in
24 the regulations; correct?

25 A That's correct.

1 Q And that 10 percent of a certain number of licenses
2 based on population; is that correct?

3 A Yeah.

4 Q And would you agree that if a company complies with
5 that regulation that they're in compliance with the anti-
6 monopoly provisions of the regulations?

7 A Yes.

8 Q Okay. We've talked a little bit about tax revenue
9 being lost. Do you think that tax revenue is actively being
10 lost with these new licenses not being able to open?

11 A I don't know, but I highly doubt it.

12 Q And you say you highly doubt it. Why do you say
13 that?

14 A Because I do believe that there -- we -- that the
15 needs of cannabis consumers are largely being met in Nevada, I
16 think like you heard from a previous witness. I don't believe
17 that there's all these people who are just waiting for another
18 dispensary to open downtown and then they'll start buying
19 cannabis. I think we've largely captured the market and that
20 there's not going to be all this new tax revenue coming.

21 Q What about in some of the counties that haven't had
22 dispensaries that will have a new dispensary?

23 A That's -- that could be different. I don't think
24 there's many of those counties that have more than ten, 20,000
25 people in them, but it could be a small amount of tax revenue.

1 Q And that could be additional tax revenue for the
2 State if they're allowed to open; correct?

3 A It could be, yes.

4 MR. GUTIERREZ: All right. I'll pass the witness,
5 Your Honor. Thank you.

6 THE COURT: Any other defendant, defendant in
7 intervention have questions?

8 MR. SHEVORSKI: Quick, Your Honor.

9 DIRECT EXAMINATION

10 BY MR. SHEVORSKI:

11 Q Good afternoon, Mr. Luse. Steve Shevorski of the
12 Attorney General's Office.

13 My friend Mr. Gutierrez was asking a few questions.
14 You mentioned locking up properties. You would agree with me
15 at the time you submitted your application you did not
16 indicate on your application that you had actual physical
17 addresses, correct, for any of the licenses you were applying
18 for?

19 A That is correct.

20 MR. SHEVORSKI: No further questions.

21 THE COURT: Any other defendant, defendant in
22 intervention have questions?

23 Anyone from the plaintiffs' side?

24 Mr. Graf, nothing from you?

25 MR. GRAF: No, no, no. [Inaudible].

1 THE COURT: All right. Thank you, sir. We
2 appreciate your time. Have a nice afternoon.
3 Next witness.
4 MR. GUTIERREZ: I think that's all of our witnesses
5 for today. We have a few witnesses. We have a few witnesses
6 with Mr. Bult's clients that will be available at the next
7 hearing.
8 THE COURT: And our next hearing for you guys is?
9 MR. KOCH: Thursday morning?
10 MR. GUTIERREZ: Thursday morning.
11 THE COURT: So we're starting Thursday morning at
12 9:30.
13 MR. GUTIERREZ: That works for me.
14 MR. GENTILE: Your Honor, what is the schedule for
15 Thursday? Are we going all day?
16 MR. PARKER: No. We can't. I've got a board
17 meeting.
18 THE COURT: Teddy has to go to a board meeting.
19 Still the Housing Authority board, Mr. Parker?
20 MR. PARKER: It is, Your Honor.
21 THE COURT: He goes to the Housing Authority board
22 apparently every time I schedule a hearing.
23 MR. PARKER: [Inaudible].
24 THE COURT: So the question is how quick are these
25 two witnesses going to be? About the same?

1 MR. GUTIERREZ: About the same, Your Honor.

2 THE COURT: Forty minutes each?

3 MR. GENTILE: Here's my problem. You were going to
4 ask by the end of the day today if we were going to call a
5 rebuttal witness. We are.

6 THE COURT: No, I'm not going to ask you that till
7 Thursday.

8 MR. GENTILE: Oh. Thursday you're going to ask.

9 THE COURT: I told you I was going to ask you when
10 those witnesses finish.

11 However, before I let you guys go for the day, since
12 I have minutes of your time still, I have a pending motion to
13 seal that was on my calendar on Friday that I was hoping I
14 would get some redacted versions of proposed exhibits from
15 some of you. Mr. Koch is prepared to discuss that issue with
16 me.

17 Do you have a proposed redaction for me, Mr. Koch?

18 MR. KOCH: The items -- the ones that we believe
19 should be sealed from Nevada Organic Remedies gave four sets
20 of Bates numbers.

21 THE COURT: Nope. Give me the actual documents with
22 the proposed redactions on them.

23 MR. KOCH: Okay. I can do that. I don't have it
24 today, but I'll --

25 THE COURT: Okay. Can you do that on Thursday?

1 MR. KOCH: We can do that.

2 THE COURT: So, Dulce, continue it to Thursday at
3 9:30.

4 MR. KOCH: And with respect to planning my
5 understanding and hope is that Thursday there's a possibility
6 of finishing witnesses. I don't know if that hope is
7 justified or not, but there's some talk about potentially
8 trying to find a day next week for closing arguments, maybe
9 schedule it now. I know we said Wednesday is a possibility.
10 I don't know if what the Court's schedule looks like.

11 MR. KEMP: Judge, I don't think that's a possibility
12 because of this rebuttal witness.

13 THE COURT: When is the -- if you call a rebuttal
14 witness -- hypothetically if you call a rebuttal witness, when
15 might they be available?

16 MR. GENTILE: He will fly in here on the 28th and
17 testify the 29th.

18 THE COURT: So are you assuming I have nothing to do
19 on the 29th?

20 MR. GENTILE: I did not. He's available on the
21 30th, as well.

22 THE COURT: You know, 'cause I have stuff the 29th,
23 30th, and 31st.

24 MR. GENTILE: I could bring him later than that. I
25 was trying to get him in as soon as he's available, and that's

1 as soon as he's available.

2 THE COURT: Can he testify by video?

3 MR. GENTILE: I don't think so. He's got
4 commitments in Colorado and in Chicago.

5 THE COURT: Hold on. Let me look at my days for the
6 29th and 30th. Because I just erased Mr. Koch's partner's
7 case on August 1 and August 2. I was able to erase those this
8 morning.

9 MR. KOCH: What case is it?

10 THE COURT: I don't know. Some preliminary
11 injunction hearing with doctors.

12 MR. GRAF: Do you know who this witness is and what
13 he's going to testify to?

14 THE COURT: Hold on. Hold on, Mr. Graf.

15 MR. GRAF: I'm crazy.

16 THE COURT: So I have one of the lovely HOA cases,
17 foreclosure cases on the 29th, and on the 30th and 1st I have
18 another lovely HOA foreclosure case.

19 MR. KOCH: I think you might have a horse case after
20 that.

21 THE COURT: No. The horse case settled. I was
22 looking forward to that one.

23 (Pause in the proceedings)

24 THE COURT: So, Mr. Gentile, those cases never
25 settle. Never, because they all want to go to the Supreme

1 Court and ask the Supreme Court what the next item they're
2 going to clarify is. And the Supreme Court keeps clarifying
3 things, which reinforces their not settling and going up
4 there.

5 I do, however, have free the 1st and 2nd. I have
6 other time free before. But if your witness isn't free, then
7 I'm not getting done this week, which was my hope.

8 MR. GENTILE: Witness told me he could be here the
9 29th or 30th. I never discussed anything after that, because
10 I said, how soon can you get here. But I'm pretty confident
11 that the 1st would probably work.

12 THE COURT: So assume for me for a minute that at
13 the end of these two witnesses on Thursday you think you need
14 to use a rebuttal witness. What subject matter do you think
15 he would be testifying on?

16 MR. GENTILE: They have raised the issue of
17 irreparable harm and the valuation of a license. That's what
18 he testifies about.

19 MR. GRAF: Your Honor, that's not raised. That's an
20 element of a preliminary injunction. I cannot believe that's
21 rebuttal.

22 THE COURT: Well, but --

23 MR. GRAF: I object. I do not think that that is a
24 witness --

25 THE COURT: It could be rebuttal under -- based on

1 the evidence you guys have presented, because I had already
2 written down my thoughts a couple of days ago on irreparable
3 harm, and I've certainly modified them since today given some
4 of the things you guys have said.

5 MR. GENTILE: That's my point. That's why I want to
6 call him.

7 THE COURT: I don't know if -- I had to ask how to
8 spell it, 'cause I was having trouble today. So you couldn't
9 find any irreparable harm, then; is that your --

10 THE COURT: Not the way I was spelling it. That was
11 good, Mr. Koch. I don't know who came up with that, but --

12 (Off-record colloquy)

13 THE COURT: So I'm not saying he can't call him as a
14 rebuttal witness, but I'm not going to ask him that question
15 till you guys finish the case. I am concerned about the
16 scheduling.

17 Assume with me for a minute that Mr. Gentile's able
18 to get the person he wants to call as a rebuttal witness here
19 on August 1st. Would you all be able to argue on August 1st
20 and 2nd?

21 MR. SHEVORSKI: State's fine with that, Your Honor.

22 MR. GENTILE: I'm sure we would. Don't you?

23 MR. KAHN: Your Honor, I'm in -- out of state until
24 the 5th. From the 25th to the 5th.

25 THE COURT: Okay. So we won't be going on August 1

1 and 2, then.

2 MR. GENTILE: Not go at all?

3 THE COURT: Not if I have people who are out of
4 state. I mean, I'm trying real hard to have every --

5 MR. GENTILE: I get it.

6 MR. KAHN: If he's not going to call the rebuttal,
7 we're all here next week for the motion for summary judgment
8 hearing. Would that work?

9 THE COURT: I'm calling a rebuttal witness, so, you
10 know, if we could get back to if a frog had wings, but I'm not
11 going there anymore.

12 THE COURT: I'm not trying to get anybody to go
13 anywhere.

14 MR. GENTILE: Okay.

15 THE COURT: If you're not back till the 5th, then I
16 won't know what I have until July 30th when I do the calendar
17 calls for the next group of cases. And it's a mess, because
18 Steve Peek wants four days on a probate motion to invoke
19 settlement -- oh, I'm sorry, a motion to approve settlement.

20 MR. GENTILE: I will inquire of my -- Your Honor,
21 I'll be able to report to you on Thursday his availability in
22 August.

23 THE COURT: All right. I will see you guys Thursday
24 morning.

25 MR. GRAF: Oh. Wait.

1 THE COURT: Yes, Mr. Graf?
2 MR. GRAF: Can we get a name?
3 MR. GENTILE: Larry.
4 THE COURT: I do not typically require disclosure of
5 true rebuttal experts, especially not in a preliminary
6 injunction hearing.
7 Anything else? Jill's off.
8 (Court recessed at 4:26 p.m., until the following
9 Thursday, July 19, 2019, at 9:30 a.m.)
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DEFENDANTS' WITNESSES

| | | | | |
|---------------|--------------|-----|----|---|
| Brett Scolari | 3/30 | 33 | 41 | - |
| Frank Hawkins | 44/68/73/97 | 102 | - | - |
| Ben Sillitoe | 107/122/147/ | | | |
| | 148/152 | - | - | - |
| Sean Luse | 53/169 | - | - | - |

* * *

EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
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PLAINTIFFS' EXHIBIT NO.

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| 264 | 36 |
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DEFENDANTS' EXHIBIT NO.

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| 5048 | 13 |

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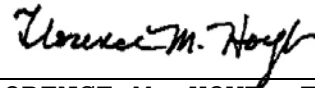
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

7/16/19

DATE

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 37 OF 343

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| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 3 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/19/2018 | 000026-000036 |
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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |
| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |

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| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 45 | CORRECTED FIRST AMENDED COMPLAINT. | 34 | 7/11/2019 | 003950-003967 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |
| 50 | ANSWER TO CORRECTED FIRST AMENDED COMPLAINT | 37 | 7/15/2019 | 004414-004425 |
| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |

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| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
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| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
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| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |

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| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITITES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

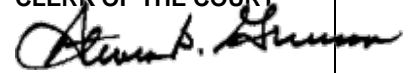
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

050



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14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 SERENITY WELLNESS CENTER, LLC, a
17 Nevada limited liability company, TGIG,
18 LLC, a Nevada limited liability company,
19 NULEAF INCLINE DISPENSARY, LLC, a
20 Nevada limited liability company,
21 NEVADA HOLISTIC MEDICINE, LLC, a
22 Nevada limited liability company, TRYKE
23 COMPANIES SO NV, LLC, a Nevada
24 limited liability company, TRYKE
25 COMPANIES RENO, LLC, a Nevada
26 limited liability company, GBS NEVADA
27 PARTNERS, LLC, a Nevada limited
28 liability company, FIDELIS HOLDINGS,
LLC, a Nevada limited liability company,
GRAVITAS NEVADA, LTD, a Nevada
limited liability company, NEVADA PURE,
LLC, a Nevada limited liability company,
MEDIFARM, LLC, a Nevada limited
liability company, MEDIFARM, IV, LLC, a
Nevada limited liability company, DOE
PLAINTIFFS I through X; and ROE
ENTITY PLAINTIFFS I through X,

Plaintiff(s),

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

**ANSWER TO CORRECTED FIRST
AMENDED COMPLAINT**

1 vs.

2 THE STATE OF NEVADA, DEPARTMENT
3 OF TAXATION,

4 Defendant(s).

5 and

6 NEVADA ORGANIC REMEDIES, LLC;
7 INTEGRAL ASSOCIATES LLC d/b/a
8 ESSENCE CANNABIS DISPENSARIES, a
9 Nevada limited liability company;
10 ESSENCE TROPICANA, LLC, a Nevada
11 limited liability company; ESSENCE
12 HENDERSON, LLC, a Nevada limited
13 liability company; CPCM HOLDINGS, LLC
14 d/b/a THRIVE CANNABIS
15 MARKETPLACE, COMMERCE PARK
16 MEDICAL, LLC, a Nevada limited liability
company; and CHEYENNE MEDICAL,
LLC, a Nevada limited liability company;
LONE MOUNTAIN PARTNERS, LLC, a
Nevada limited liability partnership;
HELPING HANDS WELLNESS CENTER,
INC., a Nevada corporation; GREENMART
OF NEVADA NLV LLC, a Nevada limited
liability company; and CLEAR RIVER,
LLC,

Intervenors.

17 The State of Nevada ex rel. Department of Taxation (the “Department”) answers
18 Plaintiffs’ Amended Complaint as follows:

19 **PARTIES, JURISDICTION, AND VENUE**

20 1. Answering Paragraph 1, the Department is without knowledge or information
21 sufficient to form a belief as to the truth of the allegations set forth therein and, therefore
22 denies the same.

23 2. Answering Paragraph 2, the Department is without knowledge or information
24 sufficient to form a belief as to the truth of the allegations set forth therein and, therefore
25 denies the same.

26 3. Answering Paragraph 3, the Department is without knowledge or information
27 sufficient to form a belief as to the truth of the allegations set forth therein and, therefore
28 denies the same.

1 4. Answering Paragraph 4, the Department is without knowledge or information
2 sufficient to form a belief as to the truth of the allegations set forth therein and, therefore
3 denies the same.

4 5. Answering Paragraph 5, the Department is without knowledge or information
5 sufficient to form a belief as to the truth of the allegations set forth therein and, therefore
6 denies the same.

7 6. Answering Paragraph 6, the Department is without knowledge or information
8 sufficient to form a belief as to the truth of the allegations set forth therein and, therefore
9 denies the same.

10 7. Answering Paragraph 7, the Department is without knowledge or information
11 sufficient to form a belief as to the truth of the allegations set forth therein and, therefore
12 denies the same.

13 8. Answering Paragraph 8, the Department is without knowledge or information
14 sufficient to form a belief as to the truth of the allegations set forth therein and, therefore
15 denies the same.

16 9. Answering Paragraph 9, the Department is without knowledge or information
17 sufficient to form a belief as to the truth of the allegations set forth therein and, therefore
18 denies the same.

19 10. Answering Paragraph 10, the Department is without knowledge or
20 information sufficient to form a belief as to the truth of the allegations set forth therein
21 and, therefore denies the same.

22 11. Answering Paragraph 11, the Department is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations set forth therein
24 and, therefore denies the same.

25 12. Answering Paragraph 12, the Department is without knowledge or
26 information sufficient to form a belief as to the truth of the allegations set forth therein
27 and, therefore denies the same.

28 ...

13. Answering Paragraph 13, the Department states that it was created under NRS 360.120 and has certain duties related to the regulation and licensing of marijuana under Nevada law, including NRS 453D and NAC 453D.

14. Answering Paragraph 14, the Department is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth therein and, therefore denies the same.

15. Answering Paragraph 15, the Department is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth therein and, therefore denies the same.

GENERAL ALLEGATIONS

16. Answering Paragraph 16, the Department admits the Nevada Legislature passed multiple bills governing the licensing, regulation, and operation of recreational marijuana establishments throughout the state, which would become effective after November 2019. The Department further admits Assembly Bill 422 transferred responsibility for the registration, licensing, and regulation of medical marijuana to the Department, but the Department was already responsible for the registration, licensing, and regulation of retail marijuana.

17. Answering Paragraph 17, the Department is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth therein because it does not understand what Paragraph 17 is attempting to state. The Department therefore denies the allegations.

18. Answering Paragraph 18, the Department admits the allegations as NRS 453D.020 speaks for itself.

19. Answering Paragraph 19, the Department admits the allegations, except for the emphasis provided, as NRS 453D.200 speaks for itself.

20. Answering Paragraph 20, the Department admits the allegations, except for the emphasis provided, as NRS 453D.210 speaks for itself.

21. Answering Paragraph 21, the Department admits the allegations.

22. Answering Paragraph 22, the Department admits the allegations.

23. Answering Paragraph 23, the Department admits the allegations.

24. Answering Paragraph 24, the Department denies the allegations.

24a. Answering Paragraph 24a, the Department denies the allegations.

25. Answering Paragraph 25, the Department denies the allegations.

26. Answering Paragraph 26, the Department denies the allegations.

27. Answering Paragraph 27, the Department admits it was to issue conditional licenses to successful applicants by December 5, 2018. The Department denies the allegations.

28. Answering Paragraph 28, the Department admits allegations.

29. Answering Paragraph 29, the Department denies the allegations.

30. Answering Paragraph 30, the Department admits the allegations.

31. Answering Paragraph 31, the Department admits the allegations.

32. Answering Paragraph 32, the Department denies the allegations.

33. Answering Paragraph 33, the Department denies the allegations.

34. Answering Paragraph 34, the Department denies the allegations.

III.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF (Violation of Civil Rights)

(Due Process: Deprivation of Property)

(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)

35. Answering Paragraph 35, the Department states that this incorporating reference does not require a response.

36. Answering Paragraph 36, the Department denies the allegations.

37. Answering Paragraph 37, the Department denies the allegations.

38. Answering Paragraph 38, the Department denies the allegations.

39. Answering Paragraph 39, the Department denies the allegations.

1 40. Answering Paragraph 40, the Department denies the allegations.
2 41. Answering Paragraph 41, the Department denies the allegations.
3 42. Answering Paragraph 42, the Department denies the allegations.
4 43. Answering Paragraph 43, the Department denies the allegations.
5 44. Answering Paragraph 44, the Department denies the allegations.
6 45. Answering Paragraph 45, the Department denies the allegations.
7 46. Answering Paragraph 46, the Department denies the allegations.
8 47. Answering Paragraph 47, the Department denies the allegations.
9 48. Answering Paragraph 48, the Department denies the allegations.
10 49. Answering Paragraph 49, the Department denies the allegations.
11 50. Answering Paragraph 50, the Department denies the allegations.
12 51. Answering Paragraph 51, the Department denies the allegations.
13 52. Answering Paragraph 52, the Department denies the allegations.
14 53. Answering Paragraph 53, the Department denies the allegations.
15 54. Answering Paragraph 54, the Department denies the allegations.
16 55. Answering Paragraph 55, the Department denies the allegations.
17 56. Answering Paragraph 56, the Department denies the allegations.
18 57. Answering Paragraph 57, the Department denies the allegations.
19 58. Answering Paragraph 58, the Department denies the allegations.
20 59. Answering Paragraph 59, the Department denies the allegations.
21 60. Answering Paragraph 60, the Department denies the allegations.

22 **SECOND CLAIM FOR RELIEF**
23 **(Violation of Civil Rights)**

24 **(Due Process: Deprivation of Liberty)**

25 **(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)**

26 61. Answering Paragraph 61, the Department states that this incorporating
27 reference does not require a response.

28 62. Answering Paragraph 62, the Department denies the allegations.

1 63. Answering Paragraph 63, the Department denies the allegations.

2 64. Answering Paragraph 64, the Department denies the allegations.

3 65. Answering Paragraph 65, the Department denies the allegations.

4 66. Answering Paragraph 66, the Department denies the allegations.

5 67. Answering Paragraph 67, the Department denies the allegations.

6 68. Answering Paragraph 68, the Department denies the allegations.

7 **THIRD CLAIM FOR RELIEF**

8 **(Violation of Civil Rights)**

9 **(Equal Protection)**

10 **(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1; Title 42 U.S.C. § 1983)**

11 69. Answering Paragraph 69, the Department states that this incorporating
12 reference does not require a response.

13 70. Answering Paragraph 70, the Department denies the allegations.

14 71. Answering Paragraph 71, the Department denies the allegations.

15 72. Answering Paragraph 72, the Department denies the allegations.

16 73. Answering Paragraph 73, the Department denies the allegations.

17 **FOURTH CLAIM FOR RELIEF**

18 **(Petition for Judicial Review)**

19 74. Answering Paragraph 74, the Department states that this incorporating
20 reference does not require a response.

21 75. Answering Paragraph 75, the Department denies the allegations.

22 76. Answering Paragraph 76, the Department denies the allegations.

23 77. Answering Paragraph 77, the Department admits there is no provision
24 allowing for administrative appeal. The Department denies the remaining allegations.

25 78. Answering Paragraph 78, the Department denies the allegations.

26 79. Answering Paragraph 79, the Department denies the allegations.

27 ...

28 ...

FIFTH CLAIM FOR RELIEF
(Petition for Writ of Mandamus)

80. Answering Paragraph 80, the Department states that this incorporating reference does not require a response.

81. Answering Paragraph 81, the Department admits the allegations as the statute speaks for itself.

82. Answering Paragraph 82, the Department denies the allegations.

83. Answering Paragraph 83, the Department denies the allegations.

84. Answering Paragraph 84, the Department denies the allegations.

85. Answering Paragraph 85, the Department denies the allegations.

WHEREFORE, the Department prays for relief from this Court as follows:

1. That Plaintiffs take nothing by way of this Corrected First Amended Complaint;

2. That Plaintiffs claims against Defendants be dismissed with prejudice;

3. That Defendants be awarded reasonable attorney fees and costs of suit; and,

4. For such other and further relief as this Honorable Court may deem just and proper.

GENERAL DENIALS

The Department denies any and all allegations in the Corrected First Amended Complaint not specifically admitted in this Answer.

The Department denies that Plaintiffs are entitled to any of the relief prayed for in the Corrected First Amended Complaint.

AFFIRMATIVE DEFENSES

The Department denies any and all liability in this matter and asserts the following affirmative defenses:

1. Plaintiffs have failed to state a claim for which relief can be granted.

2. Plaintiffs do not have a property right in a privilege license that they do not have.

- 1 3. Plaintiffs do not have a fundamental right to a privilege license.
- 2 4. Chapter 453D does not provide for a hearing when a retail marijuana license
- 3 is not issued.
- 4 5. The Nevada Administrative Procedures Act, NAC Chapter 233B, does not
- 5 provide for a hearing when a retail marijuana license is not issued.
- 6 6. The Department's actions were neither arbitrary, capricious, nor an abuse of
- 7 discretion.
- 8 7. The Department's interpretation of the statutes and regulations it is
- 9 authorized to execute is given great deference.
- 10 8. The Department used an impartial and numerically scored competitive
- 11 bidding process.
- 12 9. Plaintiffs did not have a statutory entitlement to a license.
- 13 10. The U.S. Constitution does not protect the right to engage in a business that
- 14 is illegal under federal law.
- 15 11. Plaintiffs do not have standing.
- 16 12. Plaintiffs have failed to exhaust their administrative remedies.
- 17 13. The Complaint fails to present a justiciable controversy.
- 18 14. This Court lacks jurisdiction to hear Plaintiffs' claims.
- 19 15. The Department is immune from liability pursuant to NRS 41.031, *et. seq.*
- 20 16. Plaintiff failed to name the Department properly as required by NRS
- 21 41.031(2).
- 22 17. Plaintiffs' claims, including the declaratory and/or equitable claims are barred
- 23 by the doctrines of waiver, ratification, estoppel, unclean hands and other equitable
- 24 defenses.
- 25 18. Plaintiffs' claims are barred by the applicable statute of limitations and/or the
- 26 doctrine of laches.
- 27 19. Plaintiffs' claims are barred based on impossibility.
- 28 . . .

1 20. Plaintiffs' claims have been waived because of the wrongful acts, omissions
2 and conduct of Plaintiffs.

3 21. Plaintiffs would be unjustly enriched if awarded damages.

4 22. The Department has no contractual relationship with Plaintiffs to give rise to
5 any declaratory relief.

6 23. The damages sustained by the Plaintiff, if any, were caused by the acts of
7 unknown third persons who were not agents, servants, or employees of the Department,
8 and who were not acting on behalf of the Department in any manner or form, and, as such,
9 the Department is not liable in any manner to Plaintiff.

10 24. The Department is not legally responsible for the actions and/or omissions of
11 other third parties.

12 25. Plaintiffs fail to name a party necessary for full and adequate relief essential
13 in this action.

14 26. Plaintiffs failed to comply with a condition precedent.

15 27. Plaintiffs have not suffered any damages attributable to the actions of the
16 Department.

17 28. Plaintiffs have failed to timely protect and/or enforce their alleged rights.

18 29. Plaintiffs' claims are barred as Plaintiffs have failed, refused, or neglected to
19 take reasonable steps to mitigate damages, therefore barring or diminishing the ability to
20 recover.

21 30. The Department has an objective good faith belief that it acted reasonably and
22 in good faith and the Department's actions were legally justified.

23 31. The Department substantially complied with NRS and NAC Chapter 453D.

24 32. The Department, at all relevant times, acted with due care and
25 circumspection in the performance of its duties; exercised the degree of skill and learning
26 ordinarily possessed and exercised by members of its profession in good standing,
27 practicing in similar localities and that at all times, used reasonable care and diligence in
28 . . .

1 the exercise of its skills and the application of its learning, and at all times acted according
2 to its best judgment and met the applicable standard of care.

3 33. Plaintiffs' claims for relief are barred as Plaintiff's alleged damages are
4 speculative and cannot be calculated with any certainty or reliability.

5 34. Each purported claim for relief is barred by the doctrines of *res judicata* and/or
6 collateral estoppel.

7 35. Each purported claim for relief is barred as Plaintiffs are estopped from
8 pursuing any claim against the Department in accordance with equitable principles of
9 jurisprudence.

10 36. The Department alleges that the damages, if any, alleged by the Plaintiffs
11 were the result of independent intervening acts, over which the Department had no control,
12 which resulted in the superseding cause of Plaintiffs alleged damages.

13 37. The Department avails itself of all affirmative defenses set forth in and or
14 arising out of NRS Chapter 453D and NRS Chapter 360 and all applicable regulations and
15 subparts.

16 38. All possible affirmative defenses may not have been alleged inasmuch as
17 insufficient facts and other relevant information may not be available after reasonable
18 inquiry and, pursuant to NEV. R. CIV. P. 11, the Department hereby reserves the right to
19 amend these affirmative defenses as additional information becomes available.
20 Additionally, one or more of these Affirmative Defenses may have been pled for the
21 purposes of non-waiver.

22 DATED this 15th day of July, 2019.

23 AARON D. FORD
24 Attorney General

25 By: /s/ David J. Pope
26 David J. Pope (Bar No. 8617)
27 Chief Deputy Attorney General
28

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **ANSWER TO CORRECTED FIRST AMENDED COMPLAINT** with the Clerk of the Court by using the electronic filing system on the 15th day of July, 2019.

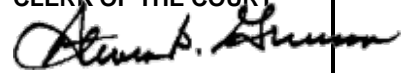
I certify that the following participants in this case are registered electronic filing systems users and will be served electronically:

| | |
|--|--|
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/s/ Traci Plotnick

Traci Plotnick, an employee of the
Office of the Attorney General

051



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC,)
et al.,)

Plaintiffs,)

vs.)

STATE OF NEVADA DEPARTMENT OF)
TAXATION,)

Defendant.)

CASE NO. A-19-786962-B
DEPT NO. XI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

MONDAY, JULY, 15, 2019

EVIDENTIARY HEARING - DAY 15

VOLUME I OF II

RECORDED BY: JILL HAWKINS, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL V. CRISTALLI, ESQ.
ROSS J. MILLER, ESQ.
WILLIAM S. KEMP, ESQ.
NATHANAEL R. RULIS, ESQ.
MAXIMILIEN D. FETAZ, ESQ.
THEODORE PARKER, III, ESQ.
ADAM K. BULT, ESQ.

FOR THE DEFENDANT:

KETAN D. BHIRUD, ESQ.
STEVEN G. SHEVORSKI, ESQ.
THERESA M. HAAR, ESQ.
BRIGID M. HIGGINS, ESQ.
DAVID R. KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
J. RUSTY GRAF, ESQ.
ERIC D. HONE, ESQ.
JOSEPH A. GUTIERREZ, ESQ.
PHILIP M. HYMANSON, ESQ.

I N D E X
W I T N E S S E S

WITNESSES FOR THE DEFENSE:

ROBERT GROESBECK

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| Direct Examination by Mr. Koch | 5 |
| Direct Examination by Mr. Gutierrez | 41 |
| Direct Examination by Mr. Graf | 51 |

LEIGHTON KOEHLER

| | |
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| Direct Examination by Mr. Shevorski | 55 |
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E X H I B I T S

DEFENSE EXHIBITS ADMITTED:

| | |
|------|----|
| 5055 | 22 |
|------|----|

1 **LAS VEGAS, CLARK COUNTY, NEVADA, JULY 15, 2019, 10:33 A.M.**

2 * * * * *

3 THE COURT: I apologize for being late. My morning
4 took longer than I anticipated for a number of reasons.

5 Have we got our first witness?

6 MR. KOCH: Robert Groesbeck.

7 THE COURT: Mr. Groesbeck, if you'd come forward,
8 please.

9 MR. KEMP: Judge, I reminded Mr. Groesbeck
10 [inaudible] at 11:20 and I've talked to Mr. Koch about it, but
11 I've offered Mr. Koch an additional witness in the event
12 Mr. Groesbeck [inaudible].

13 MR. KOCH: And --

14 THE COURT: I'm sure we're going to get done.

15 MR. KOCH: You're sure we are?

16 THE COURT: I know you. You are direct and to the
17 point.

18 MR. KOCH: Oh, I like to hear that. I try.

19 THE COURT: Raise your right hand, please,
20 Mr. Groesbeck.

21 **ROBERT GROESBECK**

22 [having been called as a witness and being first duly sworn,
23 testified as follows:]

24 THE CLERK: Thank you. Please be seated. Please
25 state and spell your name for the record.

 JD Reporting, Inc.

1 THE WITNESS: Robert Groesbeck. G-r-o-e-s-b-e-c-k.

2 THE COURT: And, sir, there's a water pitcher there
3 and M&Ms behind you and tons of exhibits.

4 THE WITNESS: Thank you, Judge. I'll take you up on
5 that.

6 DIRECT EXAMINATION

7 BY MR. KOCH:

8 Q Mr. Groesbeck, my name is David Koch, and I'm an
9 attorney representing Nevada Organic Remedies in this action.
10 Are you aware of the company known as Nevada Organic Remedies?

11 A I'm sorry, Counsel.

12 Q Are you aware of the company known as Nevada Organic
13 Remedies? Operating as The Source.

14 A Oh, indeed, yes.

15 Q Are you familiar with some of the players in the
16 marijuana industry?

17 A I think I'm familiar with most.

18 Q And your background, my understanding, is you
19 practiced law for about 25 years; is that right?

20 A That's roughly correct, yeah.

21 Q And formally the mayor of the City of Henderson also?

22 A Correct.

23 Q You're familiar with the legal system in general, how
24 the legal system of regulations work with respect to an
25 industry?

JD Reporting, Inc.

1 A I am.

2 Q And in particular, the client, the party that you're
3 here representing is MM Development operating as Planet 13; is
4 that right?

5 A That is correct.

6 Q You are one of the owners of that entity?

7 A I was an owner. Now I'm a shareholder.

8 Q Okay. A shareholder, what percentage of Planet 13?

9 A Oh, I think my interest in the Planet 13 holdings
10 group is probably right around 30 -- 28 to 30 percent. It
11 varies.

12 Q Mr. Scheffler, he's the other large shareholder of
13 that entity; is that right?

14 A That is correct.

15 Q And that's -- is that the single largest retail
16 dispensary as far as volume of sales in the state of Nevada?

17 A I'm not certain of that. I'd like to believe so.

18 Q Yeah. There's been representation I think in the
19 motion that your company filed in this case saying that it
20 sells approximately 10 percent of all recreational marijuana in
21 the state of Nevada. Does that sound about right?

22 A Excuse me. I don't know if we put that out, but
23 that's been out there certainly.

24 Q Okay. That doesn't sound too far off base, about
25 10 percent of all retail recreational marijuana sales in the

1 state of Nevada from Planet 13?

2 A I think that that's fair.

3 Q So doing pretty well. Any other company that you're
4 aware of that has more than 10 percent sales?

5 A I don't know because I don't have privy to the
6 private companies and what they're doing.

7 Q Do you consider Planet 13 or MM Development to be an
8 industry leader as far as it's practices in this business?

9 A I do.

10 Q And are you aware of the legal positions that are
11 being taken by your company or counsel in this case?

12 A Generally.

13 Q Are you aware that any legal positions that are being
14 asserted may cause Planet 13 to have to shut down its current
15 retail operation?

16 A I'm sorry. I didn't follow that question.

17 Q Do you have any awareness of any legal positions
18 being taken by your counsel in this case that may cause Planet
19 13 to have to shut down its current retail operation?

20 A No.

21 Q And Planet 13 does have a retail operation; right?

22 A That is correct.

23 Q And are you aware that that's governed by
24 NRS Chapter 453D?

25 A That is correct.

1 Q Are you generally familiar with the statutes and
2 regulations that apply to retail marijuana establishments?

3 A General.

4 Q Let's pull up NRS 453D.200.

5 THE COURT: Sir, if you'd like to look, the book is
6 there. 453D is in the pocket part.

7 BY MR. KOCH:

8 Q We'll actually put it on the screen. If you like the
9 book, let me know. I'll try to point to the parts that are --

10 A I can --

11 Q -- relevant because I know you're crunched on time.

12 A I can see it here on the computer.

13 Q All right. 453D.200, have you seen this section
14 before?

15 A Well, I'm sure I have.

16 Q It relates to the, Duties of department relating to
17 regulation and licensing of marijuana establishments,
18 information about consumers. You believe you've read this
19 before?

20 A Yeah, I believe I have.

21 Q And this relates to regulations for the licensing and
22 operation of marijuana establishments. Do you understand that?

23 A Yes.

24 Q Okay. One of the sections that we've talked about at
25 some great length in this case is Subsection 6, which is on the

1 next page. We'll take a look at it.

2 And Subsection 6 says, The department shall conduct a
3 background check of each prospective owner, officer and board
4 member of a marijuana establishment license applicant. Are you
5 aware of that section?

6 A Yes.

7 Q Okay. Has the Department of Taxation conducted a
8 background check of each of Planet 13's owners?

9 A Well, I guess it depends on owners.

10 Q Right. It depends on how we define owner; is that
11 right?

12 A Correct.

13 Q And if we took a broad view of owners, anybody who
14 owns a share of Planet 13 stock, has the department conducted a
15 background check of each of those shareholders?

16 A I'm not sure what they've done.

17 Q Has Planet 13 submitted a shareholder list to the
18 department for purposes of conducting a background list of
19 those -- a background check of those shareholders?

20 A Well, it's my understanding with respect to the
21 applications that are subject to this litigation our general
22 counsel prepared all documents responsive to the application.
23 That would've included owners, officers, directors, things of
24 that nature.

25 Q Right.

1 A And background checks.

2 Q So MM Development submitted an application. We're
3 talking about that. I'm asking general, other than the
4 application, you currently have a retail operation; correct?

5 A That is correct.

6 Q Does 453D.200 apply to the operation of your current
7 retail operation?

8 A I think it applies to all marijuana operations.

9 Q Current and prospective; is that right?

10 A Well, certainly current, yes.

11 Q Right. And so your current operation, has the
12 department conducted a background check of each of your owners,
13 officers and board members?

14 A That I don't know.

15 Q Has it conducted a --

16 Well, let me ask this: How many shares does Planet
17 13 have outstanding?

18 A On a fully diluted basis, probably 154 million.
19 Trading, probably 125, a hundred -- yeah, about 125 million
20 probably.

21 Q So about 125 million trading shares?

22 A Well, I should qualify that. The 61 percent
23 basically, most of those shares are owned by me, my co-CEO
24 Larry Scheffler and our third cofounder Chris Rin [phonetic].
25 We're basically restricted. So we aren't actively trading.

1 Q The rest of the shares at Planet 13 are owned by
2 somebody else?

3 A Yeah. They could be owned by institutional investors
4 or retail buyers.

5 Q And retail buyer, that would just be an individual
6 who might have a brokerage account, might buy him some Planet
7 13 shares; is that right?

8 A That's correct.

9 Q As you sit here today, I would expect you don't know
10 the names of all those potential individual investors, do you?

11 A I do not.

12 Q And do you know if any of those investors or owners
13 of Planet 13 stock has a felony?

14 A I do not.

15 Q Has Planet 13 put any safeguards or checks in place
16 to ensure that no one with a felony, excludable felony would be
17 an owner of Planet 13 stock?

18 A Well, I don't know if we've independently done that.
19 We've prepared documentation that is available for the
20 regulators to look at at any time. If they direct us to
21 provide that information, I'm sure we could through our trust
22 administrators.

23 Q You're talking about the transfer agent that keeps a
24 shareholder list?

25 A Well, them, yeah. Yeah. Them and our lawyers I

1 would imagine, you know. When we went out into the RTO, went
2 public in June -- I always lose track of the time -- June of
3 last year, there were probably a sum total of 250 total
4 investors at that time. So that was pretty manageable.

5 Q All right. Today there's a lot more than 250
6 investors; right?

7 A Yeah. I would agree with that now that we're selling
8 to the retail market.

9 Q Do you have any idea of how many current investors
10 you have?

11 A As we sit here now I don't. I do not know.

12 Q More than a thousand?

13 A I would think not.

14 Q You don't know. Have you looked at your shareholder
15 list recently?

16 A You know, I don't spend any time looking at the
17 shareholder list. We have a CFO and accountants and tax
18 lawyers that do all that. So --

19 Q All right. They don't -- any of those individuals,
20 your lawyers, accountants, CFOs -- they don't scan the
21 shareholder list and look for or run background checks
22 themselves for felons, do they?

23 A No, I'm not sure that they do, but we're also
24 regulated. We're a publicly traded company. We're highly
25 regulated.

1 Q Right. Have you asked any shareholders to submits
2 fingerprints for background checks?

3 A Only owners, insiders, owners, directors, officers,
4 as required by the department.

5 Q All right. So it's your understanding that only
6 those insiders, large owners, officers and board members are
7 required to submit fingerprints; is that right?

8 A Again, I don't know one way or the other. I don't
9 think that's the case.

10 Q You don't think that's the case?

11 A I don't think we've been asked to do that, to have
12 our shareholders submit to fingerprints.

13 Q Okay. Have you suggested that to the department,
14 that the statute says something, and we want to make sure as an
15 industry leader we're setting the pace for background checks?
16 Have you made that suggestion?

17 A No. I typically don't suggest to the regulators.
18 They suggest or direct me.

19 Q Very good. Let's pull up Exhibit 20 is the
20 application that MM Development submitted in this case. I just
21 want to look at Bates Number 787. This is a chart of MM
22 Development, Planet 13. Have you seen this document before?

23 A Not that I recall, but I have no reason to disbelieve
24 that it's something that we produced if you represent that.

25 Q All right. It says that MM Development Company, Inc.

JD Reporting, Inc.

1 in the bottom left corner is the entity applying for licenses.

2 A Correct.

3 Q Does MM Development Company, Inc. currently hold
4 marijuana licenses?

5 A It does.

6 Q Has it transferred any licenses to Planet 13
7 Holdings?

8 A No, it has not to my knowledge.

9 Q Even when Planet 13 opened in November 1st, 2018,
10 did it transfer any of those license to Planet 13?

11 A Excuse me. Planet 13 Holdings is a holding company.
12 It holds the assets. All the assets of the Canadian
13 corporation are held by a Nevada corporation.

14 Q Right. Okay. And that's what it shows; right?
15 Planet 13 Holdings up above MM. It shows it owns 100 percent
16 of MM Development; is that right?

17 A That is correct.

18 Q And that's the Canadian public corporation; is that
19 right?

20 A That is correct.

21 Q Above that it shows beneficial owners and
22 stockholders a hundred percent ownership, and that's what we've
23 got yourself and Mr. Scheffler as 33 percent owners here.
24 Mr. Rin is 4 percent.

25 And you read that bottom line for us. Can you read

1 that.

2 A Investors, public stockholders none 5 percent
3 individually, 29.2453 --

4 Q All right. At the time of the preparation of this
5 chart, there was 29.2-and-some-change percent of MM Development
6 stock, Planet 13 stock owned by investors public stockholders;
7 is that right?

8 A That would appear to be the case.

9 Q What about the, None greater than 5 percent? Why is
10 that on there?

11 A I couldn't answer that. That was prepared by our
12 general counsel.

13 Q What's that?

14 A That was prepared by our general counsel. I would
15 imagine he was following the directives of the department in
16 the application process.

17 Q Okay. So you believe that he was following the rules
18 and regulations that were applicable to applications submitted
19 at that time; is that right?

20 A I would agree.

21 Q That 5 percent, there's a 5 percent threshold in the
22 regulations. Are you aware of that?

23 A Yeah, I'm aware that there is a number 5 percent.

24 Q All right. Have you looked at that, considered that,
25 discussed it at all with members of your company at all?

1 A No. I've deferred to general counsel.

2 Q All right. General counsel. That's Mr. Koehler; is
3 that right?

4 A Correct.

5 Q Have any of the individuals that are listed just
6 described generally there -- investors, public stockholders,
7 none greater than 5 percent individually -- have any of them
8 submitted for a background check with the Department of
9 Taxation?

10 A I have no idea.

11 Q Have you in any of your press releases or shareholder
12 reports ever notified shareholders that they may need to submit
13 to a background check with the Nevada Department of Taxation if
14 they buy your shares?

15 A I'm not sure that we've ever done that.

16 Q Do you know if any other public company -- there are
17 other entities involved in marijuana in Nevada that are owned
18 by publicly traded companies. Are you aware of that?

19 A I am.

20 Q Okay. What other companies are you aware of that are
21 publicly traded?

22 A I believe Essence is now publicly traded. I believe
23 your company -- your client's company is now publicly traded.
24 I understand Acres [phonetic] is now sold out to an MSO. I'm
25 sure there are others. I --

1 Q How about Serenity Wellness? Do you know if they're
2 publicly traded?

3 A I'm not familiar with Serenity.

4 Q What about LivFree? That's another company that's
5 represented by your same counsel?

6 A That is true. Yeah.

7 Q There are now -- they've sold to a public company, or
8 a public company owns them?

9 A Yeah. It's my understanding they rolled into a SPAC,
10 which is a special-purpose acquisition corp. that subsequently
11 rolled into a publicly trading entity.

12 Q Do you know if any of those entities have provided
13 shareholder lists for background checks to the Department of
14 Taxation?

15 A I have no idea.

16 Q Do you have any opinion as to whether providing
17 shareholder lists for the department is necessary under the law
18 in order to be able to sell retail marijuana in the state of
19 Nevada currently?

20 A Well, I don't really have an opinion. Again, I
21 follow the directives of the department. If they tell us to do
22 something, we'll do it. So if they want to see our shareholder
23 lists, I'll instruct my general counsel and our CFO to produce
24 whatever they request.

25 Q All right. What if the department asks you every day

1 to submit a new shareholder list to the department for
2 background checks. Do you think that would be a reasonable
3 request?

4 A Well, I don't know about reasonable. I think it
5 would potentially have a chilling effect on the industry,
6 publicly traded companies. I'm not aware of any industry that
7 requires that.

8 Q Right. And so if an individual -- an individual
9 investor -- let's say I go out and decide to buy a share of
10 Planet 13, buy it this morning, price goes up, afternoon I sell
11 it. Would you expect that a background check would have been
12 performed on me during that seven or eight hours that I held a
13 share of stock?

14 A And your question?

15 Q Would you expect that a background check would have
16 been performed on me for the seven or eight hours that I held a
17 share of Planet 13 stock?

18 A No, I would not have expected that.

19 Q It wouldn't really be a reasonable way of doing
20 business because it would have a chilling effect on my desire
21 to purchase that stock perhaps?

22 A Well, particularly with a retail investor, but the
23 institutional investors, most of whom invest in sector in our
24 company, it's readily obtainable.

25 Q Let me ask about this litigation. What do you think

1 the department did wrong with respect to the applications?

2 A Well, primarily, first and foremost, they didn't
3 award us any licenses. That's -- that's why we're here. We
4 are an excellent operator with a great record, track record.
5 We've been -- great track record of providing taxes and
6 revenues and creating jobs. We've been long-standing members
7 of the community. When we originally applied for the medical
8 licenses, we ranked at the very top of the percentile list, and
9 yet this comes out, and we get nothing, and yet we see a
10 handful of operators take a lion's share of the applications.

11 Q All right.

12 A And that inherently in my opinion raised some
13 concerns.

14 Q Do you think the department should have just taken
15 the scores to the medical applications 2014 and '15 and just
16 carried them over to 2018 then?

17 A No, not necessarily.

18 Q So scores from that period of time don't matter with
19 respect to the 2018 application process; right?

20 A Well, I think they matter. I think it's an
21 application process. It's a process that they implemented in
22 '14 that seemed to work well overall. And then you
23 fast-forward a couple of years, and you've got a host of
24 licenses being issued to a handful of operators, and again, I
25 didn't feel that that was fair, that it was equitable to our

1 company, and we hired counsel, and here I sit.

2 Q All right. And I guess other than the fact that your
3 company didn't get a license, what did the department do wrong?

4 A Well, like I said, I didn't sit and micromanage what
5 the department did, but I can assure you the lack of
6 transparency. I mean, you know, I didn't even -- you know, I
7 sat over with the department after the scores were announced
8 publicly, and I couldn't even get them to address my score
9 matrix in any detail. So, yeah, it was frustrating.

10 Q Okay. So lack of transparency, you're aware that
11 SB 32 has been signed by the governor --

12 A Correct.

13 Q It seems like recently, but it's dating back in the
14 past now, back in May; right?

15 THE COURT: The first day of our hearing; right?

16 MR. KOCH: I think so. I think so.

17 MR. SHEVORSKI: I don't remember.

18 BY MR. KOCH:

19 Q You're aware of that, the passage of that law; right?

20 A I am.

21 Q That was adopted for the purpose of providing some
22 additional transparency. You're aware of that?

23 A I am.

24 Q Okay. And other than the transparency, the sort of
25 the overall issues, anything in particular that you believe the

1 department did wrong on a global scale? Because everybody here
2 at this table has the same opinion as you.

3 A Right.

4 Q It's we're here because I didn't get a license.

5 A Right.

6 Q Other than that fact or that outcome, is there
7 something specific the department did wrong other than lack of
8 transparency?

9 A Well, look, like I said, with respect to us, we were
10 unique at least in one respect. We had an operational
11 facility, Medizin, that had been operating for close to two
12 years before we transferred the license to our new superstore
13 facility. We had an operational history in that facility, and,
14 you know, we were generating, you know, our run rate was 18,
15 probably would've been \$20 million in 2018. And we get nothing
16 for that?

17 I mean, it's probably one of the best-performing
18 dispensaries in the state of Nevada.

19 Q Do you know --

20 A That was troublesome.

21 Q -- that there's been a lot of discussion about that
22 Medizin facility --

23 A Right.

24 Q -- and the fact that MM Development submitted photos
25 of that facility as part of its application? Are you aware of

1 that?

2 A I don't remember what was submitted.

3 Q All right. So you don't know whether that -- those
4 photos, any of the plans were part of the identified section or
5 part of the nonidentified section, do you?

6 A No. I'd have to direct you to Mr. Koehler and his
7 team.

8 Q So he would know what's in which part of that
9 application?

10 A Correct.

11 Q And if MM Development maybe made a mistake and put
12 something in one side of the application instead of the other,
13 he would answer those questions for us?

14 A Well, you need to talk to him because I can't speak
15 to it directly.

16 Q Let's go to Exhibit --

17 MR. KOCH: Proposed 5055.

18 MR. KEMP: No objection, Your Honor.

19 THE COURT: Be admitted.

20 (Defense Exhibit Number 5055 admitted)

21 BY MR. KOCH:

22 Q Exhibit 5055 is a recent management discussion --
23 hand the Court -- let me get my copy here.

24 THE CLERK: Mr. Koch, would you like to -- is this
25 for the witness or --

1 MR. KOCH: Oh. Sure. Thank you.

2 May I approach?

3 THE COURT: You may. Thank you.

4 THE WITNESS: Thanks.

5 BY MR. KOCH:

6 Q You can look at the screen or the hard copy if you'd
7 like. This is a management discussion and analysis report for
8 the three months ended March 31st, 2018; is that right?

9 A I have it. Yes. Thank you.

10 Q And you reviewed and assisted with the preparation of
11 this document?

12 A Well, yeah, I looked at it, for sure.

13 Q And before it was submitted -- because this is a
14 public filing; right?

15 A It is.

16 Q And for the publicly traded company?

17 A It is.

18 Q And so you want to make sure that that information
19 that's in there is correct and accurate so shareholders can
20 rely upon it?

21 A That's correct.

22 Q And we'll go to page 19, and I'm sure you've looked
23 at this, and I won't ask if you looked at this in preparation.
24 I just assume that you're familiar with this section now.

25 Page 19 talks about this litigation. Have you read

1 this paragraph before today?

2 A Well, why don't you direct me to the paragraph and
3 refresh me.

4 Q Top paragraph.

5 A Okay. Is there a section there you want me to --

6 Q Just the whole paragraph. Are you familiar with this
7 paragraph?

8 A Well, as I said, Counsel, obviously as co-CEO of the
9 company, I participated in preparation of the document with our
10 attorneys and advisers, but I don't remember exactly. So if
11 you want to --

12 Q Okay.

13 A -- send me to a section, I'm happy to address your
14 question.

15 Q Let's go there then. So fourth line down toward the
16 end, after November 1st, 2018, the sentence starts, The
17 company applied for. Do you see that?

18 A Yes, I do.

19 Q And it says,

20 The company applied for six additional
21 licenses in the state of Nevada but was
22 unsuccessful in obtaining any additional
23 licenses when the State of Nevada awarded
24 licenses on December 5th, 2018.

25 That's the applications we're talking about in this

1 case; right?

2 A That's true.

3 Q The company along with other industry participants
4 were also unsuccessful in their applications for new licenses
5 have launched a lawsuit against the State seeking to overturn
6 the licensing process.

7 A Correct.

8 Q First of all, let me ask about that. What does that
9 mean in your mind, "to overturn the licensing process"?

10 A Well, I don't know what they were referring to when
11 the drafters put the word overturn in, but it's very clear that
12 the board we moved forward and approved moving forward with the
13 lawsuit. So --

14 Q Okay. And maybe the next two sentences will help us
15 there which says,

16 There can be no certainty with respect
17 to the outcome of such a lawsuit should a
18 company not be successful with its lawsuit in
19 obtaining a license in this round of grants.

20 Let's stop there. So is it the company's intention
21 to obtain a license through the lawsuit?

22 A Yes.

23 Q Okay. Just one license or all six that it applied
24 for?

25 A Well, ideally every one we applied for, but

1 realistically, I mean, most importantly was Medizin, reopening
2 that.

3 Q Okay.

4 A I don't think we made any secret of that.

5 Q It goes on to say,

6 If the company is not successful with
7 its lawsuit in obtaining a license in this
8 round of grants, then it may seek to purchase
9 a license in the open market in order to
10 reopen the Medizin location.

11 A That's correct.

12 Q So it's the company's intention if the lawsuit is not
13 successful or if this injunction is not successful to purchase
14 a license in the open market; is that right?

15 A Well, obviously I have an obligation to the
16 shareholders to put that asset to its best use, and I can only
17 do that by opening and running it. Again, as I said earlier,
18 we had a run rate between 18 and \$20 million there. Yeah,
19 that's pretty significant.

20 Q So it is the company's intention to purchase a
21 license in the open market if it's not successful with its
22 suit?

23 A Well, yeah. I think the company's intention is to
24 reopen that facility as soon as possible.

25 Q And licenses can be bought and sold in this industry;

1 right?

2 A Well, they can, yes.

3 Q Has Planet 13 or MM Development made an effort to buy
4 a license prior?

5 A Well, we --

6 Q After December 5th through today, have you made any
7 efforts to buy a license?

8 A Well, we've had a number of groups approach us, talk
9 about selling not only the lease, but also about talking about
10 potentially buying licenses, and it hasn't gone beyond any
11 preliminary discussion.

12 Q Right.

13 A We've never entered into LOIs or term sheets or --

14 Q So there's discussions that are ongoing? And I don't
15 want to ask --

16 A No, not ongoing.

17 Q -- I guess in the context --

18 A Yeah, I'm sorry, Counsel. Not ongoing. I apologize.
19 I didn't mean to misstate.

20 Q Did MM Development, Planet 13, didn't make any
21 offers, formal offers, dollars on the table for a license?

22 A To buy one?

23 Q Right.

24 A Not that I'm aware of. We've talked in very general
25 terms. Our general counsel again has led most of those

1 negotiations and discussions. I have not been privy to all of
2 those.

3 Q Has MM Development made any proposals as far as
4 dollar amounts as to what it thinks a license is worth?

5 A Well, again, there's been a huge variance in what the
6 perceived value of these licenses are. I can assure you one
7 thing I do know, the cost to my company to tuck in a license
8 had it been awarded through this process would have been
9 substantially cheaper than going into the open market, paying
10 millions of dollars to do that.

11 Q Right. So it would have been cheaper to get a
12 license through the application, but it's still possible
13 afterwards. You just have to pay a lot more for it; is that
14 right?

15 A Yeah, of course.

16 Q Okay. And this litigation do you anticipate that
17 this litigation will be a cheaper option to obtain a license
18 through payment of fees and costs and hopefully overturning the
19 process to get a license for MM?

20 A That's a great question. I could tell you it's
21 expensive either way.

22 Q Yeah.

23 A So --

24 Q You know, I saw, and, I mean, we can for purposes of
25 time maybe skip it for now, but in the same report that the

1 company paid \$748,000 in legal fees in the first quarter of
2 this year. Are you aware of that?

3 A No, I'm not aware of the exact dollar amount, but you
4 answered my question --

5 Q Sound about right?

6 A -- very expensive.

7 I know it's very costly.

8 Q And that was before this hearing, which has gone on
9 longer than any of us would have anticipated it even began;
10 right? That went through March of this year; is that right?

11 A Yeah, I believe -- I believe this report, yeah,
12 through March.

13 Q All right. All right. I'm going to have to tell my
14 client they're getting a great deal on this case. So
15 [indiscernible].

16 A I don't think there are any great deals when your
17 bills come out.

18 Q In your -- MM's motion in this case, are you aware
19 that MM stated, let me just read from a conclusion:

20 Press reports suggest that marijuana
21 licenses may be worth as much as \$30 million
22 or more per license.

23 Do you have an opinion on that statement?

24 A They are valuable. Again, licenses are dependent --
25 you know, the value is dependent on location primarily and the

1 ability to operate in those locations.

2 Q Right.

3 A They're valuable. Do I have a fixed dollar amount?

4 I don't know. Was that represented through one of our
5 representatives? I don't know, but --

6 Q Yeah.

7 A -- they're valuable.

8 Q Yeah. A license in the City of Las Vegas would be
9 more valuable than a license in Churchill County or something
10 like that; right?

11 A Generally that would be the case, yes.

12 Q All right.

13 A For sure.

14 Q Okay. So some are some valuable than others.

15 Have you offered \$30 million, MM, for anyone's
16 license in this case?

17 A No, not that I'm aware of.

18 Q Do you think someone, if MM said or Planet 13 here's
19 a briefcase with \$30 million to buy your license, do you think
20 you'd have a potential seller?

21 A If MM offered to buy?

22 Q Right.

23 A Well, that's not going to happen. So --

24 Q Because it's too much to pay?

25 A Yeah. It wouldn't be consistent with market for one.

1 Q What about \$10 million? MM put \$10 million on the
2 table, anybody sell?

3 A Well, there have been sales. I'm aware of sales in
4 the market.

5 Q Right.

6 A Again, a lot of it has to do with the operation. Is
7 it generating revenue? Where is it located? A lot of
8 variables.

9 Q Right. So you don't -- 10 million may or may not get
10 it done depending on location.

11 \$30 million, let's say MM were willing to do that.
12 Let's say it's crazy [indiscernible]. It's going to put
13 30 million on the table. Do you think you'd have a potential
14 seller irrespective of location?

15 A Again, it's possible.

16 Q Yeah. What about a hundred million dollars? You'd
17 probably have a pretty long list of sellers; right?

18 A Yeah, I think that would change the dynamic
19 considerably.

20 Q All right. And we can go -- I can go up to a
21 billion. We could go extreme, but at some point there's a
22 price --

23 A At a billion you can have it right now. It's yours.

24 Q Good. All right. We've got a market --

25 THE COURT: We've got the upper limit now.

1 BY MR. KOCH:

2 Q We've got an upper limit. If you'd offered a dollar
3 though, probably no one would be willing to sell that; right?

4 A Look, again, we're comparing apples and oranges.
5 Until I see the asset and compare it to another, I --

6 Q So there's a price to be had. It's just a question
7 of reaching an agreement on that price?

8 A Well, but it's not that simple. You know, as I sit
9 here today, I'm losing a million and a half; a million, eight
10 per month on a mothball facility. Those are very real
11 damages --

12 Q When you say --

13 A -- they have a very real impact to my bottom line.

14 Q All right. You're losing that amount. That's in
15 potential sales from that spot; right? You're not paying a
16 million and a half in rent?

17 A No. But that's what I would have generated in
18 revenue had it been opened, had I secured one of these
19 licenses.

20 Q Right. And that's what another operator perhaps that
21 has a conditional license if they had been open something like
22 that perhaps; right? Million, million and a half?

23 A No, probably not. We had a two-year operational
24 history getting 850 customers a day. Like I said, this isn't a
25 projection. These were real dollars. These were, you know,

1 real sales.

2 Q Right. Right. Okay. Let me ask about the personnel
3 at MM Development.

4 A Okay.

5 Q Fair to say that as far as officers and board
6 members, MM is not at the high end of the scale as far as
7 diversity goes?

8 A I don't know what diversity looks for the other
9 groups.

10 Q We've talked about it a lot here. I know you haven't
11 been here. Let me just put up Exhibit 5022. Bryan will put
12 that on the screen for you.

13 All right. So this is a printout just from the
14 Planet 13 website under the tab The Team.

15 A Okay.

16 Q Are you aware of this part of the website?

17 A Well, I'm aware of all these pictures. What's the
18 time frame here those were put up?

19 Q I believe that was printed out May or June. Do know
20 if that's changed since May or June of this year in the past
21 several weeks?

22 A Well, when we filed the applications, we've had some
23 executive turnover. We had a woman Tanya Lupien] who left the
24 company in November.

25 Q Right.

1 A And then we've since when we converted MM DC from an
2 LLC into a corp, we created a board pursuant to the statute,
3 and we brought in Adrienne O'Neill.

4 Q Right.

5 A She's a very successful local entrepreneur here. And
6 she has now moved to our parent board.

7 So this is a bit old. Greg Wilson did not sit for
8 reelection. He's no longer with the company. Adrienne O'Neill
9 has stepped into his position.

10 Q Right. So Adrienne O'Neill, let me ask you about
11 here. She's African-American woman?

12 A She is.

13 Q She's a marriage and family therapist; is that right?

14 A Correct.

15 Q Okay. And --

16 THE COURT: Used to be in charge of the CCBA many,
17 many, many years ago.

18 MR. KOCH: Nice.

19 THE COURT: How's that for the way back club?

20 THE WITNESS: Very good, Judge.

21 MR. KOCH: I was wondering where she is on here.

22 BY MR. KOCH:

23 Q She was part of the application listed as one of the
24 board members; correct?

25 A I believe she was part of the Nevada board. Correct.

1 Q Okay. The Nevada board, not part of the Canadian
2 board?

3 A Again, the parent company is a Canadian holding
4 company corporation and MMDC was a wholly-owned subsidiary of
5 that parent.

6 Q She was only on the wholly-owned subsidiary; is that
7 right?

8 A At that time.

9 Q And that wholly-owned subsidiary, is it owned and
10 controlled by Planet 13 Holdings?

11 A Yes.

12 Q So it has two separate boards?

13 A Yes.

14 Q The board of MM Development, does that -- what if MM
15 Development's board decides to do something; the Planet 13
16 Holdings board says no, no, no, you're not doing that? Who has
17 authority?

18 A Well, ultimately we've got a lot of overlap between
19 the two boards. So I would be aware of that as would Larry
20 Scheffler for instance. We've never had that issue. So the
21 two boards are very similar in composition.

22 Q All right. Any reason in the report that we looked
23 at earlier, Exhibit 5055 --

24 A The MDNA?

25 Q Right. Page 29 of that document.

1 A Okay.

2 Q Page 29 has a list of the officers and directors of
3 Planet 13; is that right?

4 A Yes.

5 Q And Tanya Lupien you said she's listed there, but as
6 is indicated by the footnote, she resigned in November 2018?

7 A That's correct --

8 Q Do you know if MM Development or Planet 13 notified
9 the department in November of 2018 when she had left?

10 A I'm not sure what we did again. That would be a
11 question directed to Mr. Koehler.

12 Q Okay. Do you know if Ms. Lupien's absence from the
13 board or as an officer of the company would have affected MM
14 Developments diversity score?

15 A I have no idea.

16 Q Any other women besides Ms. Lupien listed here on
17 this list of officers and board members?

18 A No. This generally appears to be the list at the
19 time.

20 Q So there's no other women besides Ms. Lupien; is that
21 right?

22 A As owner, officer or director, no.

23 Q And Ms. O'Neill is not listed here?

24 A She doesn't appear to be on this.

25 Q Do you know why she's not listed here?

1 A No.

2 Q Any --

3 A Well, I do know why. This is ending March of this
4 year. So our annual meeting was June of this year. So I'm
5 sure that's been amended and reflected to include her
6 membership on the board.

7 Q So since this lawsuit has been pending she's been
8 pushed up to the board of Planet 13; is that right?

9 A Correct, of holdings. That is correct.

10 Q She is the only one, as I look at this list and the
11 list that MM Development filed in September of 2018, she's the
12 only one who's not on this list that was on the prior list.
13 You're aware of that?

14 A You're probably correct there.

15 Q Yeah. And is there any reason why Ms. O'Neill is not
16 part of the team that we looked at earlier at 5022?

17 A Yeah, again I'd have to direct you to Mr. Koehler for
18 that because as of March 31 of '19 I believe she was on the MM
19 DC board. I don't know if it's in a note or --

20 Q Yeah. And Planet 13 had stated in these reports
21 actually operates the facility on Desert Inn Road; right? I
22 mean, through MM, Planet 13 is the one that controls the
23 operation of that facility?

24 A Yeah, that is correct. Well, the Nevada corporation
25 operates the Nevada asset.

1 Q So decisions with respect to ownership and operation
2 will be made by the Planet 13 board; is that right?

3 A That is true.

4 Q Last area, location. Let's look at Exhibit 20, and
5 we're going to go to page --

6 MR. KOCH: Do you have that, Bryan, Exhibit 20?

7 BY MR. KOCH:

8 Q This is MM's application. We can go to page 23 of
9 Exhibit 20. Exhibit 23 is one of the attachments, attachment
10 A's, that MM Development submitted. Are you familiar with this
11 document?

12 A Well, I'm generally familiar with the application
13 form.

14 Q With respect to the City of Las Vegas, Box 2,
15 actually right above the one that was highlighted, it says,

16 Marijuana establishment's proposed
17 physical address if the applicant owns
18 property or has secured a lease and other
19 property agreement -- or other property
20 agreement.

21 Do you see that?

22 A That's correct.

23 Q What is it --

24 A I see it.

25 Q What did MM Development enter there?

1 A Well, looks to me a TBD, to be determined.

2 Q So for purposes of Las Vegas, MM Development did not
3 submit a specific address, did it?

4 A Well, according to this document, you're right.

5 Q Anything wrong with that?

6 A Well, I don't know if there's anything wrong with it.
7 I know initially the application required locations to be
8 determined. I know Mr. Koehler and the app-writing team were
9 working diligently with our counsel and Realtors to identify
10 specific addresses. And if memory serves me correctly,
11 something that the department changed or revised the rule to
12 say you didn't have to identify a spot.

13 I know Mr. Koehler was looking on all applications to
14 identify licenses or hone in specific locations in a geographic
15 area of the community because either we didn't have an LOI, or
16 we didn't have a lease finalized, you know, prior to submittal.

17 Q The inclusion of to be determined here, do you
18 believe that should have disqualified MM Development's
19 application?

20 A No, not if it was consistent with the State's
21 directives.

22 Q Let's turn to page 26 in that same document three
23 pages later. This is a discussion from MM. It says.

24 Summary. MM Development, Inc. will work
25 with the City of Las Vegas to place the

1 location on the currently underserved western
2 portions of the city's jurisdiction, such as
3 the Summerlin area.

4 Probably one of the few times underserved and
5 Summerlin are in the same sentence.

6 A I'll give you that.

7 Q So did you have an expectation that you would work
8 with Las Vegas to find a final location?

9 A Well, again I -- I don't know -- I don't want to
10 guess as to what Mr. Koehler was thinking but again I do know
11 in meetings with him and our management team that he was trying
12 to really narrow those areas in the community where we thought
13 warranted additional dispensaries.

14 Q Do you know if Summerlin has any restrictions with
15 respect to operation of marijuana facilities?

16 A You know, I don't know specifically what Summerlin
17 has.

18 Q What about limitations with respect to operation of
19 medical facilities? Do you know if there's a limitation like
20 that?

21 A I do not.

22 Q Are you aware of any CC&Rs that Howard Hughes Company
23 has in the city of Summerlin or the area of Summerlin that
24 would preclude any medical operation from opening in that area?

25 A I'm not familiar with their CC&Rs, no.

1 Q Do you know if there's any reason why any medical
2 facility, medical marijuana establishment did not open in the
3 city of Summerlin previously?

4 A No, I'm not aware.

5 MR. KOCH: No further questions. Pass the witness.

6 THE COURT: Good job.

7 Any other defendants or defendant intervenors,
8 Mr. Gutierrez.

9 MR. GUTIERREZ: Thank you, Your Honor.

10 THE COURT: And we lose the witness in nine minutes.

11 DIRECT EXAMINATION

12 BY MR. GUTIERREZ:

13 Q Mr. Groesbeck, good morning.

14 A Good morning, Counsel.

15 Q My name is Joe Gutierrez. I represent Essence and
16 Thrive. Do you know who the owners --

17 A I do.

18 Q -- and some of the operators are of Essence and
19 Thrive?

20 A Yeah. Both good operators.

21 Q Do you know Mr. Phil Peckman who's here in court
22 today?

23 A I've known Phil for many years.

24 Q Okay. At some point after you didn't receive a
25 license, did you meet with Mr. Peckman and Mitch --

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1 [indiscernible] to offer to buy one of their licenses?

2 A Well, we talked generally about that, and I think
3 there was some discussion about buying our lease space as well.

4 Q Okay. And hypothetically, if you would've bought a
5 license at that point, sometime in December of 2018, would you
6 still be here bringing this litigation?

7 A If I had been able to open Medizin?

8 Q Yes.

9 A Well, that's a great question. You know, we had
10 multiple applications, but obviously that was the most
11 important one for us.

12 Q Right. But would you be bringing this litigation
13 asking the Court to stop the process through this injunction?

14 A Well, there again I think I had 20 million reasons
15 probably to make me feel better had we reopened that. I don't
16 know. Like I said, we had five other licenses I believe
17 pending throughout the State. It was part of the process. So
18 I'm not certain of that.

19 Q Right. But -- and you said what, that location is
20 making 18 to 20 million a year? Is that correct?

21 A Yeah. That was the run right then.

22 Q Okay. And you believe you would make that if you
23 were able to open it, reopen that location?

24 A Yeah, I believe that. I believe I'd be able to make
25 more.

1 Q That would generate a lot of tax revenue for the
2 State; is that correct?

3 A Of course.

4 Q Okay. And that's important to you?

5 A It is.

6 Q And that was important for the ballot initiative when
7 this was passed in 2016; isn't that right?

8 A I would agree.

9 Q It's in fact right in the statute it says that the
10 money is to go to the public school system; isn't that correct?

11 A I think you're correct.

12 Q Okay. Can you explain to me how the harm to your
13 company is outweighed by the public getting money for the
14 school system if your injunction is granted?

15 A Well, again, as I said earlier, I had an operational
16 facility for about two years there with a demonstrated track
17 record with numbers that were growing month over month, strong
18 sequential growth, and everyone would have benefited had that
19 store stayed open. As you just said earlier, I would've been
20 able to pay additional revenues or revenues through taxes that
21 could fund education.

22 But again, as a result of what happened, I was forced
23 to mothball that. So now it's an expense on my balance sheet.

24 Q My question to you though was how does the harm to
25 the public, how is that outweighed by your harm of this

1 financial harm to your shareholders?

2 A You know, that's not for me to decide. The fact
3 finder will make that decision at some point. I just know I've
4 been harmed.

5 Q Are you aware that my client Thrive was prevented
6 from opening their location on Sahara under their City of Las
7 Vegas license because of the injunction filed by your side?

8 A No.

9 Q You're not aware of that?

10 A No, I haven't spent much time. I've got my own
11 issues here.

12 Q Okay. Well, so do you agree that Thrive should be
13 able to open up their location on Sahara under their City of
14 Las Vegas license?

15 A No, Counsel, I'm not going to say I agree with that.
16 I'm going to say that there's a process here. There are
17 multiple parties involved in a litigation, not just us, and I
18 am hopeful at some point there's a resolution.

19 But my attorneys, very capable, have advised us on a
20 procedure and a process, and I'm obviously going to defer to
21 their expertise.

22 Q My question to you was about Thrive, specifically
23 their location on Sahara --

24 A Right.

25 Q -- specifically regarding their City of Las Vegas

1 license.

2 A Right.

3 Q Don't you agree that if they were able to open in May
4 when they were ready to open they would be generating much
5 needed tax revenue to the State of Nevada?

6 A Well, again I think it's pretty fair to assume that
7 had they opened they'd be generating revenue. I can't disagree
8 with that.

9 Q Okay. And what's the harm to your company
10 specifically if Thrive is not allowed open -- or if Thrive is
11 allowed to open, what's the harm to your company?

12 A Okay. You've got a handful of licenses in play here.
13 So all the operators who successfully won in the first round
14 operate. What happens at the end of the day if we were
15 successful on the merits? There's no license. They're
16 operational facilities.

17 Q I'm confused. My question to you is what is the harm
18 to your company Planet 13 --

19 A Right.

20 Q -- if Thrive is able to open their Sahara location?

21 A Again, my point is there are multiple licenses out
22 here. I've been irreparably harmed from day one, and I'm
23 harmed every day. Why should I not be allowed to participate
24 in the market and they open while we have pending litigation?

25 Q So stop Thrive from opening because you're being

1 harmed financially; is that your position?

2 A I'm not out to stop Thrive on anything. All I'm
3 trying to do is protect my company, my shareholders and my
4 interests. That's what I'm trying to do.

5 Q So as you sit here today, you have no problem if
6 Thrive were to open this week their Sahara location under their
7 City of Las Vegas license?

8 A I want Thrive to be very successful, and I want the
9 opportunity to be so as well.

10 Q And you agree if they were to open that would
11 generate tax revenue for the State; correct?

12 A Any dispensary to open up would generate tax revenue
13 for the State.

14 Q You were asked about and you said a chilling effect
15 on the industry doing background checks. Is that what you
16 said?

17 A Yeah. I said as relates specifically to a retail
18 investor who maybe owned a share or two who's buying and
19 selling on the markets.

20 MR. GUTIERREZ: Pull up 453D.200.

21 BY MR. GUTIERREZ:

22 Q You've seen this statute before?

23 THE COURT: NRS or NAC.

24 MR. GUTIERREZ: NRS. I'm sorry. Thank you, Your
25 Honor.

1 (Pause in the proceedings.)

2 BY MR. GUTIERREZ:

3 Q Mr. Groesbeck, you've seen this, correct, that the
4 department adopting these regulations need to ensure that they
5 need to adopt all regulations necessary or convenient to carry
6 out the provisions of this chapter? Do you see that?

7 A I do see it, yes.

8 Q The next sentence says,

9 The regulations must not prohibit the
10 operation of a marijuana establishment,
11 either expressly or through regulations that
12 make their operation unreasonably
13 impracticable.

14 Do you see that?

15 A I do.

16 Q And do you think requiring a public company like
17 yours to now have to do background checks on every single
18 shareholder would be unreasonably impracticable?

19 A Well, as I said earlier today, that's not my
20 decision. As the CEO -- a co-CEO of my company, if the State
21 directs me to do something, I'm going to do it. They don't
22 listen to me. They aren't interested in my input. They're the
23 regulator. I'm going to follow their directives.

24 Q My question to you is do you think that would be a
25 harm on your business if they are able to say you need to do a

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1 background check on every single shareholder?

2 A Well, again, I think we need to make a distinction
3 between an institutional investor and a retail investor. It's
4 fairly simple to put together a retail list. I mean, that's a
5 couple clicks on the -- keystrokes on the computer.

6 The retail side, I'll give you that it would be a
7 little more problematic, particularly if you are widely traded
8 and, you know.

9 Q You said a chilling effect on the industry. If a
10 public company was required to do that, it would have a
11 chilling effect on the industry; don't you agree?

12 THE COURT: What he said was if you made me do it
13 every day it might have a chilling effect.

14 MR. GUTIERREZ: Okay.

15 THE WITNESS: That's correct.

16 MR. GUTIERREZ: Okay.

17 THE WITNESS: Thank you, Judge. And that's true.

18 BY MR. GUTIERREZ:

19 Q Now, Mr. Groesbeck, if you were to buy a license
20 today, my client Mr. Peckman were to sell you a license
21 today --

22 A Uh-huh. Right.

23 Q -- would you still be requesting an injection from
24 this Court?

25 A Well, there again, as I said, that's one of multiple

1 licenses that we had in play that we were looking to acquire.

2 Q Would you still be challenging the process that the
3 department took in adopting the regulations?

4 A You know, as we sit here right now, I don't know. My
5 goal, of course, is to prepare my -- protect my shareholders
6 and our interests and specifically, you know, we mentioned the
7 Medizin facility numerous times.

8 Q Uh-huh.

9 A And that's my intent.

10 Q Now, with that Medizin facility, you said 18 to
11 20 million per year --

12 A Yeah --

13 Q -- is that correct?

14 A -- roughly.

15 Q Okay. And if that facility is allowed to open, then
16 you wouldn't have any issue with this litigation against the
17 State? You wouldn't still be pursuing it?

18 A No, I didn't say that. I said that would certainly
19 make things much more palatable. We can talk about that, and I
20 could sit with my attorneys and look at it from a different
21 perspective.

22 Q Other than any financial harm, do you have -- is your
23 company going to suffer any harm if this injunction is not
24 granted?

25 A Our company has suffered tremendous harm outside of

1 the revenue side. We took a massive hit in the market. Our
2 market cap probably decreased about 40 percent initially as a
3 result of this license issue. Yeah, this was ongoing. This is
4 something I live with every day.

5 Q Financial harm is what your company has suffered; is
6 that correct?

7 A Well, at the end of the day, everything is financial.
8 We are businesses. We are in business to make money. We're
9 business to get returns for our shareholders.

10 Q I understand. And in your report, your Planet --
11 your report that we just looked at --

12 A The MDNA.

13 Q -- you would have outlined if there was some
14 immediate harm to the company if this injunction is not
15 granted; is that fair?

16 A No, I -- no, I'm not sure we would say that.

17 Q And is -- can you outlined for us what the immediate
18 harm to your company is other than financial if this injunction
19 is not granted?

20 A Well, I think we walked through that. It all ties
21 into financial. I can't operate my company.

22 MR. GUTIERREZ: Thank you, Your Honor. Pass.

23 THE COURT: Thank you.

24 It's 11:20. I lose the witness at this time I've
25 been told. If --

1 MR. KEMP: No questions, Your Honor.

2 THE COURT: Is anyone going to have additional
3 questioning for this witness?

4 Mr. Graf, how --

5 MR. GRAF: Two questions.

6 THE COURT: Quickly.

7 MR. GRAF: Yes, Your Honor.

8 THE COURT: Keep your voice up. Stay where you are.

9 MR. GRAF: I'll ask while I'm walking.

10 DIRECT EXAMINATION

11 Q Mr. Groesbeck, I represent Clear River LLC in this
12 action. You said or testified earlier that you -- the cost to
13 get a license was cheaper than buying a license. Do you
14 remember that testimony?

15 A Yes. Basically that's what I said --

16 Q Okay. So --

17 A -- to acquire a license through the application
18 process is cheaper than going to the open market.

19 Q So the people at your company have done an analysis
20 of the cost to go through the licensing process, and they've
21 done an analysis of the cost to buy a license; correct?

22 A I'm sure we have.

23 Q And they have numbers for both of those right, the
24 dollars that those would cost?

25 A I'm sure there have been multiple discussions about,

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1 you know, again how to promote the company moving forward,
2 particularly with respect to the Medizin store.

3 Q And then just one other question, sir. The market
4 cap, what is the market cap for Planet 13 today?

5 A You know, I don't know today as we sit here, but the
6 market overall, the sector has been down considerably, but last
7 year at the time when these licenses issued, we were trading
8 roughly at about three, forty, Canadian. That would put us at
9 two, eighty; two, ninety U.S. That dropped all the way down to
10 less than \$2, I believe, within a matter of, you know, 60, 90
11 days.

12 Q And all of the shares that you previously testified
13 to, we could make a calculation as to what damage has been done
14 to your market cap using those numbers; right?

15 A Well, I think you can do an analysis certainly to see
16 how, you know, the trading activity and how it's trading out.

17 MR. GRAF: Thank you, Your Honor. That's it.

18 THE COURT: No one else has any questions for
19 Mr. Groesbeck?

20 MR. SHEVORSKI: The State has questions, but we don't
21 need Mr. Groesbeck for that, no.

22 THE COURT: All right. Thank you.

23 Have a nice day, Mr. Groesbeck. It appears your
24 testimony has been concluded within the time frames we were
25 able to set even though I was late.

1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: If, for some reason, Mr. Shevorski, it
3 turns out you need to ask him questions, given my rush that I'm
4 giving you --

5 MR. SHEVORSKI: Yeah.

6 THE COURT: -- please talk to Mr. Kemp.

7 Bye, Mr. Groesbeck.

8 THE WITNESS: Thank you.

9 THE COURT: Next witness.

10 MR. SHEVORSKI: I thought Mr. Kemp --

11 THE COURT: Next witness.

12 MR. SHEVORSKI: -- had somebody else from --

13 (Pause in the proceedings.)

14 MR. SHEVORSKI: I just didn't want to -- their broker
15 is leaving on a plane. I don't want to hold him up, and I
16 thought he had somebody else to --

17 THE COURT: Well, let's see if he has someone else.

18 MR. SHEVORSKI: Yeah. I just wanted to explain, Your
19 Honor.

20 THE COURT: I'm not worried about it. I'm pausing.
21 The sign says patience is a virtue that's on my bench. I'm
22 trying really hard.

23 MR. SHEVORSKI: And I heard something about
24 incompetent earlier. I didn't want to be in that category.

25 THE COURT: Nope, you weren't in that group,

1 Mr. Shevorski. In fact, no one in this room has been in that
2 group. You all have been very competent, professional and
3 well-prepared. It's a joy to have you all in my courtroom as
4 practicing attorneys.

5 I'm serious. The subject matter is a little making
6 my brain work, but having you all here has been a very pleasant
7 excursion as opposed to some of the people on my 9:00 o'clock
8 calendar.

9 MR. SHEVORSKI: Fair enough, Your Honor, but I'll
10 keep it in mind that the day ain't over yet. So I'm trying to
11 stay on your right side.

12 THE COURT: Oh, you're doing fine, Mr. Shevorski.

13 If anybody needs to stand up, stretch, go to the rest
14 room real quick while we figure out what the next witness is,
15 please feel free to do so.

16 This is not a sprint; it is a marathon.

17 (Pause in the proceedings.)

18 THE COURT: How are we doing, guys? Did we find our
19 witness?

20 MR. SHEVORSKI: Yeah, he's here.

21 THE COURT: Sweet.

22 (Pause in the proceedings.)

23 THE COURT: Since Mr. Rulis is here for Mr. Kemp, I'm
24 going to go ahead and swear the witness.

25 THE CLERK: Please raise your right hand.

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LEIGHTON KOEHLER

[having been called as a witness and being first duly sworn,
testified as follows:]

THE CLERK: Thank you. Please be seated. Please
state and spell your name for the record.

THE WITNESS: Leighton Koehler. Last name
K-o-e-h-l-e-r.

DIRECT EXAMINATION

BY MR. SHEVORSKI:

Q Mr. Koehler, good morning. Thank you for being here.
My name is Steven Shevorski. I'm with the office of the
Attorney General. Just a couple of quick questions for you.

Were you present for Mr. Groesbeck's testimony?

A I was.

Q And you heard him discuss the approximately -- the
approximate split. Let's call it about 70 percent insiders and
maybe 30 percent widely held of the outstanding traded shares
for MM Development. Does that sound about fair?

A Yes.

Q Okay. I'm assuming you're a lawyer?

A I am.

Q Okay. Did you take antitrust in law school?

A I may have.

Q May have. Okay. An issue has come up in this
litigation about monopoly, and I want to talk to you about

1 monopoly power. So it's a subset of an antitrust analysis the
2 Judge is aware of, and I want you to --

3 First of all, do you have a working definition of
4 what monopoly power is?

5 A Am I being called to testify about as an expert or
6 can provide opinions about legal definitions?

7 Q No, sir. There's an expert sitting right next to
8 you.

9 A Okay.

10 Q I'm just asking for your definition of, if you have
11 one, of monopoly power.

12 A As I sit here, no.

13 Q Okay. If I give you a definition that it's the power
14 to control prices or exclude competition, do you accept that
15 definition?

16 A I do.

17 Q Okay. With respect to -- and you're aware that
18 generally speaking, where a company is a corporation, its
19 owners are the shareholders; correct?

20 A Yes.

21 Q Okay. With respect to the widely held shares of
22 MM Development, does a person who is a shareholder who owns two
23 or three shares of MM -- of Planet 13 Holdings, excuse me, have
24 the power to control prices for MM Development?

25 A That's an interesting question. Since we just are

1 coming off of our annual shareholders' meeting, every
2 shareholder has a right to vote on the board members and the,
3 you know, and then the board will eventually decide who are the
4 officers. So even though it's a small amount of control, there
5 is a very small degree of control given to every shareholder as
6 of the record date. If they're a shareholder as of the record
7 date, they have a say in corporate action.

8 Q Do they have -- does a person who owns one share of
9 Planet 13 Holdings have the power to control what price you
10 sell marijuana at?

11 A Absolutely not, but if that one shareholder bands
12 together with other shareholders, then they may have an ability
13 to sway the direction of the company. They may -- they may
14 say, hey, we don't want Planet 13 to be a marijuana company
15 anymore. Shareholders control their corporations.

16 Q I think the example you have, have you heard of a
17 gentleman by the name of Carl Icahn?

18 A I've heard of him.

19 Q Bill Ackman?

20 A I've heard of him.

21 Q Are those kind of activist investors who may start
22 purchasing shares? What about T. Boone Pickens?

23 A Where are you going? I --

24 Q Do you know Mr. Pickens?

25 A I've heard some of these names.

1 Q Okay. So if Mr. Ackman starts purchasing shares, he
2 might have a little more ability to affect a company's
3 operations; correct?

4 A Potentially.

5 Q Potentially. And control the -- how the company
6 operates? The more shares he purchases, the more control he
7 gathers; correct?

8 A Potentially.

9 Q Okay. Now let's contrast that to one shareholder.
10 Assuming that person does not combine with other shareholders,
11 does one shareholder have the power to control the price that
12 MM Development sells marijuana at?

13 A I would go back to my previous answer since is this
14 the same question. Every shareholder has a say in, you know,
15 as to that share. That's what they're entitled to do with it.
16 They're entitled to vote on the corporate covenants.

17 Q How often do you have a shareholder meeting?

18 A Annually. Or in the case of special actions, there
19 may be a special meeting called.

20 Q Is the price of -- is the price of marijuana
21 something that's set annually?

22 A I don't believe that would be appropriate, no.

23 Q One more. Something Mr. Groesbeck mentioned.
24 Mr. Koch -- and you were here for the testimony mentioned in a
25 hypothetical where a person wanted to buy a couple shares,

1 let's call it two shares, on the Canadian Securities Exchange
2 for Planet 13 Holdings, and they sold it later that day, and
3 they were -- so you would agree with me that during that time
4 period, let's call it seven hours, that person was held an
5 ownership interest in Planet 13 Holdings and indirectly of
6 MM Development?

7 A That's correct.

8 Q Okay. During that time period, did that person who
9 owns two shares pose a security threat to MM Development?

10 A I certainly wouldn't think so.

11 MR. SHEVORSKI: Okay. No further questions, Your
12 Honor.

13 THE COURT: Thank you. Any other defendants or
14 defendant intervenors have questions?

15 MR. KOCH: Me.

16 THE COURT: Mr. Koch.

17 DIRECT EXAMINATION

18 BY MR. KOCH:

19 Q Mr. Koehler, I had to -- my name is David Koch.
20 We've talked on multiple occasions I believe.

21 When Mr. Groesbeck was here, we looked at that
22 corporate chart which was page 787 of Exhibit 20.

23 MR. KOCH: Put that back up one more time, Bryan.

24 UNIDENTIFIED SPEAKER: Exhibit 12?

25 MR. KOCH: Exhibit 20.

1 BY MR. KOCH:

2 Q While he's pulling that up, let me ask you, were you
3 primarily responsible for the preparation of the application
4 that MM Development submitted in September of 2018?

5 A I was.

6 Q Okay. 787, which I think is the actual page number,
7 108 or -9. All right. You've seen this chart?

8 A I prepared this chart.

9 Q All right. In that top box, we asked Mr. Groesbeck
10 about respective beneficial owners and stockholders. He
11 answered some questions about that on the bottom line there.
12 It stated, Investors, public stockholders, none greater than
13 5 percent individually. You drafted that?

14 A I did. In response to the department identifying
15 that shareholders under 5 percent were not required, and they
16 had established this through previous activities, when we had
17 transferred our license and when we went public from
18 MM Development company ownership changing, when we transferred
19 the license at the time back in June 11th of 2018, when we
20 went public, the department did not require stockholders under
21 5 percent to be reported, although we did have the exact list
22 at the time, and we were prepared to provide it, it was 243
23 shareholders exactly.

24 And since then we do check in from time to time on
25 the number of shareholders and the identity of the

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1 shareholders. It was never required. So upon instructions
2 from the department, this was what went in to our -- our
3 application.

4 Q Right. Since that time -- you said 243 shareholders
5 at that time. How many do you have today?

6 A I couldn't tell you as I sit here right now.

7 Q More than 243?

8 A I would assume so.

9 Q More than a thousand?

10 A I don't know.

11 Q Okay. And I think you heard Mr. Groesbeck and the
12 Judge comment on the issue if the department asked you to
13 submit a shareholder list every day, and the department were to
14 conduct a background check on that list every day, do you think
15 that that would have an effect on MM Development or Planet 13's
16 ability to operate as a public company?

17 A Given that bizarre and -- hypothetical is what I'm
18 going to call it, I think that would have a chilling effect on
19 investors.

20 Q Right. That would be a bizarre situation?

21 A That sounds bizarre to me.

22 Q Yeah. Not a reasonable, normal situation you would
23 expect the department to carry out?

24 A Let me -- you know, I think that hypothetical does
25 sound unreasonable, but I think if we're talking in

1 hypotheticals, I think if there was a requirement annually or
2 as part of a limited opportunity license application window
3 like this, I firmly believe I could have prepared a
4 comprehensive shareholder list and identified everybody.

5 I think one of the, if I may, I think where this
6 heads is, you know, doing background checks, providing a list
7 of names is doable, and it always has been. If the department
8 directed our company to do that, we would do it, and that's the
9 end. I mean, that's what would be required. We're going to
10 protect those licenses, and we would do what we're told.

11 Q Good. Good. And if you provided that list, would
12 you expect the department to actually perform a background
13 check on each of those shareholders on the list you provide?

14 A What's your definition of background check?

15 Q Well, that's a good question. The statute says
16 background check. It doesn't define it, and I'm asking you if
17 you've ever talked with your stockholders about the fact that
18 they may be subject to background checks for purchasing a share
19 of Planet 13 stock?

20 A I haven't.

21 Q Okay. And you said it may be reasonable to do it on
22 an annual basis. So you may take an annual list, submit that
23 list. The department could review it, do whatever it's going
24 to do. What about somebody who buys on Day 2 of the year and
25 sells on day 364; they have a felony; it's a drug lord from

1 Mexico; he buys 4 percent of the company stock? Would that
2 person be on the list if you provided an annual list?

3 A I don't know, and to go back and clarify what I said
4 earlier is I said, as part of a license application process or
5 annually or, you know, some reasonable establishment of
6 providing shareholder lists, if that were required by the
7 department, we could comply.

8 Obviously there's a certain level if every minute I
9 have to provide a shareholder list where the cost is
10 prohibitive and the company closes, and if that's where the
11 State of Nevada heads, that's tragic, but this is something we
12 can do, and we were never asked to.

13 Q Okay. And the 5 percent item there, did you ever
14 you, yourself, go to the department and say, you know what,
15 5 percent, that's unreasonable; I think we should go to
16 1 percent or maybe 10 percent or provide some other percentage?

17 A No.

18 Q Okay. So the 5 percent was part of the regulation.
19 You understood it, and you submitted your application in
20 accordance with that regulation?

21 A I don't know that it was part of the regulation. As
22 we sit here, I don't know if it is part of the regulation.
23 What I'm going to say is this was the requirement that the
24 department informed us as an applicant of and that we met.

25 Q Right. NAC 453D.255, that's the regulation regarding

1 5 percent. Have you ever read that?

2 A I have.

3 Q Okay. And that is the regulation that was in place
4 beginning in January or February of 2018. You're aware of
5 that?

6 A I am.

7 Q Okay. And so this 5 percent that you included in the
8 corporate ownership structure, that didn't just come from
9 nowhere. That came from somewhere. That was a decision that
10 was made based upon something that you read. Right?

11 A Not based on something that I read, that we were
12 informed by the department that ownership under 5 percent we
13 weren't going to be required to submit.

14 I might add though that we were ready and prepared to
15 provide this if it ever came up. My assumption, although
16 incorrect, was that if there were follow-up questions after
17 submitting the application that the department would reach out.
18 I don't know if they were understaffed or that they just rushed
19 through the process. There was no follow up on the
20 applications.

21 Q So if the department -- let's say you got a
22 conditional license and the department came back to you and
23 said that 29.2453 percent that you got listed there, we need to
24 follow up on them. The department could then make that
25 request, and you could provide that list of shareholders, and

1 they could do whatever they needed to do with it at that time;
2 right?

3 A Well, it blows my mind that there would be a
4 conditional license awarded if that was a question that was
5 going to be asked instead of coming to us before awarding the
6 license and then saying, well, we need you to follow up and
7 verify this for us, and then we're going to award, you know,
8 even the conditional because there's a limited number of
9 licenses, and only, you know, winning applicants, you know, the
10 people that deserve these licenses should get them.

11 Q Right.

12 A So --

13 Q The pool of conditional license recipients is smaller
14 than the total number of applicants; right?

15 A I believe so.

16 Q And so if the department decided to only run
17 background checks on conditional applicant recipients,
18 conditional license recipients, it would be a smaller burden on
19 the department; is that right?

20 A Potentially. But maybe there's a window between --
21 and I don't know exactly what happened inside the black box as
22 it appears to have been treated. Once a scoring determination
23 was made, there could have been a reasonable follow-up period
24 where they verify and validate; look at compliance history,
25 which I don't know if they ever did -- I haven't been here

1 every day -- follow up on ownership issues. There's so many
2 things that could have been done that I don't think were.

3 Again not my place here. I'm here to answer your
4 questions. So --

5 Q Right. So the department could have done a lot of
6 things. You're not here to say what they should have done, but
7 they could have done other things; right?

8 A Maybe.

9 Q With respect to the last topic, those locations, you
10 saw that application with respect to the City of Las Vegas that
11 the MM on Exhibit 20, page 23, and this is where MM listed to
12 be determined for its City of Las Vegas location. You're
13 familiar with that?

14 A I am.

15 Q Okay. And you understood that it was permitted at
16 this stage to put something like to be determined on the
17 application with respect to a potential location; is that
18 right?

19 A Again, it was my understanding that that was
20 permitted, but that was only after the Department of Tax
21 started announcing that this was no longer a requirement. Even
22 after they announced that this was no longer a requirement,
23 because of the community-impact portion and also my mistaken
24 belief that having specific locations identified would be
25 helpful, we worked diligently up to even a week before the

1 application was filed, narrowing in locations.

2 We were in lease negotiations with landlords. I was
3 talking with multiple city departments, and we were trying to
4 identify and be forward looking as to places that were
5 underserved and, you know, meet the needs of the State and the
6 people of the State who were going to be participating with us
7 that, you know, were our customers. We tried.

8 Q Okay. And that's, I won't turn to it, but page 26
9 where we read Mr. Groesbeck saying that MM would work with the
10 City of Las Vegas to find a location that would serve the
11 community; is that right?

12 A I drafted this.

13 Q Okay.

14 A And some of what you were saying today in court when
15 you were talking with Bob Groesbeck, that was news to me.

16 Some of what I put in this was aspirational. It was
17 my desire and remains my desire to work with that section of
18 town and see if a dispensary could be opened. My understanding
19 was is that it couldn't at the time of the application, but it
20 definitely was our intent to work on this.

21 Q And the fact that MM included "to be determined" on
22 its location, you did not believe that that would disqualify MM
23 from potentially receiving a conditional license, did you?

24 A I did not believe that, but only because of
25 instructions given by Department of Tax.

1 Q And you said that was an announcement that the
2 Department of Tax made; is that right?

3 A Yes.

4 Q That wasn't -- you didn't invite Jorge Pupo to
5 dinner, did you, and he gave you that secret information?

6 A No. Unlike others, I did not have that type of
7 relationship with Mr. Pupo.

8 Q And that was information that had been given to all
9 applicants, not at a dinner, not anywhere else, but it was
10 actually announced; right?

11 A Well, I can't testify as to that. What I can say is
12 that I was made aware by outside counsel that this was a
13 development. I might have missed it but for outside counsel
14 telling me, hey, this just changed. Let's see where we head in
15 our application strategy.

16 Q Who was your outside counsel?

17 A Jay Brown.

18 MR. KOCH: All right. Thank you.

19 No further questions.

20 THE COURT: Anyone else from the defendants,
21 defendant intervenors have questions?

22 (No audible response)

23 THE COURT: Anybody from the plaintiff side?

24 (No audible response)

25 THE COURT: Sir, I have a couple questions.

JD Reporting, Inc.

1 You said the department informed you of the 5 percent
2 limit on the application for shareholders?

3 THE WITNESS: Yes, Your Honor.

4 THE COURT: Can you tell me how you learned of that
5 from the department.

6 THE WITNESS: Outside counsel was in contact with the
7 department, and so a week before the announcement, outside
8 counsel was made aware, and then they told me. So around July
9 31st I received an email from outside counsel. I may have
10 the date a little bit off.

11 THE COURT: It's okay.

12 THE WITNESS: But around then I got a --

13 THE COURT: And that was from Mr. Brown?

14 THE WITNESS: That was from Mr. Brown's office.

15 THE COURT: Okay. So give me a couple other areas.
16 You recently had an annual meeting probably April or March?

17 THE WITNESS: Just in June 24th.

18 THE COURT: June. Okay. What was the record date
19 for that meeting?

20 THE WITNESS: Oh, I don't have that off the top of my
21 head. That was about a month before.

22 THE COURT: About a month.

23 THE WITNESS: Sometime in May.

24 THE COURT: So how many shareholders did you have on
25 your record date before the annual meeting?

1 THE WITNESS: I don't have that number, but I can --

2 THE COURT: Best estimate?

3 THE WITNESS: I can't. I have no idea.

4 THE COURT: Okay. So give me an order of magnitude.
5 250? 20,000?

6 THE WITNESS: I'm guessing --

7 THE COURT: I don't want you to guess.

8 THE WITNESS: -- and if I'm guessing, then it is a
9 thousand or more.

10 THE COURT: Okay. So somewhere between a thousand
11 and 2,000?

12 THE WITNESS: Total guess, Your Honor. That's --

13 THE COURT: Okay.

14 THE WITNESS: I --

15 THE COURT: I don't want you to totally guess. I'm
16 trying to spark your memory.

17 THE WITNESS: There's no memory to spark here. I do
18 not know the exact number of shareholders as of that date, and
19 part of that process is, is that we reach out through a --
20 through our trust company and a mailing company. Some of those
21 are maintained anonymously through their brokerage accounts.
22 So our retail --

23 THE COURT: They're beneficial interest holders;
24 right?

25 THE WITNESS: Some of them.

1 Now, all of those go through -- and just to be clear,
2 there is a verification and a know-your-customer vetting
3 process for all investors in, you know, with brokerage accounts
4 and indeed with any retail investor where they have to go
5 through and attest source of funds, their activities. I don't
6 know if that rises to the level of what the State might
7 consider a background check, but it might be an indication of a
8 type of background check being conducted on the shareholders.

9 THE COURT: So let me try and approach it slightly
10 differently. Because you're traded on the Canadian markets and
11 I don't usually deal with people traded on the Canadian
12 markets, I'm trying to get a little bit of information from you
13 about the process.

14 THE WITNESS: Got it.

15 THE COURT: Do you prepare proxy statements that go
16 to your shareholders prior to an annual meeting?

17 THE WITNESS: We do.

18 THE COURT: And are those sent out?

19 THE WITNESS: Yes.

20 THE COURT: And how are they sent out?

21 THE WITNESS: They're sent out through a third party
22 proxy statement mailer service that we engage.

23 THE COURT: So I know now that in the American system
24 some are sent out electronically. Some are sent out on
25 listserv, and some are still sent out by snail mail. Do you

1 know how your trust company and proxy service sends the proxy
2 notices for your shareholders?

3 THE WITNESS: I do. It was very expensive. We
4 mailed it.

5 THE COURT: Okay. And you mailed it to all record
6 owners on the record date?

7 THE WITNESS: Yes.

8 THE COURT: And some of those would be institutional
9 investors; some of them would be brokerage account; and some of
10 them would be individuals?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: And if you were to be required to provide
13 the shareholder list on a particular date every year, how
14 burdensome would that task be?

15 THE WITNESS: Slightly burdensome, but very doable.

16 THE COURT: As opposed to the every day that Mr. Koch
17 had referred to?

18 THE WITNESS: That's correct, Your Honor.

19 THE COURT: Okay. Those were all my questions.
20 Thank you.

21 Anybody else have questions?

22 MR. KEMP: No, Your Honor.

23 THE COURT: All right. Thank you, sir. We
24 appreciate your time. Very nice afternoon.

25 THE WITNESS: Thank you, Your Honor.

1 THE COURT: It's 11:51. Do we have a nine minute
2 witness?

3 MR. GUTIERREZ: We can call the next witness, Your
4 Honor, and go as far as we can.

5 THE COURT: I'm not going to even get him sworn in in
6 nine minutes. Who is our next witness?

7 MR. GUTIERREZ: Bret Scolari.

8 THE COURT: Okay. So we have -- wait. Stay where
9 you are, sir.

10 I've got Mr. Scolari. Who else I got today?

11 Mr. Kemp, who else I got?

12 MR. KEMP: Mine are done, Your Honor.

13 THE COURT: Okay. Mr. Cristalli? Mr. Miller?

14 MR. CRISTALLI: We have Sean Lewis, who is available;
15 and Ben Sillitoe, who is also available.

16 THE COURT: And they're coming this afternoon?

17 MR. CRISTALLI: Yes, Your Honor.

18 THE COURT: All right.

19 MR. CRISTALLI: They'll be prepared to go.

20 THE COURT: Okay.

21 MR. CRISTALLI: And also one other, Your Honor,
22 Danielle Stewart [phonetic] from Fidelis.

23 THE COURT: Okay. So I got four more of the --

24 MR. GUTIERREZ: And Frank Hawkings --

25 THE COURT: And Mr. Hawkings is here. I'm not

1 worried about him. He will be easy for us to get up here.

2 Anybody else?

3 (No audible response)

4 THE COURT: Okay. So after you finish these
5 witnesses, Mr. Kemp and Mr. Gentile, I will ask you the
6 following questions: Do you have a rebuttal case? I'll then
7 anticipate you'll tell me what the timing is related to that.

8 MR. GENTILE: Okay.

9 THE COURT: I'm not asking yet. Okay. So I've got
10 these witnesses, and then we're going to be done with the
11 defendants and defendant intervention cases.

12 MR. GUTIERREZ: Your Honor, there was one or two
13 witnesses from Mr. Bult's clients that we're trying to get for
14 or Thursday morning that we're coordinating on, but again the
15 timing wouldn't be as long as the witnesses we have today.

16 MR. BULT: Your Honor, and that was only because of
17 our understanding we're dark tomorrow and Wednesday.

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1 THE COURT: I'm not dark tomorrow and Wednesday.
2 It's just none of you guys can all come. I'm here. Mr. Graf
3 has hearings all day tomorrow. Okay.


4 So we're not going to be done with the witnesses the
5 defense intends to call today. So I won't ask you the
6 question, Mr. Gentile. Sorry.

7 Okay. I guess I will see you guys at 1:00.

8 (Proceedings recessed at 11:53 a.m., until 12:59 p.m.)

9 -oOo-

10 ATTEST: I do hereby certify that I have truly and correctly
11 transcribed the audio/video proceedings in the above-entitled
12 case.

13 
14

15 Dana L. Williams
16 Transcriber
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IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 36 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAINST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |

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| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 342 | BENCH TRIAL - DAY 19 | 327 thru 328 | 8/17/2020 | 045940-046223 |

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| 343 | BENCH TRIAL - DAY 20 | 329 | 8/18/2020 | 046224-046355 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 354 | BENCH TRIAL - PHASE 1 | 332 | 9/8/2020 | 046667-046776 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |

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| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 365 | CLARK NATURAL MEDICINAL SOLUTIONS LLC, NYE NATURAL MEDICINAL SOLUTIONS LLC CLARK NMSD LLC AND INYO FINE CANNABIS DISPENSARY L.L.C.'S JOINDER TO NEVADA WELLNESS CENTER'S MOTION TO AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046932-046933 |

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| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
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| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
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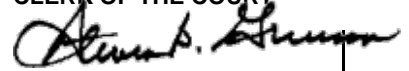
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
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| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
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| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
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| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
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| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
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| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

EVIDENTIARY HEARING - DAY 14

FRIDAY, JULY 12, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL CRISTALLI, ESQ.
ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
NATHANIEL RULIS, ESQ.
ADAM BULT, ESQ.
MAXIMILIEN FETAZ, ESQ.
THEODORE PARKER, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
THERESA HAAR, ESQ.
BRIGID HIGGINS, ESQ.
ERIC HONE, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
JOSEPH GUTIERREZ, ESQ.
PHILIP HYMANSON, ESQ.

1 LAS VEGAS, NEVADA, FRIDAY, JULY 12, 2019, 10:02 A.M.

2 (Court was called to order)

3 THE COURT: Good morning, everyone. Remember our
4 plan today is to get Ms. Contine out of here by 2:45, even if
5 she's not finished. Okay. Come on up, Ms. Contine. I didn't
6 want anybody to forget.

7 MR. SHEVORSKI: I took care of business on my end,
8 as well, the question you asked me.

9 DEONNE CONTINE, DEFENDANT, STATE'S WITNESS, SWORN

10 THE CLERK: Please be seated. Please state and
11 spell your name for the record.

12 THE WITNESS: My name is Deonne, D-E-O-N-N-E,
13 Contine, C-O-N-T-I-N-E.

14 THE CLERK: Thank you.

15 THE COURT: Mr. Kemp, you may continue.

16 CROSS-EXAMINATION (Continued)

17 BY MR. KEMP:

18 Q Good morning, ma'am. Let's go back to what I call
19 the Memorex question. You remember those Memorex commercials
20 back in the old days?

21 THE COURT: Ah, Mr. Kemp.

22 MR. KEMP: Judge, come on, Judge. I'm testing the
23 depths --

24 THE COURT: I remember them, but --

25 MR. KEMP: -- of your memory.

1 THE COURT: I remember them, but not everybody's as
2 old as me and you and Mr. Gentile.

3 BY MR. KEMP:

4 Q Do you remember them, ma'am?

5 A No.

6 Q Basically it was a commercial that says is it
7 Memorex or is it the original, and Memorex was the copy.
8 Okay. Are you kind of with me so far?

9 A Yes, I think I am.

10 Q So yesterday my questions were asking whether the
11 Department just copied the medical marijuana regulation, and
12 you said, no, that you and Mr. Pupo and others drafted a new
13 regulation after Question 2 in the Government's Task Force;
14 correct? That was the testimony yesterday; right?

15 A So I guess if I could try to clarify what I --
16 because I think there was some miscommunication that we had
17 yesterday.

18 Q Well, yesterday your position was it wasn't a
19 copy --

20 THE COURT: Wait. Let her finish, please.

21 MR. KEMP: Judge, I'd rather not have the
22 clarification of --

23 THE COURT: Counsel, I need her to finish her
24 answers. I understand you may disagree with what she's saying
25 and cross-examine her extensively and aggressively, but give

1 her the courtesy of answering the question --

2 MR. KEMP: Yes, Your Honor.

3 THE COURT: -- and then we'll keep going. And we
4 may get done next week.

5 MR. KEMP: We may

6 THE COURT: All right. Keep going, Ms. Contine.

7 THE WITNESS: So the physical process of taking all
8 of the ideas and the concepts that we were working with and
9 putting it on a piece of paper was QuantumMark. So they --
10 BY MR. KEMP:

11 Q That's it?

12 A If that's what you consider to be a draft then they
13 drafted putting the pen to paper as you said yesterday.

14 Q Yesterday I was suggesting to you that there was
15 testimony from Mr. Gilbert and others that you just copied the
16 medical marijuana reg, and you disagree with that; right?

17 A I didn't disagree with that. I didn't -- I don't
18 know what you mean by just copied.

19 Q Did the Department not, in fact, simply copy the
20 medical marijuana reg especially with regards to the 5 percent
21 ownership section?

22 A So with respect to the 5 percent ownership section
23 specifically there's testimony, there's written documentation
24 that was a Task Force recommendation. It was discussed
25 extensively at the Task Force based on that recommendation.

1 The consensus, the fact that it was in the -- also part of the
2 medical it was put into that original draft document that the
3 Department of Taxation then workshopped and took input on and
4 then went through with adoption.

5 Q They copied the 5 percent directly from the medical;
6 yes?

7 A Yes.

8 Q Yes?

9 A Yes.

10 Q Okay. So there was no big discussion about whether
11 it should be 5 percent or 3 percent or 7 percent, right, no
12 discussions such as that?

13 A There was discussion about the 5 percent both at the
14 working group, the Task Force, the regulation process, and
15 that discussion indicated that it was something that had been
16 working for the industry. It wasn't unduly burdensome, and it
17 was a way that we could move forward and implement the
18 program.

19 Q Were alternatives such as 3 percent, 7 percent
20 explored?

21 A I don't know.

22 Q Okay. And did you do any studies to focus on the
23 complexities of 5 percent as opposed to the Question 2 mandate
24 of every owner?

25 MR. SHEVORSKI: Objection. Vague.

1 THE COURT: Overruled.

2 THE WITNESS: No. I mean, we didn't do any studies
3 on the 5 percent, because, again, there was a significant
4 consensus around that.

5 BY MR. KEMP:

6 Q So because the industry and whoever was on the study
7 group liked the 5 percent you went with the 5 percent, that
8 was the reason?

9 A We analyzed internally whether we could make that
10 regulation in the recreational under the initiative, and we
11 considered whether we had the authority and then whether it
12 would be unduly burdensome and whether using that 5 percent
13 would also protect the public safety part.

14 Q And unduly burdensome, did you do any studies as to
15 the cost --

16 A No.

17 Q -- of using a different figure other than 5 percent?

18 A No.

19 Q So as we sit here today you can't tell me whether or
20 not in terms of cost there's any undue burden on checking
21 everyone as opposed to 3 percent, 5 percent, 7 percent, you
22 can't tell me?

23 A I can't tell you the difference, no.

24 Q You can't even tell me if there is a difference?

25 A Well, I can tell you what people testified to --

1 Q Okay.

2 A -- in which I think I have.

3 THE COURT: And when you say testify you mean before

4 the Task Force?

5 THE WITNESS: The Task Force --

6 THE COURT: Okay.

7 THE WITNESS: -- all the various public meetings

8 that were conducted.

9 THE COURT: Thank you. We don't use that as

10 testimony as litigators --

11 THE WITNESS: Oh. Okay. Sorry.

12 THE COURT: -- I know that in administrative you do.

13 So I just wanted to make sure we were clear.

14 BY MR. KEMP:

15 Q And are you suggesting that there was testimony that

16 anything less than 5 percent would be unduly burdensome?

17 A I don't recall if there was, but --

18 Q And are you suggesting that there was testimony that

19 requiring a background check of some sort on every owner would

20 be unduly burdensome?

21 A I believe that there was testimony to that

22 effect.

23 Q Okay. And why would that be? Why would that be

24 unduly burdensome --

25 A Well, you mean --

1 Q -- based on the testimony as you understood it?

2 A So my understanding in the examples that I've given
3 previously was that it was difficult with small owners that
4 maybe lived out of the jurisdiction to facilitate operation of
5 the business because of the requirements.

6 Q As I understand, those people were already licensed,
7 because they already had to have a medical license if they
8 were applying in this round; correct?

9 A Yes.

10 Q So these people were already licensed, and you
11 thought it was unduly burdensome to do background checks?

12 A The way that the program had been run up until that
13 point was that every year annually there was a background
14 check requirement. And every time there was a transfer of
15 ownership the information had to be submitted and that that
16 was -- the requirements to have everyone who had any kind of
17 investment in the company to submit to those requirements was
18 difficult to operate the business.

19 Q Basically they had to go and have their fingerprints
20 taken somewhere and then send it to the Department. That's
21 basically what they had to do; right?

22 A Yes, they had to have fingerprints annually.

23 Q Anything else?

24 A They had to file the application -- I can't remember
25 -- or file the renewal. I don't know everything that was on

1 the renewal. I never did the renewal.

2 Q You're not suggesting to me they had to have new
3 fingerprints annually as opposed to some sort of updated form,
4 or are you suggesting that?

5 A They had to have new fingerprints annually.

6 Q That's your understanding?

7 A That's my understanding.

8 Q All right.

9 A In fact, I believe in Assembly Bill 422 in the 2017
10 session the industry had that changed.

11 Q Okay. And Mr. Koch brought up the subject of public
12 companies yesterday. Do you remember that?

13 A Yes.

14 Q And he was implying that there's some extreme
15 difficulty in ascertaining the ownership of a public company.
16 Do you recall those questions?

17 A Yes.

18 Q And do you know how difficult it is for a public
19 company to send a list of shareholders to someone upon
20 request?

21 A I don't know how difficult that is, but I guess I
22 was thinking of it a little differently in that if you're --
23 the way that a public market works the ownership changes all
24 the time with the rules the way that they are if you are
25 required to submit something, you know, if somebody makes a

1 trade right now it could be different than, you know, in an
2 hour from now. So just the vast number of people that would
3 be coming in and out for a really small portion.

4 Q Okay. Before we get to coming in and out let's get
5 to identifying the owners, see how difficult that is. Do you
6 know, as we sit here today, how difficult it is for a public
7 company to identify all of its shareholders?

8 MR. SHEVORSKI: Objection. Vague.

9 THE COURT: Overruled.

10 THE WITNESS: I don't.

11 BY MR. KEMP:

12 Q And have you ever heard of a transfer agent?

13 A No.

14 Q So if told you that most public companies can log
15 in on Odyssey and print out all their shareholders in less
16 than 10 minutes, prepare a list, that'd be news to you?

17 THE COURT: Odyssey or EDGAR?

18 MR. KEMP: It's Odyssey, Your Honor.

19 THE COURT: Okay.

20 MR. KEMP: Well, I guess it depends on which company
21 it is. Okay.

22 THE WITNESS: Yeah. I mean, I've never used a
23 service like that. I wouldn't have -- I wouldn't know about
24 those services .

25 //

1 BY MR. KEMP:

2 Q Okay. Do you think that's an unreasonable burden
3 that someone spends 10 minutes giving their list of
4 shareholders?

5 A But how good is that list? How long is that list
6 good for I guess. That's the question. And, you know, how
7 long is that list good for? How do those people submit the
8 information that's required those types of things. I just, I
9 mean, the process of implementing something like that and the
10 process of getting that information would be.

11 Q In this rhetorical question you just asked me, how
12 long is the list good for. That was not discussed at any time
13 by anyone at the Department of Taxation, right, because you
14 didn't know they could get the list?

15 A Well, I guess just conceptually the way markets
16 work, the way that the trading happens there was a general
17 understanding of that and the difficulty of obtaining accurate
18 information in real time, and, again, balancing those burdens
19 and the abilities to review all of that to get all of that and
20 submit all of that with the recognition that we could still
21 protect public health and safety I think.

22 Q I just told you you could generate the list in 10
23 minutes, and you said there were difficulties in getting that
24 in real time. Is 10 minutes what you consider to be a
25 difficulty?

1 MR. SHEVORSKI: Objection. Foundation.

2 THE COURT: Overruled.

3 THE WITNESS: Yes.

4 BY MR. KEMP:

5 Q So you didn't want to impose the burden on any of
6 the applicants that were public companies that they would
7 spend 10 minutes. That's the reason you disregarded Question
8 2 say to everyone -- every owner. Is that what you're telling
9 me?

10 MR. KOCH: Objection. Argumentative. Misstates --

11 THE COURT: Overruled.

12 MR. KOCH: -- the initiative, as well.

13 THE WITNESS: No, that's not what I'm saying. What
14 I'm saying is that, again, we were trying to balance the
15 request and what the industry was saying at various meetings
16 on the public that would be -- that we would consider
17 testimony but not legal testimony, and balance that burden
18 with also the internal, you know, how do you implement a
19 process like this that is going to essentially review and sign
20 off of every single person at one point in time who has an
21 ownership interest because they own whatever and how many
22 ever, you know, pieces of stock or whatever they own when
23 tomorrow that might be different.

24 So even as you're reviewing it you couldn't have
25 that accurate information. And so given that situation and

1 that makeup those burdens and the, again, the policy to kind
2 of work and implement this program with public safety in mind,
3 that's why it was chosen.

4 BY MR. KEMP:

5 Q Okay. Getting back to the question three questions
6 ago that hasn't been answered yet. These considerations were
7 never discussed by the Department; correct? These specific
8 considerations of the difficulty of updating the public list
9 of shareholders were not discussed by the Department?

10 A It was discussed generally, but the specifics of a
11 list and how long we could get a list that was not discussed.

12 Q Okay. Do you know what the Gaming Control Board
13 does?

14 A No.

15 Q You don't know that they require a shareholder's
16 list to be filed on a I believe it's a quarterly basis and
17 updated by the public companies?

18 A No, I don't know that.

19 Q Okay. That'd be a reasonable thing for the
20 Department to do, do you think?

21 MR. KOCH: Objection. Lacks foundation.
22 Argumentative.

23 THE COURT: Overruled.

24 MR. SHEVORSKI: Also misstates the law.

25 THE COURT: Overruled.

1 THE WITNESS: I don't know. I don't know enough
2 about it to know if it'd be reasonable.

3 BY MR. KEMP:

4 Q Well, it would be one option that could be employed,
5 right, you could do that, because the Gaming authorities do it
6 and you can do it?

7 MS. SHELL: Objection. Calls for speculation.

8 THE COURT: Overruled.

9 THE WITNESS: Again, I don't know. I don't know if
10 it's reasonable. I don't know.

11 BY MR. KEMP:

12 Q Okay. So you think it's potentially unreasonable to
13 require a marijuana company that's a public company to provide
14 an updated shareholder list once a quarter. You think it's
15 potentially unreasonable?

16 A I don't know.

17 Q Okay. And you don't know because the Department
18 didn't study any difficulties with regards to public companies
19 identify their ownership; right?

20 A Again, no.

21 Q Okay. Yes, I'm right, you did not study that?

22 A Again, no.

23 Q No, you did study that?

24 A No, we did not study it.

25 Q Okay. Thank you.

1 A I'm answering the question.

2 Q All right. Now getting back to Question 2.

3 Question 2 required background checks for everyone, right;

4 yes?

5 MR. KOCH: Objection. Misstates the initiative.

6 THE COURT: Overruled.

7 BY MR. KEMP:

8 Q That's your understanding?

9 A I don't -- can I have the language.

10 THE COURT: The book's right there, ma'am.

11 THE WITNESS: What specific provision are you

12 talking about?

13 THE COURT: Ma'am, 453D's in the pocket part.

14 BY MR. KEMP:

15 Q The background check --

16 A I don't know if the language says each or every. I

17 don't know the exact provision, and I can't find it quickly.

18 So -- but, yes, it required background checks on each or every

19 owner.

20 Q Okay. But it didn't require any specific type of

21 background check; right?

22 A No.

23 Q So, for example, it didn't require you to

24 fingerprint every single owner; right?

25 A Right.

1 Q Okay. So if someone were to suggest that the
2 statute or that Question 2 couldn't be complied with because
3 it demanded fingerprinting every owner, that would be wrong;
4 right?

5 A I don't think fingerprinting is in the initiative,
6 no, or in the chapter.

7 Q Now, are you familiar with what's known here in
8 Nevada as the Black Book?

9 A No.

10 Q It's a book that they maintain at the Gaming Control
11 Board that has a list of undesirables, you know, people that
12 were in the Mob, slot cheats, you know --

13 MS. SHELL: Objection. relevance.

14 THE COURT: Overruled.

15 BY MR. KEMP:

16 Q You're not familiar with that at all?

17 A Okay. I mean, I'm familiar with it now.

18 Q Okay.

19 A You just explained it.

20 Q Let's say there's 100 names in the Black Book. As
21 we sit here today do you know whether or not the Gaming
22 Control Board uses an optical scanner to compare those 100
23 names in the Black Book to lists of shareholders of public
24 gaming companies?

25 A I don't know.

1 Q That'd be a reasonable thing to do; right?

2 MR. KOCH: Objection. Lacks foundation. Personal
3 knowledge.

4 THE COURT: Overruled.

5 THE WITNESS: I don't know. I don't know.

6 BY MR. KEMP:

7 Q If you did that you could tell at least from the
8 gaming perspective you could tell if these 100 people had
9 bought shares in a gaming company; right?

10 A I think if you did what you just explained I think
11 you probably could tell that.

12 Q And that's a pretty simple thing to do now and use.
13 I mean I can't do it, but I watch Nate do it all the time.
14 You know, he pushes a button and he does an optical scan and,
15 you know, we search through thousands of pages of transcript
16 and things pop up right away. That's pretty simple nowadays;
17 right?

18 A I'll take your word for it.

19 Q So if they wanted to, the Department of Taxation
20 could have required the public companies to update their list
21 periodically even weekly, and they could have run some sort of
22 optical scan on names of undesirables if they wanted to. They
23 could have done that; right?

24 MR. SHEVORSKI: Objection. Foundation.

25 THE COURT: Overruled.

1 THE WITNESS: I, you know, I don't know. I mean,
2 it's a large process to go through and, you know, it could
3 have been an idea that would -- as explored, yes.

4 BY MR. KEMP:

5 Q Okay. And you could have taken situations where
6 people maybe had five shares of a \$2 a share marijuana stock,
7 \$10 worth of stock. You could have done a really minimal type
8 of background check on that; right?

9 MR. SHEVORSKI: Objection. Foundation.

10 THE COURT: Overruled.

11 BY MR. KEMP:

12 Q I mean, there was nothing that said you had to do
13 the same degree of background check on every particular owner;
14 right? Nothing in Question 2 made you do that?

15 A Yeah, there could have been regulations that were
16 made that took certain different characteristics into --

17 Q Okay. So in general you would agree with me you
18 could have complied with Question 2 in ways other than just
19 having a 5 percent cutoff?

20 A Right. Yes. The regulations could have been
21 different, yes.

22 Q Okay. And getting back to those regulations. I
23 don't want to belabor the Memorex point, but I told you
24 yesterday that Mr. Gilbert testified that they just copied the
25 medical marijuana regs. It was actually Mr. Pupo who said

1 that, okay. So your position is that that testimony is
2 erroneous?

3 A My -- I think I've explained the process quite a
4 bit. There was different information that was taken from
5 different areas. There were different states that were
6 considered, and all of the information with respect to the
7 regulations that were compiled as a draft was done by -- was
8 put into a document by QuantumMark.

9 Q Okay.

10 A And the analysis and the work and the revisions and
11 the process was done throughout that whole process from when
12 the Task Force started until the Legislative Commission
13 adopted the regs.

14 Q Well, let's pop up Mr. Pupo's exact testimony, and
15 we'll see if you think it's wrong and if we've got to bring
16 you back for some reason, okay?

17 MR. PARKER: Can we have that, please, Shane.

18 THE COURT: Can you give us the date of the
19 testimony, please. Because he was here for more than one day.
20 And that'd be you, Mr. Rulis, upon whom lauds have been given
21 for your ability to use OCR systems.

22 MR. RULIS: July 1st, Your Honor. We're talking
23 about the transcripts from July 1st.

24 THE COURT: Thank you. And, ma'am, you can see it
25 on the screen. I'm sure --

1 THE WITNESS: Yes.

2 THE COURT: -- Mr. Kemp will read it to you.

3 BY MR. KEMP:

4 Q Okay. Let's take a look at page 78, line 9, Shane.
5 And the Court asked Mr. Pupo a question.

6 "I'm trying to understand the process the Department
7 used in implementing Ballot Question 2 so I can make
8 a determination as to whether it was reasonable and
9 being compliant with Ballot Question 2."

10 Says, "Yes, Your Honor."

11 "Okay."

12 Answer, "So the majority or a lot of the regulation
13 came over -- came from what was brought over from
14 453A and incorporated in these regulations. And
15 then, you know, we looked at the initiative to see
16 what differences there were, cut out what applied
17 and what didn't apply."

18 So Mr. Pupo says you started with the med mal -- or,
19 excuse me, medical marijuana regulations, copied them, and
20 took some things out.

21 MR. SHEVORSKI: Objection. Misstates testimony.

22 THE COURT: Overruled.

23 THE WITNESS: I think I've explained the process
24 extensively. I'm not disagreeing that 453A wasn't considered
25 and wasn't a place to begin the analysis after reading the

1 initiative, but there were other provisions that had to be
2 done and dealt with that were -- and in addition to these the
3 provisions that were in 453A were discussed at the Task Force,
4 discussed through the regulatory process. So, yes, there were
5 provisions from 453A that were used in 453D.

6 BY MR. KEMP:

7 Q Okay. And specifically the 5 percent was just a cut
8 and paste, wasn't it?

9 MS. SHELL: Objection. Argumentative.

10 THE COURT: Overruled.

11 THE WITNESS: I don't know. I'd have to go and --

12 MS. SHELL: Misstates prior testimony.

13 THE COURT: Overruled.

14 BY MR. KEMP:

15 Q Well, we will go to it in a second. But it was a
16 cut and paste, wasn't it?

17 A I don't know.

18 Q Okay. Let's take a look at page 82, line 8, Shane.
19 Again, this is Mr. Pupo answering another question by the
20 Judge.

21 "So did it appear to you that the Department just
22 took 453A and made a few changes and then developed
23 regulations for 453D?"

24 Answer, "We took -- we took a good portion of 453A,
25 yes, Your Honor."

1 The Court, "So tell me why the Department decided
2 that it was going to use a 5 percent level for
3 owner?"

4 Answer, "Well, you know, I don't know if that came
5 over from 453A, as well."

6 And then he continues talking about the Governor's
7 Task Force. So basically Mr. Pupo was saying that you took
8 the regulation 453A and you used it for 453D.

9 MR. SHEVORSKI: Objection. Misstates testimony.

10 THE COURT: Overruled.

11 BY MR. KEMP:

12 Q Right?

13 A No. I think --

14 Q No?

15 A -- I think he's saying -- what I'm saying and what he
16 is saying are consistent. And, again, I talked extensively
17 about the process.

18 MR. KEMP: Okay. Let's pop up 453A, the 5 percent
19 requirement with the changes, Shane, please. I have prepared
20 for you 453A, the 5 percent requirement -- pull up the one
21 that Nate had this morning, yeah. Okay. The 5 percent
22 requirement with all the changes -- I can't remember what the
23 word is --

24 THE COURT: Redline.

25 MR. KEMP: Compare right. Yeah, redline.

1 THE COURT: Redline.

2 MR. KEMP: Okay. Redline compare right.

3 BY MR. KEMP:

4 Q So you can see what the Department actually did,
5 okay? And then we'll get back to the cut and paste question,
6 all right? So could you show it to her, please.

7 Maybe I should just show it to you.

8 THE COURT: Jill, can you let him have the Elmo.

9 MR. KEMP: Judge, we're done with Memorex. We might
10 as well go to the Elmo.

11 THE COURT: It's better than an overhead projector.

12 BY MR. KEMP:

13 Q Okay. So you see, we started with 453A on one side,
14 and they cross that out and it becomes 453D; right? See the
15 change that was made?

16 A Okay.

17 Q Why don't we start with paragraph (1). The only
18 changes made were they took the word "medical" out twice;
19 right?

20 A Yes, it looks like on this document.

21 Q That's cut and paste; right?

22 A Yes.

23 Q You would agree with me that's a cut and paste?

24 MR. SHEVORSKI: Objection. Vague.

25 THE COURT: Overruled.

1 THE WITNESS: I mean -- yeah, it was a starting
2 point, yes.

3 BY MR. KEMP:

4 Q Okay. Cut and paste, okay. And (2), same thing,
5 you took the word "medical" out twice. That was a cut and
6 paste; right?

7 MR. SHEVORSKI: Objection. Vague.

8 THE COURT: Overruled.

9 THE WITNESS: Yes. I mean, that's what this
10 document shows. I don't know what this document --

11 THE COURT: Mr. Kemp, I need you to mark that as a
12 demonstrative exhibit, please, since it's not otherwise part
13 of my record. Thank you.

14 BY MR. KEMP:

15 Q And if I'm correct, the medical marijuana statute
16 was enacted in 2014.

17 A 2013.

18 Q 2013?

19 A I think.

20 Q So this would have been three years before
21 Question 2 passed?

22 A Right.

23 Q So the determination to use 5 percent was made three
24 years before the voters' initiative passed?

25 A I'm not sure when the regulations were adopted. So,

1 yeah. Yeah.

2 Q Okay. Two or three years; is that fair?

3 A Yes.

4 Q Okay. Two or three years. So would I be correct
5 that -- the 5 percent ownership requirement for background
6 checks that the Department imposed in the 2018 regs, would I
7 be correct that they really weren't related in any way, shape,
8 or form to the voters' initiative?

9 MR. KOCH: Objection. Vague. Argumentative.

10 THE COURT: Overruled.

11 THE WITNESS: Can you kind of rephrase that. I'm
12 not -- I'm not sure what you're getting at.

13 BY MR. KEMP:

14 Q You were using the 5 percent in the medical
15 marijuana statute; right?

16 A Well, that was what was in the statute, yes.

17 Q In 2013, 2014; right?

18 A I believe -- I'm going to --

19 MR. SHEVORSKI: Objection. Misstates the law.

20 THE COURT: Overruled.

21 THE WITNESS: I don't know exactly --

22 BY MR. KEMP:

23 Q Give me a range. It was before the voters'
24 initiative; right?

25 A Well, the medical program was enacted before the

1 voters' initiative, yes.

2 Q Okay. So the reason the 5 percent was used had
3 nothing to do with Question 2 in its -- which referenced to
4 every owner. It was just because you took it from the medical
5 marijuana; right?

6 MR. SHEVORSKI: Objection. Misstates the
7 initiative.

8 THE COURT: Overruled.

9 THE WITNESS: No.

10 BY MR. KEMP:

11 Q No?

12 A No.

13 Q No, it was not.

14 THE COURT: Mr. Kemp, you still have the Elmo on, so
15 your notes, they aren't very good.

16 (Pause in the proceedings)

17 BY MR. KEMP:

18 Q Okay. Let's turn to another area. Are you familiar
19 in general with the litigation that ensued after the medical
20 marijuana licenses were initiated -- issued?

21 A No.

22 Q Did you know that there was litigation?

23 A I knew at some point.

24 Q At some point when?

25 A I'm not sure.

1 Q At some point when you were --

2 A I mean, so the Department of Public and Behavioral
3 Health managed the medical marijuana. So there would have
4 been no nexus to what I did. So at some point I was aware
5 there was litigation, but I don't know when.

6 Q Okay. When the decision was made to issue new
7 licenses were you aware that there was the potential for some
8 people to be disappointed and some people to perhaps bring
9 lawsuits?

10 A Yes.

11 Q So you were aware that there was the potential for
12 some applicants to say that they were not scored properly or
13 that the scoring mechanism was improper, make such argument?

14 A Anybody can file a lawsuit, yes.

15 Q Well, that's true. But you at the Department knew
16 that this was a potential problem?

17 A I knew that there could be potential disputes, yes.

18 Q Okay. And did the Department have any discussions
19 as to the procedure that would be employed in the case there
20 was an acknowledged error in the scoring?

21 A No, not that -- I mean, I wasn't around during that
22 period of time so I don't -- I don't -- but there wasn't --
23 there wasn't a discussion about that in 2017.

24 Q Okay. Well, let's put marijuana licensing process
25 aside and just talk about the Department in general for a

1 second. In general the Department is overseen by something
2 called the Tax Commission?

3 A Yeah, there's an -- yes.

4 Q And as I understand it, there's some sort of
5 appellate process from decisions made by the Department to the
6 Tax Commission?

7 A Yes.

8 Q And can you explain to me what that is.

9 A So generally it's taxpayer disputes or decisions
10 made by the Department, and they can be reviewed by the Tax
11 Commission.

12 Q Okay. So if a taxpayer thinks he's paying too much,
13 he can take that up to the Tax Commission and argue his case?

14 A Well, generally the way it works is if there's an
15 audit performed or if somebody's designated to be a
16 responsible person for liability or there's been a deficiency
17 issued that a taxpayer will dispute. There's a process that
18 it goes through the Department for review and then up through
19 the Tax Commission.

20 Q Okay. And the Tax Commission meets once a month or
21 once every two months?

22 A Yeah.

23 Q So there's a lot of appeals that go up to it?

24 A There's a few, yeah.

25 Q Usually there's about 20 or 30, sometimes as many as

1 40 items on their agenda?

2 A Well, yes. But the agenda includes things other
3 than appeals. There's other things in the statute that
4 require -- that the Department is required to have the Tax
5 Commission review. Generally the largest thing is the consent
6 agenda, which is just general administrative work that's done
7 under -- is required by the statute to be reviewed by the
8 Commission.

9 Q When you were the director of the Department of
10 Taxation did you attend Tax Commission meetings?

11 A Yes.

12 Q On a regular basis?

13 A Yes.

14 Q So you've been to dozens of them?

15 A Yes.

16 Q So in addition to disputes to amount, they hear
17 appeals about other things?

18 A Generally they can hear any type of taxpayer dispute
19 with the Department.

20 Q Let's say, for example, that Mr. Pupo or someone in
21 a position of authority at the Department decided, we want to
22 suspend someone or cancel their license totally apart from
23 this process. Is there an appellate right to the Tax
24 Commission?

25 MR. SHEVORSKI: Objection. Vague. Calls for a

1 legal conclusion.

2 THE COURT: Overruled.

3 THE WITNESS: In what context?

4 BY MR. KEMP:

5 Q Mr. Pupo goes in and he says, your license is
6 suspended. Is that it? Can that person appeal?

7 A License for what? I guess.

8 Q License for a marijuana establishment.

9 A I can't remember the process that's in the regs at
10 this point.

11 Q There's some process for some sort of review; right?

12 A I think there is, yes.

13 Q In other words, Mr. Pupo, as nice of a fellow as he
14 is, is not the sole arbiter of what is and isn't to be done
15 with regards to marijuana licenses; correct?

16 A In that context I think that there's a -- the
17 regulation provides a process for review.

18 Q Okay. What is the process of review for disputes
19 such as scoring in the present [inaudible]?

20 A There's not a process in the regulation.

21 Q No process of review?

22 A Correct.

23 Q Okay. And why is that? Why is Mr. Pupo the sole
24 arbiter -- arbitrator in this case, whereas in other cases if
25 you are arguing about \$1,000 tax liability he's not the sole

1 arbitrator?

2 A Well, I think -- first of all, I don't think Mr.
3 Pupo's the sole arbitrator of the licenses. I mean, I think
4 that, again, there's the process, and the process was applied.
5 Generally there's no -- in licensing statutes and other --
6 there's no -- there's no appeal process through the
7 administrative agency. So the appeal -- so we're in the
8 appeal process I guess is my point.

9 Q We are in the appeal process. You mean the Court
10 review?

11 A Yes.

12 Q So there's no --

13 A There's no administrative review.

14 Q Okay. All right. Let me just give you a
15 hypothetical. And you understand we have all the scores now
16 of every applicant and all the subparts. We have the graders'
17 notes, and we can see --

18 A Okay. I -- yeah.

19 Q Did you know that?

20 A I knew there was some stuff out there, but I didn't
21 know the extent of it.

22 Q Let's say we went through all of that and we found
23 one applicant that a grievous mistake was made. You know, a
24 mathematical mistake that, instead of adding correctly, they
25 were 20 points undercounted, okay, aAnd that everybody who

1 looked at it, Mr. Pupo, the director at the time, everybody
2 who looked at it says, wow, there was a 20-point mistake here,
3 okay. You're telling me that there's no procedure to fix
4 that?

5 A There's no administrative procedure that I know of.

6 Q So that's just tough luck --

7 A I mean, there's no administrative procedure. I
8 mean, I don't know what kind of internal communication would
9 occur at an agency, but there might be some consideration and
10 a review of it, but I don't -- there's no -- there's no
11 administrative procedure in the regulations. I mean, I don't
12 know --

13 Q So basically if there's an arithmetic error like I
14 hypothesized and someone loses 20 points and that causes them
15 to lose five marijuana licenses that we've heard some wild
16 evaluations about, there's nothing that can be done
17 administratively. Is that what you're saying?

18 A I'm not saying that there's nothing that can be
19 done, because I don't know what could be done. But I'm saying
20 there's no administrative procedure.

21 Q Okay. There's no administrative procedure by
22 appealing it to the Tax Commission?

23 A Right.

24 Q That's your position?

25 A Well, there's no regulatory -- there's no

1 regulations that provide for that, and so that's yes.

2 Q And do you know whether or not members of the Tax
3 Commission have taken the position that Mr. Pupo should allow
4 errors like that to come to them?

5 A I don't know.

6 MR. KEMP: Okay. Here. Let's pop up --

7 Your Honor, I'd move to admit Proposed 133 and
8 Proposed 134, which are transcripts from -- 133 is the
9 transcript from the Tax Commission dated January 14th, 2019.
10 And 134 is the transcript from the Tax Commission dated
11 March 4th, 2019.

12 THE COURT: Any objection?

13 MR. SHEVORSKI: No objection from the State.

14 THE COURT: Be admitted.

15 (Plaintiffs' Exhibits 133 and 134 admitted)

16 MR. KEMP: Okay. Can we pop up I guess it's --

17 THE COURT: Would you like a hard copy, or are you
18 okay looking at it on the screen?

19 THE WITNESS: I'm fine with the screen. Thank you.

20 THE COURT: Okay.

21 BY MR. KEMP:

22 Q Let's start with 133. And I would like to focus
23 your attention to page 65, lines 6 through 21. And these are
24 comments by Commissioner Kelesis. Am I saying that right,
25 ma'am? Is it Kelesis?

1 A I think so.

2 Q Okay. All right. You know who that is?

3 A Yes.

4 Q He's a lawyer?

5 A Yes, I know who he is.

6 Q He's been on the Tax Commission for quite some time?

7 A Right.

8 Q Okay. And he says, "And we're going to from the

9 issuance of the license directly to court. It's like they're

10 skipping us. Somebody is under the distinct impression that

11 we as a commission do not have jurisdiction over this. I

12 suggest they read 360 real close." I assume he's referring to

13 some sort of regulation. "We are the head of the Department,

14 and we are the head of Division and it comes to us. So that's

15 why I'm asking for the action on it as soon as possible, not

16 to wait, because it seems like anytime -- and I'm frustrated

17 and disappointed. I'm told we're going to have something -- I

18 don't even get the courtesy of a phone call, told we're taking

19 it off. I've got to find out myself. Well, you know, that's

20 an insult. So having said that, that's my request for a

21 special meeting. And I'll give Ms. Oliver the email."

22 Okay. With regards to his position there that the

23 Tax Commission has jurisdiction over appeals concerning these

24 licenses, do you agree or disagree with that?

25 A Would I agree that the Department -- I'm sorry, the

1 Tax Commission has jurisdiction to hear an appeal?

2 Q Yes.

3 A No.

4 Q So you think Mr. Kelesis -- Commissioner Kelesis is
5 wrong?

6 A Yes.

7 Q Okay. Why is that?

8 A Because there's no process for that.

9 Q Okay. Let's take a look at the next section, 134,
10 page --

11 A So just -- can I make a note. I didn't actually see
12 it on the screen. So --

13 Q Do you want to look -- do you want to read it?

14 A I mean, I'm going to take your word for it.

15 Q Okay.

16 A I just wanted to make that for the record that it
17 didn't pop up.

18 MR. SHEVORSKI: You have to turn it off and on.
19 It's called Plaskoning.

20 THE WITNESS: So it was on a minute -- a little bit
21 ago. Do I need to turn it on, again?

22 MR. KOCH: Turn it off and on.

23 THE WITNESS: Oh. I see.

24 THE COURT: Is it on now?

25 THE WITNESS: It says, "Out of range."

1 THE COURT: Can we put it back up real quick just to
2 test, Shane.

3 IT TECHNICIAN: Yes.

4 THE COURT: Is it visible now with the big yellow
5 line?

6 THE WITNESS: No.

7 THE COURT: Okay. Ramsey --

8 THE WITNESS: Now. Thank you.

9 THE COURT: Okay. Let us know when you're done
10 reading, Ms. --

11 BY MR. KEMP:

12 Q You want to just read the first paragraph to confirm
13 that what I read was accurate.

14 A Okay.

15 Q So Commissioner Kelesis says they have jurisdiction;
16 right?

17 A I think he believes that, yes.

18 Q Okay. And in the hierarchy here how does this work?
19 Are they technically your bosses, or is it co-equal, or how
20 does that work?

21 A Under statute the Department -- the Tax Commission
22 is head of the Department. That's the actual language in the
23 statute. But -- so they do review -- again, they review
24 disputes with taxpayers, they adopt the regulations, and those
25 types of things. They're not involved in the day-to-day

1 operations of the agency, and they're appointed by the
2 Governor.

3 Q And since they're the head of the Department, that's
4 why you took the temporary regs in for approval; right?

5 A Right. Or all regs, essentially.

6 Q Okay.

7 A So -- and I was -- and there -- it's an eight-member
8 body.

9 Q Okay.

10 A So, you know, what Mr. Kelesis wants to do or not do
11 is really subject to his discussion with the others on the
12 Commission. And I guess if they would have thought as a
13 majority that they would have -- they wanted to review that,
14 they could have done that.

15 Q Okay. So you're saying there is a procedure now to
16 appeal. Is that what you're saying?

17 A Well, again, the Tax Commission can, you know,
18 nobody's going to tell the Tax Commission that they can't do
19 something.

20 Q Except Mr. Pupo.

21 A But he didn't tell --

22 MR. SHEVORSKI: Objection. Argumentative.

23 THE COURT: Overruled. You can continue.

24 THE WITNESS: But obviously it's an eight-member
25 board. They act in an open meeting. They have to agree on

1 what they can do. I would maintain that in licensing across
2 the board that it's generally that the licensing agencies do
3 not take license denial disputes to the board or Commission
4 that is -- oversees them.

5 BY MR. KEMP:

6 Q In competitive bidding process they don't take it to
7 the board that oversees it. Is that what you're telling me?

8 A In competitive bidding?

9 Q When you have competitive bidders for either a
10 government contract or government licenses they don't take
11 disputes to the board that oversees it? That's what you're
12 telling me?

13 MR. KOCH: Objection. Vague.

14 THE COURT: Overruled.

15 THE WITNESS: Well, generally, I mean, I -- there
16 might be some specific provisions in some specific chapters,
17 but even in State contract awards there's no -- there's a
18 limited review that happens, and it's provided by in the
19 statute and regulation.

20 BY MR. KEMP:

21 Q Well, let's start with County contract awards. I
22 think Mr. Parker may add to what I'm going to say on this. In
23 County contract awards there is a bid protest procedure that
24 in some cases ultimately go to the Clark County Commission; am
25 I right?

1 A I don't know.

2 Q So when you say generally there's no appeal you're
3 not saying there's no appeal in these cases of County
4 contracts or --

5 A I'm saying at the State level generally there's no
6 appeal process unless it's specifically provided for --
7 there's no administrative process for appeal unless it's
8 specifically provided for in the statute.

9 Q Okay.

10 A In this case it's not specifically provided for.

11 Q Did you know Mr. Pupo wrote a letter when appeals
12 were filed saying, no appeal, that's it, we're done? Did you
13 know that?

14 A No.

15 Q Did he have authority to do that?

16 A I don't know. I didn't know he wrote a letter, so I
17 don't know.

18 Q Okay. I mean, if you had been the director at the
19 time, would he have had authority to make that decision
20 without consulting you?

21 MR. KOCH: Objection. Lacks foundation.

22 THE COURT: Overruled.

23 THE WITNESS: I don't think he would have, but --

24 BY MR. KEMP:

25 Q That would have been something that would have had

1 to be run by the director of the Department; right?

2 A I mean, I -- you know, that's the kind of
3 relationship that I have with my staff. I would have expected
4 at least a heads up, so --

5 Q Okay. And the situation that I've outlined in the
6 hypothetical, if someone just lost 20 points because of a
7 mathematical error, would it have been your practice to look
8 at that?

9 MR. KOCH: Objection. Incomplete hypothetical.

10 THE COURT: Overruled.

11 THE WITNESS: I mean, I -- you know, I'd like to
12 think that I would have, you know, been concerned if there was
13 truly an error. I don't know if there -- at that point if
14 there was anything I would have been able to do about it, but
15 I would have looked into it and tried to figure it out.

16 BY MR. KEMP:

17 Q So even if there's a pure mathematical error of
18 20 points and it's recognized by everybody, you're not going
19 to fix it?

20 MR. KOCH: Objection. Incomplete hypothetical.

21 THE COURT: Overruled.

22 THE WITNESS: I think that's the opposite of what I
23 just said. If I could --

24 BY MR. KEMP:

25 Q Well, you said you'd look at it. You didn't say --

1 MR. SHEVORSKI: I'm sorry, Your Honor. He's got to
2 let her finish.

3 THE COURT: Ma'am, were you done?

4 THE WITNESS: What I was trying to express is that
5 if there was a true error and the people that work for me made
6 an error, as the person who reviews their work I would look
7 into that error potentially. If there was something within
8 the processes and the laws that govern us that the State could
9 do on that, I would try to figure it out and make -- but if
10 there was not something -- because that's a little bit
11 different than just appealing a denial. That's -- if it's
12 truly an error, then, you know, look into that and see what
13 are the possibilities there.

14 BY MR. KEMP:

15 Q Okay. And you said if the people that work for you
16 made that error. That was the phrase you used?

17 A Well, if an error was made under my watch I guess.

18 Q Okay. And I assume that in this case since we had
19 temporary employees, the Manpower employees doing the grading,
20 you would include errors by them as being people that work for
21 you?

22 A Yeah. I think they were contractors of the
23 Department. I would have considered them to be the same.

24 Q Okay. And just briefly on that subject. You had
25 nothing to do with that?

1 A No.

2 Q Okay. And in general you would agree with me that
3 most government employees are pretty professional people. A
4 lot of them have Doctorates and the like?

5 MR. KOCH: Objection. Vague.

6 THE COURT: Overruled.

7 THE WITNESS: I think most -- yes, I think most
8 people that do work for the State have a professional
9 competency.

10 BY MR. KEMP:

11 Q Okay. And most of them have been there for years;
12 right?

13 A Not anymore.

14 Q Okay. Is that something you need to address with
15 the Governor or the past Governor or what?

16 A Well, people get, you know, they retire. That's --

17 Q You do recognize that there is a potential -- when
18 you get temporary workers doing a task that's normally done by
19 a corporation's own employees, you do recognize that there's a
20 higher potential for mistakes to be made?

21 MR. KOCH: Objection. Incomplete hypothetical and
22 vague.

23 THE COURT: Overruled.

24 THE WITNESS: I don't know. I mean, as I said just
25 a second ago, I think that everybody, you know, that is

1 qualified to do work for the State has a level of competency
2 to do their job.

3 BY MR. KEMP:

4 Q Okay. Let's explore this hypothetical. since Mr.
5 Koch objects that it's vague. Are you familiar with the
6 Boeing Air Max cases where the two airplanes went up and down
7 and --

8 A Yeah.

9 Q -- then they crashed?

10 A Yes.

11 Q Okay. Five hundred people got killed?

12 MS. SHELL: Objection as to relevance.

13 THE COURT: Sustained. Okay. I need you to tell me
14 why that's relevant. Ms. Shell is celebrating.

15 MR. KEMP: Have you read the news reports that the
16 Boeing --

17 THE COURT: No. Okay. So assume for a minute that
18 all of us have read those news reports of the tragic accidents
19 relating to the Max.

20 MR. KEMP: I'm getting to the temporary workers,
21 Your Honor.

22 BY MR. KEMP:

23 Q Have you reads the news reports that Boeing subbed
24 out the engineering function on that particular part on that
25 plane --

1 A No.

2 Q -- to temporary workers in India?

3 A No.

4 MS. SHELL: The same objection, Your Honor.

5 THE COURT: Overruled.

6 MS. SHELL: Oh.

7 THE COURT: Temp workers.

8 BY MR. KEMP:

9 Q Have you read those news reports?

10 A No, not in that detail.

11 Q Okay. And that was in Bloomberg last week, okay.

12 Bloomberg was the one that came out with that revelation.

13 MR. KEMP: In fact, here's the article, Your Honor,

14 if you want to look at it.

15 THE COURT: No. That's okay. I don't need to. I'm

16 not handling that litigation.

17 MR. KEMP: All right. Well, not yet.

18 BY MR. KEMP:

19 Q So they outsourced an engineering function to \$9-an-

20 hour engineers in India. You think there's something wrong

21 with that?

22 MR. KOCH: Objection. Personal knowledge.

23 MR. SHEVORSKI: Objection. Relevance.

24 THE COURT: Overruled.

25 THE WITNESS: I don't know.

1 BY MR. KEMP:

2 Q Do you recognize that when you outsource a function
3 that's traditionally done by the State to someone like
4 Manpower that there's a higher potential for error?

5 MR. KOCH: Objection. Foundation.

6 THE COURT: Overruled.

7 THE WITNESS: No.

8 BY MR. KEMP:

9 Q And are you familiar with the way the 2014
10 applications were graded?

11 A I think they used contractors, if I remember right.

12 Q Well, actually that grading process was led by Chad
13 Sorrenson. Do you know him?

14 A No.

15 Q You don't know him?

16 A Chad Sorrenson?

17 Q Right. Weston. I'm sorry.

18 A No. I know Chad Weston, yes.

19 Q Okay. Chad Weston. And he's the Department --

20 A I mean, I -- yeah, I know him. I never really
21 worked with him, but I know him.

22 Q Okay. And he was the head of the Department of
23 Health and Human Services?

24 A No.

25 Q What was he the head of?

1 A I think he was a deputy administrator maybe in the
2 Department of Public and Behavioral Health.

3 Q Okay. And he and approximately 25 other full-time
4 State employees graded the last application with the
5 assistance of several temporary workers. Is that your
6 understanding?

7 A I don't know.

8 Q Okay. But assuming I'm right, you -- someone you,
9 and when I say you I mean DOT, made the decision to use
10 temporary workers instead of full-time State employees to
11 grade; right?

12 A The Department of Taxation did that, yes.

13 Q Okay. You weren't part of that decision?

14 A No, I wasn't there.

15 Q Okay. Would you have made a different decision?

16 A I don't know.

17 Q Okay. All right. Now, we talked a little bit about
18 this building address requirement. The regulations required
19 the applicants to provide a building address; right?

20 MR. KOCH: Objection. Misstates the regulations.

21 THE COURT: Overruled.

22 THE WITNESS: No.

23 BY MR. KEMP:

24 Q You don't know one way or the other?

25 A No. No, I don't think it does require a building

1 address.

2 Q A physical address?

3 A Yes.

4 Q Okay. And a physical address in your mind could not
5 be a Post Office box?

6 A Right.

7 Q Or one of these companies that maintains Post Office
8 -- fake Post Office places. Couldn't be that, either; right?

9 A I think the idea was to have an office address
10 essentially.

11 Q Right. So you couldn't use -- I can't remember what
12 it is, UPS.

13 THE COURT: UPS Stores.

14 BY MR. KEMP:

15 Q You couldn't use a UPS Store, because that's not a
16 real physical address; right?

17 A I don't think -- I don't think that it would be
18 allowed.

19 Q Okay. And if you'd been the director at the time,
20 you would have disqualified those applications?

21 A I wouldn't have even reviewed the applications.

22 Q Okay. Because it was disqualified, or because you
23 wouldn't be the person doing the review?

24 A Well, I don't know. I mean, I --

25 Q And let me ask it --

1 A -- I would --

2 Q Let me ask it better. Your staff would have been

3 instructed that if they didn't have a physical address apart

4 from a Post Office box or a UPS Store that that application

5 should not be accepted; right?

6 A I think that would be the direction.

7 Q Okay. So the answer to my question is yes?

8 A Yes.

9 Q Okay. And the reason for that is because the

10 statute required it; right?

11 MR. KOCH: Objection. Misstates the law.

12 THE COURT: Overruled.

13 BY MR. KEMP:

14 Q I mean, the reason for your position is because the

15 statute says that?

16 A Right.

17 Q Okay. All right. Okay. I'm going to go to my last

18 area. Mr. Gutierrez asked you some questions about

19 extenuating circumstances. Do you recall those?

20 A Yes.

21 Q And your answer said, and I wrote it down -- I tried

22 to write it down verbatim. You said, if they were enjoined,

23 that would be beyond their control. Do you recall saying

24 that?

25 A I guess what I -- yes, I recall saying that.

1 Q Okay. Now, am I correct that extenuating
2 circumstances in this context, which is whether you need more
3 time to open a marijuana dispensary than a year, am I correct
4 that extenuating circumstances is determined on a case-by-case
5 basis?

6 A Yes.

7 Q So, in other words, you look at things like whether
8 they've applied with the local municipality for approval, when
9 they applied, whether they started construction, the
10 construction process, all those factors are looked at to
11 determine whether or not there truly are extenuating
12 circumstances?

13 A I think that would be part of it, yes.

14 Q Okay. Now, let's take a case where an applicant --
15 and the initial licenses came out say December 6th or 5th;
16 right?

17 A Okay.

18 Q Okay. And today is July 12th, okay. Let's take the
19 case of an applicant who has done -- a winning applicant who
20 has done absolutely nothing to move the ball forward as of
21 this date. They haven't applied in a local jurisdiction, they
22 haven't got a lease, they haven't started building their
23 project. Under those circumstances where someone lets seven
24 or eight months go by without even starting would you agree
25 with me that there would not be extenuating circumstances for

1 an extension in that case?

2 MR. SHEVORSKI: Objection. Incomplete hypothetical.

3 THE COURT: Sustained. Can you rephrase your
4 question.

5 BY MR. KEMP:

6 Q Assuming for the sake of argument that we had
7 someone given a conditional license on December 6th and we
8 come to today, July 12th, and they have not applied for
9 approval nor gotten approval from the local jurisdiction where
10 they intend to build the store, they haven't retained a
11 contractor, they haven't started construction, and they
12 haven't even entered into a lease. Would you agree with me
13 that there's not extenuating circumstances in that situation?

14 MR. SHEVORSKI: Same objection. Incomplete
15 hypothetical.

16 THE COURT: Overruled.

17 THE WITNESS: No.

18 BY MR. KEMP:

19 Q You would not agree with me, or would agree with me?

20 A I would not agree with you. I mean, it's not the
21 end of the 12 -- it's not the end of the 12-month period, so
22 you don't --

23 Q Okay. Fair. But those factors would mitigate
24 against a determination of extenuating circumstances; correct?

25 MR. KOCH: Objection. Vague. Speculation.

1 THE COURT: Overruled.

2 THE WITNESS: Yeah, I think a totality of the
3 circumstances type of analysis would occur and --

4 BY MR. KEMP:

5 Q Okay. So let's say an injunction entered on
6 December 4th, the day before they were supposed to be done,
7 and they hadn't done anything, hadn't done any of these
8 things, okay. Would you agree that there's no extenuating
9 circumstances in that case?

10 A I don't know all the circumstances, so I can't agree
11 that there's not extenuating circumstances.

12 Q Okay. What are the other circumstances you would
13 want to review?

14 A I don't know.

15 Q Okay. Getting local jurisdiction approval would be
16 one; right? Were there efforts in that regard?

17 A I mean, yes. Like what efforts have you --
18 basically they would demonstrate -- under that reg the purpose
19 was to demonstrate that you've made efforts to open and that
20 despite your best efforts there were circumstances that were
21 beyond your control and you couldn't do that. So you would
22 talk about your efforts, and then you'd talk about your
23 circumstances.

24 Q And having a signed lease would be another one?
25 That'd be another thing you'd look at potentially?

1 A I don't know.

2 Q Okay. Starting construction, would that be
3 something else you'd look at?

4 A Again, it would be a totality of the entire package.
5 So I don't know what would be in there and what wouldn't be in
6 there. It would be based on a case-by-case basis.

7 Q Okay. Is that determination made in the discretion
8 of the Department?

9 A Yes.

10 Q So, in other words, the Department has the
11 discretion to decide whether or not there's extenuating
12 circumstances?

13 A Yes.

14 Q And if that decision is made one way or the other,
15 yes there are, no there aren't, is the appealable to the Tax
16 Commission?

17 A I don't know. I'm not sure. I'd have to look at
18 360.

19 Q So if you automatically -- and your understanding is
20 if they don't build in 12 months, they automatically lose the
21 license?

22 A Essentially.

23 Q So whether or not there's extenuating circumstances
24 that would result in a termination of a license in your view
25 is potentially appealable to the Tax Commission, but the first

1 step, the application for the license itself, is not
2 appealable. Is that what you're telling me?

3 A I don't know.

4 Q Don't know one way or the other?

5 A I don't know the second part, the extenuating
6 circumstances. I'd have to look into that and get some advice
7 and --

8 Q Okay. Have you ever been involved in a case where
9 you've given -- not just in marijuana, but given anyone an
10 additional period of time to do something under this
11 extenuating circumstance criteria?

12 A No. You mean personally involved?

13 Q Yeah, personally involved.

14 A I don't think so.

15 Q Okay. And when you were the director of the
16 Department of Taxation do you know of any instances where the
17 Department of Taxation gave anyone more time to do something
18 because of extenuating circumstances?

19 A I don't recall. I don't -- I don't know. It wasn't
20 -- I don't recall.

21 Q In general do you believe that men are better
22 operators of marijuana establishments than women?

23 A No.

24 Q In general do you believe that women are better
25 operators of marijuana establishments than men?

1 A No.

2 Q And in general do you believe that people that were
3 born in Spain would be better operators of marijuana
4 establishments than people born in France?

5 A Not necessarily.

6 Q And in general do you think people born in France
7 would be better operators of marijuana establishments than
8 people born in Spain?

9 A No. I don't know.

10 Q Okay. So in your view those factors, whether you're
11 a man or a woman, whether you're born in Spain or born in
12 France, those aren't related to the operation of a marijuana
13 establishment in your view?

14 MR. KOCH: Objection. Misstates testimony.

15 THE COURT: Overruled.

16 THE WITNESS: I don't -- they're not related to -- I
17 don't -- that's not what I said. You said who would be
18 better.

19 BY MR. KEMP:

20 Q Okay.

21 A And I don't know who would be better.

22 Q Well, if one is not better than the other, would you
23 agree with me that you shouldn't favor one as opposed to the
24 other in selecting persons to operate a marijuana
25 establishment?

1 A No.

2 Q No, you would not agree with me, or yes, you would
3 agree with me?

4 A No, I would not agree with you.

5 Q Okay. So you think even though someone from Spain
6 is not better than someone from France, that it's okay to
7 favor one category or the other?

8 A I think that there are considerations to go into the
9 total analysis of a person. And I think it's fine to consider
10 -- I think you're getting at the diversity, and I think it's
11 -- diversity, it's fine to consider the diversity.

12 Q Okay. So let's just give you a more complete
13 hypothetical. Let's say you had 10 owners of a marijuana
14 establishment and they're all Spaniards, and you had 10 owners
15 of a marijuana establishment and they're all French, okay.
16 You think it's fair that just because these people are born in
17 Spain, that they -- and just because the people are born in
18 France, that one group gets more points than the other group?

19 A No.

20 Q Okay. That's not fair, is it?

21 A I don't know if it's fair. I don't understand the
22 question.

23 Q Okay. Well, that's not related to the operation of
24 a marijuana establishment, whether they're born in France or
25 Spain; right?

1 A I don't know what people being born in France and
2 Spain has to do with anything. But --

3 Q I don't, either. But I didn't establish the program
4 here, okay? You would agree with me, though, that whether
5 they're born in Spain or France doesn't have anything to do
6 with the operation of a marijuana establishment?

7 MR. KOCH: Objection. Vague.

8 THE COURT: Overruled.

9 THE WITNESS: I don't know anything about those
10 people. There needs to be a totality analysis of different
11 people in their roles and what's going on and considering all
12 the other criteria, I think.

13 BY MR. KEMP:

14 Q Okay. Well, let's slow down a little bit, then. If
15 you merely knew where they were born, if they were born in
16 France or born in Spain, you would agree with me that that
17 does not relate to the operation of a --

18 A It could.

19 Q It could, but it doesn't necessarily?

20 A Yeah, but it could if you knew more about the person
21 and --

22 Q It could in some cases, but it doesn't in all cases,
23 does it?

24 MR. KOCH: Objection. Incomplete hypothetical and
25 vague.

1 THE COURT: Overruled.

2 THE WITNESS: Yes. You could consider it or you
3 could not consider it.

4 BY MR. KEMP:

5 Q Because you would agree with me that there are some
6 cases where they're born in France or Spain, but that doesn't
7 have anything to do with their ability to operate a marijuana
8 establishment; right?

9 A I don't know.

10 Q Okay. And from that remark I'm assuming that you
11 would not endorse an application procedure that favored people
12 born in France, as opposed to people born in Spain or vice
13 versa. You wouldn't endorse that, would you?

14 A I don't think so. Just that one factor, I don't
15 know.

16 Q And the reason you wouldn't endorse it is because it
17 really doesn't have anything to do with the operation of a
18 marijuana establishment; right?

19 A I mean, it could if you knew more about the person
20 and the experience, so --

21 Q It could, but the mere birth in a specific country
22 doesn't have anything to do with the operation of a marijuana
23 establishment?

24 A No.

25 MR. KEMP: Okay. Thank you.

1 THE COURT: Ma'am, do you need a break before I go
2 to Mr. Gentile?

3 THE WITNESS: Can we?

4 THE COURT: Yes.

5 THE WITNESS: I would like that.

6 THE COURT: You're allowed to ask for a break
7 anytime.

8 THE WITNESS: Thank you. I'd appreciate it.

9 THE COURT: They're not, but you are.

10 All right. So the witness has requested a recess.
11 This is a requested recess under BrightSource-Coyote Springs.

12 MR. SHEVORSKI: Understood, Your Honor.

13 (Court recessed at 11:06 a.m., until 11:17 a.m.)

14 THE COURT: Okay. Ms. Contine, are you ready?

15 THE WITNESS: Yes.

16 THE COURT: Okay. Mr. Miller, you're up.

17 CROSS-EXAMINATION

18 BY MR. MILLER:

19 Q Ms. Contine, I believe you testified that you went
20 to Colorado in an attempt to learn a little bit about that
21 regulatory process to assist in the development of
22 regulations, is that right?

23 A Yes.

24 Q Did you go to any other states?

25 A No.

1 Q Okay.

2 A Well, I have gone to other states since then, yes.
3 I went to Oregon. I've been to a few -- I've been to Colorado
4 again for conferences that regulator-type conferences. I've
5 been to a few of those.

6 Q Was that prior to the drafting or the implementation
7 of the regulations?

8 A During.

9 Q So when you looked at other states' requirements,
10 how many states did you review in terms of how they chose to
11 regulate things like ownership?

12 A I think -- well, I think at the time we only looked
13 at probably Colorado, Washington and Oregon, and maybe not
14 specifically with respect -- if issues would come up and
15 wanted to see -- so I don't know specifically if we looked to
16 ownership, but if issues would come up and we kind of thought,
17 oh, well this is unique and maybe there's something we could
18 borrow from something else.

19 Q Okay. Do you recall whether or not you looked at
20 the provisions in Colorado as they apply to a determination of
21 suitability and ownership requirements?

22 A I don't think so.

23 Q Do you recall whether or not you looked at those
24 provisions in any other jurisdictions?

25 A I don't recall specifically, no.

1 Q Okay. When the Department moved forward with
2 proposing a regulation with a definition of the requirement
3 that they conduct a background check on each owner to instead
4 define that as 5 percent ownership interest, 5 percent or
5 more, right?

6 A Right.

7 Q The Department could have adopted any number of
8 other regulations that would have more closely resembled the
9 intent of the ballot question, is that correct?

10 MR. KOCH: Objection. Argumentative.

11 THE COURT: Overruled.

12 THE WITNESS: I think, yes, we could have adopted a
13 different regulation. Yes.

14 BY MR. MILLER:

15 Q So you could have, for example, imposed a limitation
16 to a regulation that said if you have an ownership interest
17 that includes a publicly traded corporation, the Department
18 won't consider this application?

19 A That could have been, you know, part of the process
20 in workshop and gone through regulation, yes.

21 Q Okay. And if you had adopted such a provision, you
22 might have been able to background check all ownership
23 interest; correct?

24 MR. KOCH: Objection. Speculation.

25 THE COURT: Overruled.

1 THE WITNESS: I don't know.

2 BY MR. MILLER:

3 Q You could have adopted a regulation that limited the
4 number of owners that an applicant could provide for in an
5 application, is that correct?

6 A I don't know. I don't know if we could have done
7 that. I don't know.

8 Q Why wouldn't you have been able to?

9 A Well, I don't know -- again, it's a process.
10 Everybody has their input in your point of review and it goes
11 to LCB. So I don't know at this point right now if that would
12 have been a possibility.

13 Q But you didn't explore any of those possibilities --

14 A No.

15 Q -- is that right?

16 A Not that possibility, no.

17 Q But you would agree that the Department's definition
18 of the background check provision expands or puts in place a
19 more lax regulatory structure than a background check on each
20 owner; correct?

21 A I think it keeps in the spirit of protecting the
22 public safety when interpreting that provision with that 5
23 percent.

24 Q But maintaining strict regulatory control is
25 obviously an important provision; correct?

1 A Right. And again, balancing that with the burden
2 and the -- you know, the time frame that everything takes and
3 all of that. So keeping those -- balancing those different
4 concerns.

5 Q Okay. So if you're saying balancing, when there's a
6 provision in the ballot question that says you're going to
7 background check each owner, right, and you had an obligation
8 to maintain strict regulatory compliance on the regulatory
9 structure, what weighed against background checking every
10 owner?

11 A I think, you know, not making regulations that make
12 the operation, you know, difficult or impractical or
13 burdensome, so making your regulations in a way that recognize
14 that business needs to operate as well and balancing those
15 things, okay. Can you do this and is this still going to take
16 care of the public safety aspect of it.

17 Q But you would agree that only background checking
18 ownership interest of greater than 5 percent is a more lax
19 regulatory structure than background checking each owner, is
20 that right?

21 MR. KOCH: Objection. Vague.

22 THE COURT: Overruled.

23 THE WITNESS: More lax? I guess. I don't -- I
24 wouldn't characterize it like that, but it's basically, again,
25 balancing those two provisions. If the people that you're

1 looking at have so little interest in a company, I don't know
2 that it's more safe to necessarily -- or less safe to
3 background check them. But, so I don't know -- yeah, it's not
4 as high a burden for compliance.

5 BY MR. MILLER:

6 Q You wouldn't say that was more lax? I mean, if an
7 ownership interest that had not been background checked and it
8 turned out to be member of the Sinaloa cartel, that would be a
9 significant problem for the Department, wouldn't you agree?

10 MR. KOCH: Objection. Vague.

11 THE COURT: Overruled.

12 THE WITNESS: I think, again, to the extent that
13 that interest has the ability to control the business was
14 weighed in the case of the 5 percent rule.

15 BY MR. MILLER:

16 Q At any point when you were drafting the regulations
17 or at any point when you were the head of the Department did
18 you review the Cole memorandum or any of the associated
19 documents that outlined some of the federal concerns?

20 A Yes.

21 Q And you're aware that the Cole memo priorities
22 talked about ownership interest that would include criminal
23 elements?

24 A Right. The State should try to prevent that.

25 Q Should try?

1 A Yeah. Well, if -- yeah.

2 Q States have an obligation to, do they not?

3 A Well, I think it was some guidance that said if the
4 states do these regulations then the Federal Government is not
5 going to be involved in the business of the state -- at that
6 time.

7 Q And part of those provisions were intended to make
8 sure that criminal elements did not have ownership interest?

9 A Right.

10 Q And so when you expanded the definition from
11 background checking each individual to ownership interest of
12 over 5 percent, you opened the door, didn't you, to that
13 possibility that there could be ownership interest that could
14 trigger federal scrutiny?

15 MR. SHEVORSKI: Objection. Vague. Misstates the
16 law.

17 THE COURT: Overruled.

18 THE WITNESS: Again, the thinking along those lines
19 was that the interest would be so insignificant that they
20 would not be able to control the business operations, but yes.
21 BY MR. MILLER:

22 Q Did you read that anywhere in the Cole memo, that
23 so long as there might be some criminal elements that had
24 ownership interest that are so insignificant that the federal
25 authorities might not care about that?

1 A I don't think the Cole memo addresses that, no.

2 Q Are you aware that provisions -- the provisions in
3 Colorado law until only recently imposed a ban on ownership
4 interest of marijuana establishment from publicly traded
5 corporations?

6 A No.

7 Q You're not aware that only recently that they
8 removed that ban?

9 A I don't know.

10 Q Okay. So when you went to Colorado and you were
11 reviewing their provisions, you didn't look into how they
12 might have dealt with the determination of --

13 A No, not that I recall.

14 Q I'm going to read to you a provision of the law, the
15 previous law before they made the recent changes. It says,
16 "A medical marijuana business under this subsection 3B is
17 limited to no more than 15 direct beneficial owners, including
18 all parent and subsidiary entities, all of whom are natural
19 persons." There would have been nothing that prevented you
20 from adopting a regulation similar to that in Nevada; right?

21 MR. SHEVORSKI: Objection. Foundation.

22 THE COURT: Overruled.

23 THE WITNESS: I think one of the other key points is
24 that only people that have licenses were going to be able to
25 get licenses initially. So any change to a structure would

1 have meant that they would have essentially had to change that
2 structure as well for the medical. So I think there was some
3 consideration of that and to the extent that the medical
4 provision, as I've discussed with Mr. Kemp, were working And
5 there was consensus built around them and they were applied
6 and were able to be dealt with by the agency and the industry
7 that those provisions were carried forward. So, yeah, I mean,
8 there was nothing that could have restricted us, I think, but
9 there's other parts of the initiative that we had to take into
10 consideration as well.

11 BY MR. MILLER:

12 Q Like what?

13 A Like the fact that only people that are licensed
14 medical establishments would get recreational licenses.

15 Q So you don't think it was possible, then, under
16 those confines to adopt provisions that would have somehow
17 allowed for you to still background check each owner?

18 A No, that's not what I'm saying.

19 Q What are you saying?

20 A I was saying that we were considering a totality of
21 the whole initiative and figuring out how do we implement this
22 as we transition from this medical to rec and recognizing that
23 there's provisions that apply that seemingly have been working
24 that have been vetted, that have been discussed extensively,
25 and what provisions of those make sense to carry forward.

1 Q I'm going to read to you -- Colorado, in fact,
2 attempted to repeal the provisions banning publicly traded
3 ownership and interest and the cap that marijuana
4 establishments have of more than 15 direct beneficial owners
5 and the first measure was vetoed by Governor Hickenlooper.
6 I'm going to read to you his veto message dated June 5th,
7 2018.

8 It says, "Today I vetoed House Bill 18-1011
9 concerning measures to allow greater investment flexibility in
10 a marijuana business at 4:56 p.m. House Bill 18-1011 modifies
11 the statutory ownership and investment definitions for medical
12 and retail marijuana licenses and allows publicly traded
13 corporations to invest in marijuana businesses." He goes on
14 to state the rationale for it, which in part includes that
15 "while recreational and medical marijuana are legal under
16 Colorado law, however federal law constraints continue to
17 exist. With such uncertainty, expansion of the capital
18 availability of this industry must be done methodically and
19 incrementally." Do you remember any of those kinds of
20 concerns being discussed before you expanded the definition
21 of who that background check would apply to?

22 A No. Not that, no.

23 Q So nobody raised the concern that if we didn't
24 maintain strict regulatory compliance and background check
25 each owner that maybe this would subject us to additional

1 federal scrutiny?

2 A No. I think we thought we were doing strict
3 regulatory compliance.

4 Q By expanding the definition from each owner to
5 ownership interest of over 5 percent?

6 A By interpreting the provision in conjunction with
7 the other provisions in the initiative and looking at what had
8 been working under medical, yes.

9 Q You also did not put any restrictions in place that
10 might have constrained out-of-state ownership interest;
11 correct?

12 A I don't think so, no.

13 Q Are you aware that that was a specific concern that
14 was outlined on the ballot question itself by opponents of the
15 measure?

16 A No, I don't.

17 Q Did you review the ballot question prior to the --

18 A Yes.

19 Q Yes?

20 A Yes. Oh, did I review the arguments or the --

21 Q Yes, the arguments.

22 A Yes, probably.

23 Q Okay.

24 A I don't remember the exact time of reviewing it, but
25 I probably reviewed it when I --

1 Q Because yesterday I believe you testified that you
2 didn't believe that maybe the voters were aware of any
3 requirement that there would be a background check.

4 A I don't know. I mean, I did review the ballot. I
5 just don't know what level of review happens when people
6 decide to vote. That was the point of that.

7 Q But the presumption is that they read the materials
8 and then go and cast a form ballot, right?

9 A I guess, yeah.

10 Q You weren't going to give deference to the voters as
11 to whether or not they were sufficiently educated on whether
12 or not a background check might have been important to them?

13 A That's not what I was saying, no.

14 Q Another would be a provision, the regulations that
15 mandate that an establishment's track record of operating in
16 compliance with the laws for an adequate period of time to
17 demonstrate success would have been a scored criteria as part
18 of the application; right?

19 A Okay. Yeah.

20 Q Why is that included as part of the criteria?

21 A I think the thinking behind that I that
22 demonstrating that you're operating -- again, it was only the
23 medical establishments that were applying for licenses at this
24 point, and so demonstrating that you understand a regulated
25 market, you've operated in a regulated market, you've been

1 compliant in a regulated market is evidence of your ability to
2 do that in the future. That was the rationale.

3 Q And do you believe that should have been strongly
4 considered as part of the applications?

5 A I believe -- I mean, it was put in the regulations,
6 so.

7 Q In fact, you've testified to that several times
8 through different forms, haven't you?

9 A Testified to?

10 Q To the fact that the track record of regulatory
11 compliance is an important criteria and those individuals who
12 have shown that they can operate in compliance with the
13 regulations and demonstrate success should be rewarded. You
14 testified to that; right?

15 A Well, yeah, it should be considered in moving
16 forward I think, yes.

17 Q I'll show you, just so we're clear, Exhibit 235,
18 page 15. This is the minutes of the Tax Commission hearing
19 where your proposed regulation was adopted. Do you recall
20 that meeting?

21 A Yes.

22 Q Do you recall that there was a public comment period
23 and during those public comments there were a number of
24 objections raised about those regulations; right?

25 A There were objections along the way, yes.

1 Q And there were people that testified about specific
2 concerns about what the regulations may or may not have
3 specified for; right?

4 A Yes.

5 Q Okay. Can you read for me -- this is your statement
6 in response when the commissioners asked you to respond to
7 those public comments, the sentence that begins, "From a
8 regulatory standpoint" midway through the paragraph.

9 THE COURT: Do we need to blow it up or can you see
10 it on the screen, ma'am?

11 THE WITNESS: Right. Right.

12 BY MR. MILLER:

13 Q Can you read it out loud?

14 A Oh, sorry. "From a regulatory standpoint I don't
15 know how I cannot give some type of scoring criteria to an
16 entity that has been operating an establishment in compliance
17 with the rules, doesn't have violations, follows the rules,
18 doesn't have civil penalties, is paying their taxes, is doing
19 all the things that they have been asked to do in a regulated
20 market up until now. We will consider that and we will
21 consider the work that the people who testified today have
22 been doing as well. We have a situation where only marijuana
23 establishments can apply for licenses, so we have to set --
24 we have one set of people that are being favored."

25 Q That's essentially what we were just talking about;

1 right?

2 A Yes.

3 Q You responded to concerns about public comment by
4 showing people that there was a requirement that you reward
5 the applicants that have shown a track record of compliance;
6 right?

7 A Well, yeah, because it was part of the regulation.
8 Yes.

9 Q Okay.

10 A And then the last sentence, just to clarify that,
11 what I was referring to there is that we already are starting
12 with a category of people that are being favored because the
13 initiative only allows those that have been operating in the
14 industry to go forward at that point, so -- to apply at that
15 point. So that was -- that last sentence had to do with that.

16 Q All right. Was it your expectation, then, that that
17 provision of the regulation of evaluating and scoring a
18 history of regulatory compliance would have been followed by
19 the Department?

20 A I think it was a scoring criteria, yes. I mean, it
21 was in the regulation so, yes, I think it would have been part
22 of the process.

23 Q Okay. You believe that that was part of the scoring
24 criteria?

25 A Yes.

1 Q And what are you using to -- what basis do you have
2 to believe that that was part of the scoring criteria?

3 A Actually, I don't know -- I don't know all the
4 categories in the scoring criteria, but in the regulation that
5 was given some --

6 Q Okay. But it would surprise you if regulatory
7 compliance was not scored, would it not?

8 A Yeah, I think it's in the regulation.

9 Q So they should have followed the law?

10 A I don't know if they didn't follow the law.

11 Q Again, the same statute or regulation, 453.272,
12 subsection (h): "The experience of key personnel that the
13 applicant intends to employ in operating the type of marijuana
14 establishment for which the applicant seeks a license."

15 A Right.

16 Q What do you interpret that provision to mean?

17 A In addition to the other people that you've listed,
18 do you have anybody else that's helping you along the way to
19 establish your business -- that you're going to use to
20 establish your business. I think that was the purpose of that.

21 Q A business. But this does not say -- "for which the
22 applicant seeks a license," so that would mean that it's the
23 experience on operating a retail establishment, correct, or a
24 dispensary?

25 A Well, yeah. Or, you know, I guess you could include

1 somebody if you thought that was relevant and make a
2 connection into whatever -- how what they had done in the past
3 was relevant to them being considered a key person in this
4 capacity. But, yeah, I mean, it would be the person -- what
5 type of experience did that person have.

6 Q That would apply towards a dispensary application;
7 correct?

8 A Right.

9 Q Would it surprise you to learn that that provision
10 was not evaluated or scored as part of the application?

11 MR. KOCH: Objection. Lacks foundation.

12 THE COURT: Overruled.

13 THE WITNESS: I don't know. I don't know. I mean,
14 I assume that that was in the scoring criteria and that came
15 from the reg. I just don't have the reg in front of me, and
16 so if it was in the reg and it was in the criteria, I would be
17 surprised if it wasn't scored, yes.

18 Q When you say the criteria, what are you referring
19 to?

20 A The application and the scoring criteria in the
21 regulation.

22 Q All right. Have you reviewed the application?

23 A Yeah, but I don't have it memorized. I reviewed the
24 regulations, but I don't have everything memorized. But I
25 guess the answer to your question is if it was in the

1 regulation and if it was part of the scoring criteria, then I
2 would be surprised if it wasn't evaluated.

3 Q That wasn't my question. You said if it was
4 included in the application. Are you aware whether or not it
5 was included in the application?

6 A My memory says that it was part of -- that it was in
7 the criteria, but -- so I don't know. If you give me a
8 document to look at I'll tell you, but I just don't -- just
9 from my memory I just don't remember everything.

10 Q Okay. The ballot question itself said that upon
11 receipt of a complete marijuana establishment license
12 application, the Department shall within 90 days, A) Issue the
13 appropriate license if the license application is approved.
14 And it says the Department shall approve a license application
15 if 80 licenses already issued in a county with a population
16 greater than 700,000. Do you remember that provision?

17 A Yes.

18 Q When you adopted the reg, it added an additional
19 restriction that allowed the Department to rank applicants by
20 individual localities, is that right?

21 A No. I don't think they were ranked, but the
22 licenses were -- there was a regulation, I believe, that
23 provided for the allocation of licenses to jurisdictions based
24 on population.

25 MR. MILLER: Can we pull up NAC 453D.272(1).

1 BY MR. MILLER:

2 Q Do you see where it says, "The Department will rank
3 the applications within each applicable locality for any
4 applicants which are in a jurisdiction that limits the number
5 of retail marijuana stores"?

6 A Right.

7 Q But the ballot question didn't impose any such
8 restrictions, did it?

9 A Well, that's an interpretation of the statute and
10 that there's no way to issue licenses within a county in any
11 proportion. So if you looked at just the language it says in
12 Clark County, so you need to come up with some type of a
13 format to determine where in Clark County those licenses go.

14 Q Where does it say that in the ballot question?

15 A You need to have a regulation on it for
16 interpretation. I mean, I don't know how -- you just would
17 give them to only unincorporated Clark County entities or -- I
18 mean, there has to be a way to hand out licenses proportionate
19 to the population within the county. It was the responsibility
20 of the State to hand out the licenses, so.

21 Q Right. And I believe you testified that you
22 understood that it was the responsibility of the State to hand
23 out the licenses and that a lot of the other determinations
24 should be left to the local jurisdictions. Is that right?

25 A Well, the determinations regarding zoning and land

1 use.

2 Q Okay. So when the ballot question itself said that
3 the Department shall approve a license application if -- and
4 it provides a cap of 80 licenses issued in a county with a
5 population greater than 700,000 like Clark, where is the
6 authority to impose an additional limitation on that?

7 A I don't see that as a limitation. It's a function
8 of the process to hand out the licenses and it lets everybody
9 know that what jurisdictions are going to get licenses based
10 on the population. I mean, there's another reg that explains
11 that.

12 Q Right. But I'm talking about the ballot question
13 itself. It doesn't mention anything about jurisdictions or
14 localities being a consideration of the applicants in terms of
15 ranking; right?

16 A The statute specifically says in the county, but if
17 you read that you would say, oh, well only the county gets
18 licenses, and I don't think that was -- we didn't think that
19 was the intent, that they would be issued throughout the
20 county and then you have to figure out a proportionate way to
21 issue them. The Department made a regulation to say that the
22 licenses would be issued proportionately to the various
23 jurisdictions based on population. And then --

24 Q That was done through the regulatory process; right?

25 A Right.

1 Q The language adding that it had to be done
2 proportionately, there's nothing in there in the ballot
3 question that specified that; right?

4 MR. SHEVORSKI: I'm sorry, Your Honor. He's got to
5 let her finish.

6 THE COURT: Were you finished, ma'am?

7 THE WITNESS: Yes, I'm finished.

8 THE COURT: Okay.

9 THE WITNESS: I don't know how to -- I mean, you had
10 to have -- you have to have regulation on carrying out the
11 provisions of the statute and this is one of the -- I don't
12 know how you would have just issued 80. We would have just
13 had to issue -- then are you suggesting to just issue 80
14 licenses only in Clark County? So this is how you hand out
15 the licenses. The ranking piece of it is -- relates to the
16 ranking that was required under the initiative and so when --
17 the intent was when the applicants applied they would list
18 their jurisdictions and they would be -- as the applications
19 were reviewed and approved, do they want a license in
20 Henderson or do they want a license in Clark County
21 unincorporated. And so this was the process to implement the
22 handing out of the licenses, to interpret that provision and
23 create a process by which the licenses could be handed out to
24 the various jurisdictions.

25 //

1 BY MR.MILLER:

2 Q Could you not have just said we're going to issue
3 80 licenses that can be used in Clark County?

4 A Well, somewhere in Clark County? You mean some
5 jurisdiction in Clark County?

6 Q Just Clark County. Right. Any jurisdiction they
7 want to go to. That's what the plain language says, does it
8 not?

9 A Well, I guess there could have been -- that could
10 have been in the regulation, yes, if the --

11 Q Why would it need to be in the regulation? It says
12 it right there in the plain meaning. If the plain meaning is
13 clear, you don't need to turn to the regulations; right?

14 MR. SHEVORSKI: Objection. Argumentative.

15 THE COURT: Overruled.

16 THE WITNESS: Well, again, I don't -- I mean, I
17 think -- I don't know how it's possible. Do you just give
18 them to Clark County and then Clark County gives them out? I
19 just -- like, how do you proportionately give out the -- if
20 you have the State responsible for issuing the licenses, you
21 have to come up with some proportional way to distribute the
22 licenses within the jurisdiction that the initiative calls
23 for, so that's what we were attempting to do. That was my
24 understanding of the language and that's what we were
25 attempting to do.

1 BY MR. MILLER:

2 Q Where is that in the ballot question about the
3 proportionality of individual jurisdictions within a county?

4 A It's not in the ballot.

5 Q Okay.

6 A Again, it was the process by which we were
7 interpreting distribution of the licenses within the
8 jurisdictions.

9 Q But you determined that you were going to -- the
10 State was going to impose a limitation as to which
11 jurisdictions and how many licenses would be given out in each
12 jurisdiction; right?

13 MR. SHEVORSKI: Objection. Misstates testimony.

14 THE COURT: Overruled.

15 THE WITNESS: We were attempting to apply the
16 initiative as written by developing the system by which the
17 licenses would be allocated within the jurisdiction. That's
18 what we were doing.

19 BY MR. MILLER:

20 Q And in that interpretation were you not supposed to
21 adopt regulations that could not be unnecessarily impractical
22 towards the issuance of licenses?

23 A Yes.

24 Q So by imposing an additional limitation that granted
25 these licenses by jurisdiction, aren't you in effect limiting

1 how some of those applications could be used?

2 A No. I didn't see it -- we didn't see it that way.

3 Q Some of these jurisdictions had moratoriums, did
4 they not?

5 A I don't know the status now.

6 Q But like the City of Henderson, for example, at one
7 point had a moratorium on issuing licenses; correct?

8 A Yes.

9 Q So when the Department chose to further define the
10 provision that said we're going to give out 80 licenses in
11 Clark County and instead say it means 80 licenses in Clark
12 County which means X have to be awarded to Henderson, that
13 restricted the number of licenses that were issued in Clark
14 County that could be opened, is that right?

15 A Well, not necessarily. If the -- if you got a
16 license in Henderson and you couldn't get open, the license
17 could go back into the -- I mean, I think at that time, you
18 know, there wasn't an understanding of moratoriums or not
19 moratoriums. I think, again, there were a certain number of
20 licenses available to a county. We interpreted that provision
21 within the regulations to distribute the licenses within that
22 county based on a reasonable determination of population and
23 that's how it came about. I don't see that it was limiting.
24 I think it was interpreting that provision.

25 Q Is there any authority either in the ballot question

1 or the regulations to then additionally limit the applications
2 so that any applicant could only obtain one license per
3 jurisdiction?

4 MR. SHEVORSKI: Objection. Misstates the statute.

5 THE COURT: Overruled.

6 THE WITNESS: The regulation says that you can have
7 one or 10 percent in a county, I think.

8 MR. MILLER: Could you pull up Exhibit 5, page 8.

9 I.T. TECHNICIAN: Ross, what page?

10 MR. MILLER: Sorry, page 8; 433.

11 BY MR. MILLER:

12 Q Talking about this -- it's a provision on the
13 application that's in red letter. Have you read that?

14 A Okay.

15 Q What do you interpret that to mean?

16 A It's basically saying you wouldn't necessarily be
17 entitled to more than one license.

18 Q It says, "No applicant may be awarded more than one
19 retail store license in a jurisdiction/locality unless there
20 are less applicants than licenses allowed in the
21 jurisdiction." So what do you interpret that to mean?

22 A I don't know. I wasn't here. I wasn't at the
23 Department. I wasn't involved in any of this. So I think
24 it's meant to apply a regulation, but I don't know exactly
25 where it is and I don't know -- I wasn't involved in any of

1 that.

2 Q I understand you weren't involved, but you drafted
3 the regulations and that's where the authority to impose rules
4 come from, do they not?

5 A Right. But I wasn't involved in kind of how it was
6 put together and what was in that, so I don't know the
7 thinking behind putting it together this way or any of that.
8 I think it means that you're just notifying people that you're
9 not necessarily entitled to more than one license.

10 Q Not necessarily entitled to more than one license?
11 That's the way you interpret that provision?

12 A Uh-huh.

13 Q It says, "No applicant may be awarded." That's a
14 strict requirement, isn't it?

15 A Yeah. And so jurisdiction/locality, I guess that
16 would apply to the different jurisdictions within the county.

17 Q So would you interpret that to mean that an
18 applicant could not obtain more than --

19 A Yeah, so like one in Henderson, one in Vegas, one in
20 Clark County, one in North Las Vegas.

21 Q So if you had -- if an applicant with identical
22 ownership structure who had applied for two licenses in
23 unincorporated Clark County, they would only be given one
24 license; right?

25 A I think so, yes.

1 Q And if they had been given more than one license,
2 that would be a violation of that provision presumably; right?

3 A Again, I'm not exactly sure where that provision
4 comes from, so if it's a provision in the regulation -- again,
5 I didn't put that there and I don't know what the intent of
6 that was.

7 Q Right. But you're familiar, obviously, with the
8 fact that an agency can conduct ad hoc rule making; right?

9 A Right.

10 Q What is ad hoc rule making?

11 A Generally it's when you do -- you make a decision
12 that should have been made by regulation.

13 Q Right. And so --

14 A And there's lots of legal case law that addresses
15 what that is.

16 Q So if this was the intention of the Department to
17 further limit how many licenses could be issued to an
18 applicant in a jurisdiction, it should have been put in the
19 regulations; isn't that right?

20 A I think yes. I mean, I don't know -- I think this
21 is interpreting a regulation. I don't -- again, I'm not
22 completely familiar with how that got there and why it's
23 there, so. But generally, yes, the regulations should be
24 applied.

25 Q The regulations should be applied. And I understand

1 your testimony is that if this was an additional rule that
2 isn't in the regulations, it should have gone through the
3 regulatory process; right?

4 A I don't -- generally, yes, but I don't really know
5 -- Yes. I don't really know what this is or why it was
6 included.

7 Q You now oversee the Purchasing Division; right?

8 A Yes.

9 Q And what's the purpose of -- what's the mission of
10 the Purchasing Division?

11 A It's the internal State contracting division, so if
12 somebody wants a contract with the State, an agency wants a
13 contractor, they go through a process that's in the statute.

14 Q And they have provisions that are designed to make
15 sure that that process is an impartial and a fair process;
16 right?

17 A Yes.

18 Q And part of those provisions is the Department that
19 is issuing a contract designate a sole point of contact for
20 all questions to be submitted by potential applicants; right?

21 A Yes.

22 Q And then once those questions are submitted, then
23 there's a number of processes that the Division could follow
24 but generally they're giving the same information or responses
25 to all applicants; right?

1 A Right.

2 Q And if a department such as Marijuana Division was
3 issuing an application, they can use the resources of the
4 Purchasing Division, right, to assist in the administration of
5 that application?

6 A No.

7 Q They can't use additional resources --

8 A No.

9 Q -- within the State in order to assist?

10 A They can't use Purchasing. Purchasing only does
11 work under Chapter 333, so it would have to be in compliance
12 with that and it's not. No.

13 Q So resources such as the RFP template that might
14 have been provided to any State agencies aren't available to
15 this marijuana process?

16 A Yeah, I don't -- no, I wouldn't say that it would
17 be. They're not -- the State isn't issuing a contract for
18 somebody to provide services to the State or goods to the
19 State, so you wouldn't use the provisions of 333 in this case.

20 Q You wouldn't use any of the provisions that outline
21 things like maintaining a sole point of contact for questions
22 and answers?

23 A I mean, I think you could designate a sole point of
24 contact, but you wouldn't use the Purchasing Division for
25 that.

1 Q You're familiar with the provisions of NAC 333.155?
2 A No.
3 Q Okay. It's communication with contact person and it
4 indicates that the agency "designate a person to answer
5 questions concerning the contract to be awarded by competitive
6 selection pursuant to the request for proposals." And it
7 says, "A person who wishes to submit a proposal or a
8 representative of such a person shall not ask questions of or
9 otherwise discuss the contents of a request for proposals with
10 an employee or representative of an agency." It goes on to
11 say that if they do that they can be disqualified from the
12 application process. Are you familiar with that provision?
13 A Yes. You just read it to me, so yeah.
14 Q Right. But in fact you've had contested bids and
15 application of awards only recently in the Department; right?
16 A Yeah. There has been in Purchasing, yes, before I --
17 Q And there's been allegations that there was
18 violations of that provision; right?
19 A Yes.
20 Q And to the extent that there were violations of
21 those provisions that would have resulted in some individuals
22 potentially getting information from the Department that
23 wasn't provided on an equal basis to all applicants, they can
24 be disqualified; right?
25 A I think so, yes. I'm not -- you know, I'm not 100

1 percent. I don't know what their process is if that happens,
2 but maybe it could be rebid or -- I don't know exactly because
3 disqualified is a different term than just going out for
4 rebid. So there's something that could happen, yes.

5 Q We talked about -- I understand you were not present
6 at the adoption hearing in front of the Legislative Commission
7 when the regulations were adopted; right?

8 A I wasn't. Right.

9 Q But you're generally aware of what happened at that
10 meeting?

11 A Not really. I didn't watch it. I knew that at the
12 end of the day the regulations were adopted by or approved by
13 the Legislative Commission, but I wasn't there.

14 Q You talked a little about the timing that's
15 necessary in order to adopt the permanent regulations
16 yesterday, and based on the timing and the requirement that
17 the Department adopt the regulations prior to January 1st,
18 2018, the Legislative Commission could not have revised those
19 -- these regulations in any manner, right, and still comply
20 with that timeline?

21 A Oh, well they wouldn't have revised them, they would
22 have just not approved them and sent them back. They do that
23 on a regular basis. But, yeah, I mean, there were issues with
24 the timing because of the way that this all came together.

25 MR. MILLER: Can you pull up Exhibit 236, page 12.

1 THE CLERK: That's proposed.

2 THE COURT: Any objection?

3 MR. SHEVORSKI: No objection from the State, Your
4 Honor.

5 THE COURT: It will be admitted.

6 (Plaintiffs' Exhibit 236 admitted)

7 BY MR. MILLER:

8 Q And here is -- can you read the provision that
9 pertains to the response from Brenda Erdos that you read
10 before that -- actually I think Jason Frierson asked a
11 question about the timing of the regulations and whether or
12 not they could address any of the concerns outlined in the
13 public comment. I think it's at the bottom of this. "Senator
14 Hammond commented on" -- maybe you can read it because the
15 microphone I don't think will pick it up.

16 A "Senator Hammond commented on the overall lack of
17 transparency regarding the regulation process and he
18 questioned the distance between legislating, regulating and
19 the relationship with industry lobbyists. He also expressed
20 concern regarding the Department's ability to keep up with the
21 regulations. Chair Frierson asked Brenda Erdos, previously
22 identified, to confirm whether the regulation could be
23 extended."

24 Q Next page.

25 A "Ms. Erdos explained that shortly after the 2017

1 session the Department adopted a temporary reg which was set
2 to expire in November. The Department then adopted an
3 emergency regulation that was effective for 120 days that
4 cannot be extended, which will expire on March 1st, 2018. She
5 said that if R092-17 is not approved, there will be no
6 marijuana regulations." Do you want me to stop?

7 Q So despite the public comments and concerns about
8 provisions of the regulations or the individuals identified
9 areas that they thought could be further defined, there was
10 really no effective ability for the Legislative Commission to
11 revise any of the proposed regulations in response to the
12 concerns; right?

13 A Well, I think they could have if they wanted to. I
14 mean, it's within their power to do so. I think there were
15 some concerns and some criticism at public comment, but I
16 think there was general consensus and that's reflected as
17 well. So I think they could have. If they really wanted to,
18 they could have. That would have stopped the program,
19 essentially, but.

20 Q But do you disagree with Brenda Erdos that it would
21 affect -- not having any regulations; right?

22 A Right.

23 Q And if you didn't have any regulations, would you
24 have been able -- do you believe the Department would have
25 been able to carry out the application process?

1 A No.

2 Q So in effect they were faced with the decision of
3 trying to revise the regulations or not have any regulations
4 and not having an application period process at all; right?

5 A Right. Or they could have said, you know, there
6 doesn't seem to be enough consensus here or we want these
7 issues to be further explored. They could have given future
8 direction to start regulations again or they could have --
9 you know, they could have done various things.

10 Q They could have done any number of things, but doing
11 any of those number of things would have resulted in no
12 application process being conducted; right?

13 A Right. So there wouldn't have been an application
14 process, so the program would have been on hold.

15 Q And where is the authority for the legislature to be
16 involved in this process at all?

17 A It's in 233B.

18 Q Okay. And where is the authority for the provision
19 within 233B? Are you familiar with that?

20 A Where is -- I don't understand.

21 Q Who gave the legislature the authority to review
22 regulations or make the determination at all? Where does that
23 come from?

24 A It comes from --

25 Q It comes from Article 3 of the Constitution; right?

1 A Okay. It comes from legislation.
2 MR. MILLER: Can we pull up Article 3?
3 I.T. TECHNICIAN: What was that?
4 MR. MILLER: Do you have Article 3 of the
5 Constitution?
6 MR. SHEVORSKI: The United States Constitution?
7 MR. MILLER: Yes.
8 THE COURT: That would be the Nevada Constitution.
9 MR. SHEVORSKI: I'm sorry, I went to school with
10 him. I had to.
11 MR. MILLER: I just -- I forgot he --
12 THE COURT: You just ignore him, don't you?
13 MR. MILLER: I forgot he's sarcastic. No, I'm so
14 used to him always having the right answer, so if he says
15 something, yes, and I'm not even listening.
16 MR. SHEVORSKI: I'm sorry, Your Honor.
17 THE COURT: It's okay. I just knew it wasn't under
18 the judiciary section.
19 MR. MILLER: He's throwing it out. He knows from
20 law school I'm easy to trick.
21 BY MR. MILLER:
22 Q So it says, Separation of Powers. It says, "If the
23 legislature authorizes the adoption of regulations by an
24 executive agency which bind persons outside the agency, the
25 legislature may provide by law for the review of those

1 regulations by a legislative agency." Right?

2 A Yes.

3 Q And are you familiar that that provision resulted
4 from a ballot question that was put in front of the voters in
5 1996?

6 A No.

7 Q You're familiar, obviously, the legislature only
8 meets 120 days every two years?

9 A Yes.

10 Q And that in the interim the Legislative Commission
11 has reviewed regulations that are adopted by executive
12 agencies, but that's not the entire legislature; right?

13 A Right.

14 Q It's just a subset of legislators?

15 A Yes.

16 Q And so they needed a constitutional provision that
17 would allow review of regulations by the subset of the
18 legislature; right?

19 A Okay.

20 Q Does that make sense? Yes?

21 MR. MILLER: Can we pull up, Shane, NRS 233B.0633(1).

22 IT TECHNICIAN: I have .633.

23 MR. MILLER: Yeah. The one I emailed yesterday.

24 BY MR. MILLER:

25 Q "Upon the request of a legislator, the Legislative

1 Commission may examine a temporary regulation adopted by an
2 agency that is not yet effective pursuant to subsection 2 of
3 NRS 233B.070 to determine whether the temporary regulation
4 conforms to the statutory authority pursuant to which it was
5 adopted and whether the temporary regulation carries out the
6 intent of the legislature in granting that authority." Right?

7 A Yes.

8 Q But this was an initiative; right?

9 A Yes.

10 Q The entire purpose of an initiative is to take it
11 outside the hands of the legislative process; right?

12 A Yes. Or it is outside the hands of the legislative
13 process.

14 Q There's no authority at all --

15 MR. PARKER: I'm sorry. Could you repeat what you
16 said? You kind of trailed off.

17 THE COURT: She said it is outside the legislative
18 process. Right?

19 THE WITNESS: Yes.

20 MR. PARKER: Thank you.

21 BY MR. MILLER:

22 Q There's no authority at all for any legislative
23 review of these regulations, is there?

24 A That's kind of out of my pay grade. I mean, I was
25 following the law. I think if I would have said I don't have

1 to use 233B to make these regulations that there would have
2 been a lot of disagreement, so.

3 Q But you don't know whether or not the Legislative
4 Counsel Bureau's review of the regulations that you talked
5 about at length yesterday were substantively the same as any
6 other -- the review of any other regulations; that they could
7 have been looking at it through the lens and saying our
8 purpose is to follow the statute that says we're supposed to
9 look to make sure it matches the legislative intent?

10 MS. SHELL: Objection.

11 BY MR. MILLER:

12 Q And that would have been impossible to do in this
13 context; right?

14 MS. SHELL: It's compound and argumentative, Your
15 Honor.

16 THE COURT: Overruled.

17 THE WITNESS: Well, I think they would have still
18 done the review that they're required to do by the statute.
19 It also says that it conforms to the statutory authority, so
20 I think they would have looked at that and I think they did.

21 BY MR. MILLER:

22 Q The statutory authority by which it was adopted.
23 They would not have had any ability as a legislative body to
24 review the intent behind an initiative petition; right?

25 A I think they have the authority, yes.

1 MR. MILLER: Nothing further, Your Honor.

2 THE COURT: All right. It's 12:10. How much more
3 do we have, Mr. Parker?

4 MR. PARKER: I have about 35, 40 minutes, Your Honor.

5 THE COURT: Okay. I have a one o'clock conference
6 call that will be very short. I would like to go until 12:30
7 or so and then take a break so everybody can walk around, get
8 something to drink or eat if you want to shortly and then
9 resume at 1:10. And remember, we are breaking at 2:45.

10 Mr. Parker, you're up.

11 MR. PARKER: Thank you, Your Honor.

12 THE COURT: I'm sorry. Mr. Bult, Mr. Fetaz, did you
13 have --

14 MR. BULT: No, Your Honor.

15 THE COURT: Okay. Goodbye, Mr. Hymanson.

16 MR. HYMANSON: I'm just going to wish Mr. Parker
17 luck.

18 MR. PARKER: Thank you. Thank you, Phil, I
19 appreciate that.

20 CROSS-EXAMINATION

21 BY MR. PARKER:

22 Q All right. Good afternoon.

23 A Good afternoon.

24 Q I have a couple questions for preliminarily, and
25 then we'll get into the meat of my questions, okay.

1 A Sure.

2 Q Are you familiar with any of the applicants -- and I
3 don't know if you are familiar with any of the applicants,
4 because you said you weren't a part of the application
5 process; is that correct?

6 A Well, I'm familiar with the industry, with generally
7 the main people who have participated in the regulatory
8 process, participated in the work -- the Governor's Task
9 Force, the workshops related to that.

10 Q Can you tell me some of the people that you're
11 familiar with that you would include in the general
12 description "within the industry" by applicants perhaps.

13 A I don't know everybody's affiliation and how people
14 are related, but John Ritter was on the Governor's Task Force;
15 Amanda Connor worked -- works in -- you know, has clients;
16 Riana Durette, I guess she's not a -- but she's the
17 association. I know Brett Scolari, I know -- I mean, I know a
18 lot of people -- I know most of the people who were involved
19 in the regulatory process. I couldn't really list everybody
20 at this point, because I would be -- I would be afraid to not
21 include somebody. But anybody that has been involved in the
22 process through the working group and the Task --

23 Q How about Andrew Jolley?

24 A I know him, yes.

25 Q Brian Greenspun?

1 A I've never met him. I mean, I know who he is,
2 but --
3 Q Armand?
4 A Armand -- yes, I know Armand.
5 Q What's his last name?
6 A I don't know.
7 Q Okay. All I know is Armand, as well.
8 A Armand -- I don't know. Somebody who understands
9 his last name better could probably say it. I don't know.
10 Q Phil Peckman?
11 A I know him.
12 Q Do you know the names of any of the marijuana
13 establishments that may have applied?
14 A I know -- I mean, I know -- I don't -- when I looked
15 at -- I didn't look too closely at the caption here.
16 Q How about Essence?
17 A Is Essence Armand? I'm not sure.
18 Q Thrive?
19 A Thrive I think is Mr. Peckman and his group.
20 Q Nevada Organics?
21 A I don't know who that is.
22 Q Okay. Have you had lunch, dinner, or even coffee
23 with any of these people that you listed?
24 A Yes.
25 Q On more than one occasion?

1 A Yes.

2 Q Tell me who you recall having lunch with.

3 A I think I've had lunch with Mr. Ritter --

4 Q Anyone else?

5 A -- a couple times. I've known Brett Scolari for

6 years before marijuana. I've had lunch or coffee with him in

7 the past.

8 Q How about dinner?

9 A Brett. I don't -- I don't know.

10 Q All right.

11 A I think I've had dinner with Mr. Ritter, as well.

12 Or lunch or dinner. I can't recall.

13 Q Okay. Would any of these people have your cell

14 phone number?

15 A Yes.

16 Q Would that include Amanda Connor?

17 A Yes.

18 Q Phil Peckman?

19 A I don't know.

20 Q Andrew Jolley?

21 A I don't know. I mean, generally I worked to make

22 the regulations, to create the process. So I will have had

23 some contact and know pretty much anyone that was involved in

24 that process.

25 Q Okay.

1 A Either -- yeah.

2 Q Did you run for political office?

3 A Yes.

4 Q And what position did you run for?

5 A I ran for the Nevada State Assembly.

6 Q And when did you run?

7 A In 2018.

8 Q Okay. Did you have any fundraisers for that

9 campaign?

10 A Yes.

11 Q Were any of the people you listed a participant or a

12 contributor to your campaign?

13 A Yes.

14 Q Can you tell me which people, entities contributed

15 to your campaign?

16 A No, I can't -- I mean, I know some. I can't -- I

17 can't list them all.

18 Q Can you tell me of the applicants that are involved

19 in the marijuana business which ones contributed to your

20 campaign?

21 A I don't know.

22 Q You don't know any of them by name?

23 A Well, I know some of them by name, but I can't give

24 you -- I know TGIG did, I think Essence did, Thrive, Tryke.

25 Q Anyone else?

1 A There were others, but I just can't remember.

2 Q All right. And do you remember because you remember
3 them attending, or do you remember them because you remember
4 checks coming to you with their names on them? Or both?

5 A I mean, I remember -- I remember people attending
6 and then generally contributions, but I don't remember -- but
7 I don't necessarily know who everybody's group was, and so I
8 might have to look that up. So --

9 Q Did you ever receive any inquiries, or has anyone
10 ever hypothecated to you perhaps hiring you, any of the
11 applicants?

12 A I did -- no. Not in this case.

13 Q I'm sorry. You did what?

14 A No. No, not in this case.

15 Q Not in this case. What do you mean by that?

16 A Do you mean anybody?

17 Q Anybody.

18 A Yeah. I did some -- a little of application work --

19 Q And when did you do this application work?

20 A In July to November.

21 Q July what?

22 A To November.

23 Q Of what year?

24 A 2018.

25 Q When did you leave the State originally?

1 A January.

2 Q Of 2018?

3 A Yes.

4 Q Isn't there a one-year cooling-off period?

5 A I didn't work on any -- there's not a one-year

6 cooling off. There's a -- not representing people that

7 appeared before the Department. And that's what I -- that's

8 what I didn't -- I didn't work on any issues that were pending

9 for the Department when I left.

10 Q Okay. Let me make sure we're clear. You left in

11 January of 2018, but you did some work on applications between

12 July of 2018 and November 2018.

13 A Yes. Yes, I did.

14 Q Is that correct?

15 A Yes.

16 Q And certainly that's within a year, right, of you

17 leaving?

18 A Yes.

19 Q All right. And applications would be for purposes

20 of some applicant attempting to get a license; is that

21 correct?

22 A Yes.

23 Q And that license and that application would be

24 derivative of the Administrative Code that you'd been working

25 on until you left.

1 A But I wasn't --

2 MR. KOCH: Objection. Legal conclusion.

3 THE COURT: Overruled.

4 THE WITNESS: I wasn't involved in the application
5 -- in applying the application -- for the applications. I
6 didn't review any applications, I'd never been part
7 application process.

8 BY MR. PARKER:

9 Q Okay. Let's go back. Between July and November
10 2018 what did you specifically do in terms of assisting with
11 applications?

12 A Assisting gathering information, pulling information
13 together.

14 Q And for whom?

15 A For WSCC.

16 Q WFC --

17 A --SCC.

18 Q WS, as in Sam, CC?

19 A Right.

20 Q All right. And was that company applying for a
21 recreational marijuana license?

22 A Yes.

23 Q Now, you would agree with me that although you did
24 not put the application together, you created the regulations
25 upon which we've heard multiple State employees say the

1 application was supposed to be based upon; isn't that correct?

2 A I didn't regulate the license applications.

3 Q I didn't ask that you did that. Let's focus on the
4 question I'm asking you. Please answer that question, okay.

5 A Okay.

6 Q All right. So we've had Mr. Pupo, Mr. Gilbert, Mr.
7 Plaskon, and Ms. Cronkhite all testify that the application
8 was supposed to be consistent with the ballot question, the
9 statutes, and then the Administrative Code.

10 A Yes.

11 Q Would you agree with that?

12 A Yes.

13 Q Right. So, although you may not have put pen to
14 paper in terms of creating the application, you created the
15 Code upon which the application was supposed to be tied to; is
16 that correct?

17 A Yes. Well, I was involved in the process, yes.

18 Q Yes, you were. In fact, although I was not here
19 yesterday, I got pretty good notes indicating that you took
20 quite a bit of responsibility in putting those Codes together,
21 the Administrative Code together with regards to 453D. Is
22 that correct?

23 A Yes.

24 Q So within six months of leaving the State you were
25 already helping an applicant put together their application,

1 which, again, would have been modeled at least derivatively
2 from the Administrative Code that you put together; is that
3 correct?

4 A Yes.

5 Q Thank you. Did you seek clearance from the Attorney
6 General's Office before you began doing that?

7 A No, I didn't. I didn't work for the State.

8 Q Did you hire Mr. Pupo?

9 A He worked for the Department. He's worked for the
10 Department for about 14 years.

11 Q Okay. Did you have anything to do with him --

12 A Yes. He took the -- he became the deputy under --

13 Q Continue.

14 A He promoted to that position, yes.

15 Q After you left?

16 A No, no. When I was there.

17 Q Okay. Did you have anything to do with his
18 promotion?

19 A Yes.

20 Q Did you also know that he had lunches and dinners
21 with some of the applicants?

22 A Yes.

23 Q Was that the culture?

24 A Well, I -- I don't -- I don't know when, but I know
25 at some time there was -- I don't know if it was during the

1 application or -- but I do know that he had been to lunch or
2 two.

3 Q Was that the culture within that Department, to be
4 entertained by applicants, be it lunch, dinner, coffee,
5 whatever the case may be?

6 A Well, I wouldn't have called them applicants at the
7 time. You know, there was a culture of openness and, you
8 know, that you would grab a cup of coffee or something like
9 that. And it wouldn't be being entertained, it would be
10 everybody paying for themselves.

11 Q Well, did you ever go to dinner with Mr. Hawkins?

12 A No, I don't think so.

13 Q Mr. Pupo said he didn't, as well. Did you -- do you
14 believe or do you have any understanding whether or not Mr.
15 Gilbert or anyone else within that Department had lunch,
16 dinner, or coffee with any of the applicants?

17 A I don't. Maybe.

18 Q All right. Did you put together any policies or
19 procedures or any checks in place to make sure that the Code
20 was consistent with the ballot?

21 A Other than the procedure of the Task Force and the
22 regulation making, no. Not other than that.

23 Q Well, the Task Force didn't review the
24 Administrative Code that you put together, did they?

25 A No.

1 Q Right. So that's not a check. Was there something
2 internally done to make sure that you kept taking proposed
3 Administrative Code sections back to the ballot to make sure
4 they were consistent?

5 A Yes. I mean, we would look at the authority in the
6 initiative and determine if we could make a regulation, and
7 then we'd draft the regulation and it would go through the
8 process.

9 Q All right. So Mr. Miller pointed out at least a
10 couple of occasions where there were -- appeared to be
11 liberties taken in terms of creating the Administrative Code
12 not based expressly on the ballot question. For example, he
13 discussed with you ranking. Do you recall that?

14 A Just now?

15 Q Yes.

16 A Yes.

17 Q All right. Did you see the word "ranking" in the
18 ballot question?

19 A I think there's a requirement for the Department to
20 rank the applicants if there's more than one applicant in the
21 initiative.

22 Q Okay. So you recall seeing it in the initiative.

23 A Yes.

24 Q All right. And did you see how that was supposed to
25 be done? Was there any manner of ranking described?

1 A It was supposed to be done by regulation.

2 Q Okay. And Mr. Miller discussed with you
3 similarities or comparisons with the purchasing statutes of
4 Nevada. Do you recall that?

5 A Yes.

6 Q All right. Now, Mr. Kemp briefly referred to you
7 the -- what the County and State may do when it comes to bids.
8 Are you familiar with any State, County, City, for example,
9 construction bidding processes?

10 A No.

11 Q All right. Those are done typically by the lowest
12 response of a responsible bidder. Are you familiar with that?

13 A Part of one of the agencies within my Department is
14 the Department of Public Works, and I'm not -- I haven't dealt
15 with any issues with them on that. But I understand that
16 that's part of the process.

17 Q Okay. We'll come back to that, because that's going
18 to take a little longer than before we take this break.

19 I want to go back for one second to your campaign.
20 You reported all of the contributions you received?

21 A Yes.

22 Q So that would identify all the people who gave you
23 money --

24 A Yes.

25 Q -- some of which would be these applicants we've

1 been talking about; is that correct?

2 A Yes.

3 Q Okay. Do you have any recollection in terms of
4 amount of money any one applicant may have given you, for
5 example, Essence or Thrive or Tryke or TGIG?

6 A I don't remember, no.

7 Q Do you remember if anyone gave you over \$5,000?

8 A No. I don't -- I don't think so. I don't know,
9 though.

10 Q You don't remember? All right.

11 Now, have you spoken to any of these contributors to
12 your campaign since the litigation has begun?

13 A No. I don't think so.

14 Q When was the last time you recall speaking to Amanda
15 Connor?

16 A I don't recall the last time I spoke to her. Maybe
17 the fall.

18 Q During the application process?

19 A Yeah, probably.

20 Q All right. And did Amanda Connor represent Essence,
21 Thrive, Tryke, or TGIG?

22 A I think so. I'm not sure, though.

23 Q All right. So purchasing is under 333; is that --

24 A Chapter for State purchasing is under Chapter 333.

25 Q And under NRS 233B, that refers to what?

1 A That's the Administrative Procedures Act, so rule
2 making and adjudicating contested cases.

3 Q Are you aware that NRS 233B is referred to in the
4 NAC 453D?

5 A Yes.

6 Q Okay. Do you know the purpose by which --

7 A I think it's the -- for the -- I'm sorry.

8 Q Go ahead.

9 A Oh. I think it's for purposes of contested cases.

10 Q Do you know whether or not the words "contested
11 cases" are defined in the regulation or the Administrative
12 Code?

13 A I think that -- I think the term "contested case" is
14 defined in NRS Chapter 233B.

15 Q Okay. But you don't believe it's defined in the
16 regulation or the statute?

17 A In --

18 Q 453D NAC.

19 A I think it's referencing to 233B.

20 Q Well, we can take a look at it. It's referenced in
21 NAC 453D.996, judicial review. Are you familiar with that?

22 A Well --

23 MR. PARKER: Can you put that up on the screen,
24 Shane.

25 Your Honor, we've got -- it's right there at 12:30.

1 What do you want to do?

2 THE COURT: I was going to take a break after you
3 finished this particular exhibit.

4 BY MR. PARKER:

5 Q Okay. So, looking at paragraph (2), the words
6 "contested case" is used at the end of that sentence. Do you
7 see it?

8 A Yes.

9 Q All right. If you look at the definitions contained
10 in the NAC 453D, the words "contested case" is not defined;
11 would you agree?

12 A I don't think it is.

13 Q All right. Do you know why you did not define
14 "contested case" in the NAC?

15 A I think the NAC 233B defines "contested case."

16 Q Well, that statute does not reference the marijuana
17 application process, does it? NRS 233B?

18 A No.

19 Q Okay. And you did not include a definition in terms
20 of the marijuana application process under "contested case" or
21 in any --

22 A Yeah. There's no -- I don't believe there's a
23 definition.

24 MR. PARKER: All right. We'll stop there, Your
25 Honor.

1 THE COURT: All right. So 1:10, please. That way
2 you guys can move around, get something to drink, maybe get a
3 little snack. I'm sure Capriotti's is downstairs and ready to
4 serve you if you want a quick sandwich or soup.

5 (Court recessed at 12:31 p.m., until 1:17 p.m.)

6 THE COURT: All right. Are we ready, guys?

7 MR. PARKER: Yes, Your Honor.

8 THE COURT: The witness and I are both getting our
9 water pitchers refilled. We're going to stay hydrated. You
10 guys keep going.

11 MR. PARKER: All righty.

12 BY MR. PARKER:

13 Q So, Ms. Contine, is it Contine?

14 A It's Contine.

15 Q Contine. When you left in January of 2018 from the
16 State did you take any of the information you worked on
17 relative to creating the NACs with you?

18 A No.

19 Q Did you take any of the scoring guides or the
20 evaluation guides?

21 A No, those weren't done at that point.

22 Q How about any of the training guides?

23 A No.

24 Q Okay. You don't recall taking anything away, be it
25 electronic or hard copies, relative to the 453D to either the

1 statute or the Administrative Code?

2 A I might have had a printed-out copy of the regs that
3 I took with me. But other than that, I don't -- there was
4 nothing.

5 Q All right. Now, do you specifically recall any
6 differences between -- and this is a general question --
7 between 453A and 453D that you in particular created?

8 A Well --

9 MR. SHEVORSKI: Object to vague, Your Honor.

10 THE COURT: Overruled.

11 THE WITNESS: Some of the differences from the
12 initiative were some additional requirements such as the civil
13 penalties. That's not, I don't believe, in 453A. There was a
14 new licensing structure and a few other things that maybe
15 there wouldn't have been other regulations or -- is that what
16 you're asking?

17 BY MR. PARKER:

18 Q Yeah. Generally.

19 A Okay.

20 Q Were there any requirements under 453A regarding the
21 location, the physical location of the proposed establishment?

22 A I think so.

23 Q Okay. Does 453D have any differences in respect to
24 the physical location requirement than 453A?

25 A I think the way that it's worded it has a slightly

1 different application in that I think there was some confusion
2 under medical. Again, I know there was some litigation. I
3 was aware at some point that there was some litigation about
4 whether the County approved first or the State approved first,
5 and so I think there was some language in 453C that was
6 interpreted to essentially require the location to be
7 determined after the marijuana license was essentially
8 determined.

9 Q Okay.

10 A So -- okay. Go ahead. Sorry.

11 Q Let's go back. In terms of suitability of location,
12 you know, certain distances from schools, churches, is that
13 the same for 453A and 453D?

14 A Well, 453D has provisions in the actual statute.

15 Q Right.

16 A And I'm not sure if they're the same.

17 Q Okay. Is there a definition of a retail marijuana
18 establishment in the Administrative Code?

19 THE COURT: Is everybody okay?

20 MS. HAAR: I just dropped my water bottle.

21 THE COURT: All right, Ms. Haar.

22 MS. HAAR: Apology.

23 THE WITNESS: I'm not sure. I think there is, but I
24 think it would be based on the definition in the statute -- or
25 the initiative.

1 BY MR. PARKER:

2 Q Okay. Well, we can pull up the NAC definitions, and
3 you can take a look and tell me if you see the definitions of
4 "retail" or "recreational marijuana establishment" in the
5 definitions.

6 THE COURT: And they're also in the book that you
7 have, as well, if you'd prefer that way.

8 BY MR. PARKER:

9 Q You can tell -- you can go to -- since it's
10 alphabetically arranged, you can go to between T and S.
11 There's only one definition that has an R before "registry."
12 Is that correct?

13 A Okay. So -- I'm sorry.

14 Q You don't see the definition of a "retail" or
15 "recreational marijuana establishment" in the NAC --

16 A Right.

17 Q -- is that correct?

18 A Right.

19 Q But for some reason you have the definition of a
20 medical marijuana establishment in the NAC under 453D. Do you
21 know why you didn't include a recreational or retail marijuana
22 establishment in the definitions?

23 A I think that's a drafting issue with the Legislative
24 Council Bureau so that -- because the definition of "retail
25 marijuana store" is in NRS 453D. So they didn't put it in the

1 reg, they wouldn't -- and there's probably some reference in
2 this regulation to a medical marijuana establishment, and so
3 they defined it in this reg. That would be my understanding.

4 Q Okay. So why would you include a definition of
5 "medical marijuana" under 453D?

6 A There's -- someplace else there's a reference. I
7 don't know exactly where it is, but there's a reference to
8 "medical marijuana establishment."

9 Q Okay.

10 A And that might have been a drafting that LCB did.
11 When they looked through the regs they see that there's a
12 definition and then they would clarify that -- or it might
13 have come in in the original.

14 Q You have no idea why it's still in there?

15 A Well, I don't -- I could look through the reg and
16 probably find a definition or a reference to "medical
17 marijuana establishment," but from my memory I don't know
18 exactly where it is.

19 Q Good enough. Can you go to NAC 453D.210. Are you
20 familiar with this?

21 A Yes.

22 Q Okay. Did you have anything to do with creating
23 this regulations?

24 A Yes.

25 Q All right. It says here that "The Department can

1 collect fees for investigating a complaint." Do you see that?

2 A Yes.

3 Q Now, could the Department also charge fees for doing
4 background checks for owners?

5 A I believe the background check fees would be
6 incorporated in the license fees.

7 Q Okay.

8 A So that's probably why there's not a separate one.
9 But I guess an argument could be made there could be a
10 separate regulation for that.

11 Q Right. And so when comments were made earlier about
12 not having the resources to do background checks for all
13 owners, the Department of Taxation could have created a
14 regulation that included the cost of doing so; isn't that
15 correct?

16 A I mean, I think that it was created by the license
17 fee, yes.

18 Q Okay. So there was enough money in the license fee
19 to do the background checks?

20 A There's money in the license fee, yes.

21 Q Enough money to do the background checks?

22 A Yes.

23 Q All right. So when I -- we've heard arguments
24 earlier in this process or these hearings that it would be too
25 onerous for the Department of Taxation to do background checks

1 on all owners, that's not a true statement, is it?

2 MR. KOCH: Objection. Argumentative.

3 THE COURT: Overruled.

4 THE WITNESS: I think it is a true statement.

5 BY MR. PARKER:

6 Q Well, you just told me the money was in the fees and
7 there was sufficient money to do background checks; right?

8 A Well, money's not everything. Oh. Wait. Maybe it
9 was.

10 Q Oh. All right.

11 MR. GENTILE: Your Honor, I move for a competency
12 examination.

13 THE WITNESS: I'm a public servant.

14 THE COURT: This is not a criminal proceeding.

15 MR. GENTILE: Oh. Okay.

16 THE WITNESS: I think just in -- in addition to the
17 money, that you have to have people that can process things.
18 And when you're balancing those types of issues with the
19 issues related to it being burdensome on the industry and the
20 ability to protect the public it's basically, you know, again,
21 it's just weighing all of that together.

22 BY MR. PARKER:

23 Q Ms. Contine, I'm going to bring you back in, okay?
24 So when I first asked the question if the money was available
25 you said, yes, it's in the fees.

1 A Well, there's money in the fees.

2 Q To do the background checks. So then --

3 A It doesn't say specifically that the money for the
4 fees goes to the background check, but the point I was trying
5 to make is that that's -- it's my assumption that that's why
6 there's not a separate provision for that. It would --

7 Q Good enough. So, Ms. Contine, let me start all
8 over, again. I asked you the question whether or not there
9 was sufficient money to do background checks for all owners.
10 You said, yes, it's in the fees. Do you recall saying that?

11 A There's money to do the work, yes.

12 Q Thank you. And then after I told you what I'd heard
13 before from other members of the Department of Taxation then
14 you seemed to give me conditions and caveats to your position.
15 So I want to bring us back to a clear answer, and I'm going to
16 try to give you a very clear question, okay?

17 A Okay. Thank you.

18 Q If the Department of Taxation wanted to charge more
19 for background checks of the owners, could it have done so?

20 A It could have created -- gone through the regulatory
21 process to do that. I don't know if it ultimately would have
22 been approved or how that would have shaken out during
23 discussion, but it would be possible to make the regulation --
24 to at least go through the process of making a regulation.

25 Q Right. And, Ms. Contine, when it was determined

1 what the fee would be for the application the Department of
2 Taxation believed that was sufficient to do the background
3 check of owners; is that correct?

4 A The Department didn't determine the fee. The fee
5 was determined in the initiative.

6 Q Okay. So at that point the initiative said "all
7 owners," and it established the fee; is that correct?

8 MR. KOCH: Objection. Misstates the initiative.

9 THE COURT: Overruled.

10 THE WITNESS: It says -- it provides the fees for
11 the various license types, yes.

12 BY MR. PARKER:

13 Q For all owners; is that correct?

14 MR. KOCH: Objection. Misstates the initiative.

15 THE COURT: Overruled.

16 THE WITNESS: For the establishments for their
17 applications.

18 BY MR. PARKER:

19 Q The owners of those establishments; is that correct?

20 A I don't -- I don't read it that way. It's related
21 to something different than the owners.

22 Q Do you have a different recollection of what the
23 statute says or the initiative says in terms of doing
24 background checks for all owners?

25 A No.

1 Q So let's take a look at 453D.205(1). This way I can
2 remind you of it. NRS 453D.205(1). Do you see that, Ms.
3 Contine?

4 A Yes.

5 Q It says, "Each prospective owner, officer, and board
6 member"; is that correct?

7 A Right.

8 Q All right. So the amount was established in terms
9 of the fee, and the scope was established by the initiative
10 and the statute; is that correct?

11 MR. KOCH: Objection. It's not part of the
12 initiative.

13 THE COURT: Overruled.

14 THE WITNESS: I'm sorry. Can you restate that.

15 BY MR. PARKER:

16 Q Yes. You see in the statute where the scope in
17 terms of officers, owners, and board members are listed there.
18 Can you see it?

19 A Yes.

20 Q And we know the fee was \$5,000; is that correct?

21 A I don't -- there's different licenses and there were
22 different license fees.

23 Q Okay. For whatever the license fee amount was was
24 that established by the initiative, or by the statute?

25 A By the initiative -- by the statute essentially.

1 Q All right. So within that amount of money and based
2 upon the scope we saw just a second ago under the statute the
3 Department of Taxation should have been able to do what's
4 described there, is that correct, in terms of background
5 checks?

6 A Yes.

7 Q Good. Now, did the Department of Taxation ever
8 complain or ask for additional money to do background checks
9 to accomplish the scope identified in the statute?

10 A Not specifically to that, no.

11 Q Right. Now let's take a look at NAC 453D.239. And
12 this is the annual reimbursement of costs to local
13 governments. Do you see that?

14 A Yes.

15 Q Are you familiar with that regulation?

16 A Yes.

17 Q What's the point of that regulation?

18 A The initiative said that the cost should be paid to
19 the Department and to each locality in administering the
20 provisions of this chapter. And so that was a -- that was the
21 regulation that determined how much the local governments
22 would get.

23 Q All right. And the local governments got or
24 allocated these amounts based on the number of licenses you
25 anticipated for those jurisdictions?

1 A There was ongoing discussion through the working
2 group and the legislature about the -- what essentially that
3 provision meant. And the legislature essentially determined
4 that in 453A and D that that was the amount of money based on
5 the testimony that had occurred.

6 Q Okay.

7 A So they were making the change -- or they were doing
8 it with respect to 453D, and a certain amount of money was put
9 in the budget. So that's reflecting that.

10 Q All right. Good enough. Now, NAC 453D.250 says,
11 "Designation of persons responsible for providing information,
12 signing documents, and ensuring certain actions are taken."
13 Do you see that?

14 A Yes.

15 Q Were you responsible in part for preparing or
16 creating this regulation?

17 A Yes, I was involved in the process.

18 Q 1(b) says that, "If a corporation is applying for a
19 license for a marijuana establishment, a natural person who's
20 an officer of the corporation shall provide the information";
21 is that correct?

22 A Right.

23 Q All right. I don't see a distinction between
24 corporation and public corporation within this chapter. Do
25 you?

1 A I don't see the language, no.

2 Q Do you see within the definition of -- the
3 definitions portions of this chapter a definition for the word
4 "owner"?

5 A No.

6 Q Would you agree with me that there is no distinction
7 in terms of this chapter between public corporations and any
8 other corporation in how it's treated?

9 A I don't think there's a distinction there.

10 Q Which means if you have a corporation with 10
11 people, you do background for those 10. If you have a
12 corporation with 100 people, you do background on 100; is that
13 correct?

14 MR. KOCH: Objection. Incomplete hypothetical.

15 THE COURT: Overruled.

16 THE WITNESS: Right. And then the regulation
17 addressed the 5 percent.

18 BY MR. PARKER:

19 Q Well, we'll get to that. But in terms of this
20 section there is no distinction, and it doesn't even say the
21 5 percent in terms of this type of corporation; right? It
22 doesn't mention 5 percent in this part of NAC 453D.250; right?

23 A Right. And this is just a single person who can
24 sign documents on behalf of the entities.

25 Q Understood. Understood.

1 A Okay.

2 Q I'm just making sure that at this point there is no
3 distinction between a corporation and a public corporation; is
4 that correct?

5 A Okay.

6 Q Is that correct?

7 A Yes.

8 Q All right.

9 A Well, that's what it -- there's no definition there,
10 yes.

11 Q Thank you. And if the Department of Taxation wanted
12 to draw a distinction between the two in treating them
13 differently, they should have done so in this regulation;
14 right?

15 A It could have, yes.

16 Q But chose not to?

17 A I don't know if there was a choice in that context
18 to do that.

19 Q Let's just say it didn't. How about that?

20 A Did not.

21 Q Good enough. Looking at 2(a) it says, "For purposes
22 of this chapter and Chapter 453D of the NRS the following
23 persons must comply with the provisions governing owners,
24 officers, and board members of a marijuana establishment." Do
25 you see that?

1 A Yes.

2 Q Again, there's no distinction between corporation
3 and public corporation; right?

4 A Correct.

5 Q All right. Let's take a look at 453D.255. Now,
6 this is the 5 percent that you were speaking of earlier;
7 right?

8 A Right. Yes.

9 Q Okay. Now, how do you reconcile 453D.255 and
10 NRS 453D.210?

11 MR. SHEVORSKI: Objection. Asked and answered, Your
12 Honor.

13 THE COURT: Overruled.

14 THE WITNESS: Again, as -- I know you weren't here
15 yesterday.

16 BY MR. PARKER:

17 Q I was not.

18 A As I've explained extensively, the regulation
19 interprets and applies the provisions, and in making the
20 5 percent regulation it was a recommendation through the
21 Governor's Task Force, through the working group, through the
22 Task Force that was then -- it was a requirement or it was
23 asked to be a requirement in 453A, as well, and then it was
24 put into the regulations in 453D looking at what is the
25 purpose -- what are we trying to protect here and if we have

1 this 5 percent are we still able to protect the public safety
2 by only evaluating those people who have more than 5 percent.
3 I mean, I've said -- I've testified extensively on this and --

4 Q So what happens if someone who owns 4 percent has a
5 felony conviction not allowed under the Administrative Code?
6 Have you protected the public when you've done so -- when you
7 failed to do the background check with someone less than
8 5 percent?

9 MR. KOCH: Objection. Argumentative.

10 THE COURT: Overruled.

11 THE WITNESS: I think the rationale in the
12 discussion that occurred throughout the process was that there
13 would be such a low amount of ownership interest that the
14 public health or safety would be protected.

15 BY MR. PARKER:

16 Q Let me ask it one more time. I'm not concerned
17 right now with all of the backdrop that you're giving me. I
18 want you to answer the question directly. If someone had a
19 4 percent interest in the company but had a felony conviction,
20 a Category 1 under the Administrative Code --

21 You're familiar with that, are you not? Is that a
22 yes?

23 A Yes. Sorry.

24 Q Okay. -- would you agree with me that by failing to
25 do what the statute did you failed to protect the public?

1 Because the statute said every owner, every prospective owner.

2 MR. KOCH: Objection. Misstates the statute.

3 THE COURT: Overruled.

4 THE WITNESS: No.

5 BY MR. PARKER:

6 Q So you think it's okay to have a 4 percent owner
7 have a Category 1 felony conviction prohibited by the
8 Administrative Code to be an owner?

9 MR. KOCH: Objection. Misstates testimony.

10 THE COURT: Overruled.

11 THE WITNESS: No. I think that -- as I've explained
12 before, again, the thought process in developing the
13 regulation and having it go through the process, there would
14 still be a level of protection. Interpreting the provisions
15 and applying them, there would still be a level of protection
16 that would exist that would protect the public health and
17 safety.

18 BY MR. PARKER:

19 Q Ms. Contine, I'm going to assume that you are doing
20 your best, and I'm going to re-ask the question. Because the
21 Judge has been kind enough to allow us to ask questions as
22 long as we are trying to get answers.

23 A Right.

24 Q So I'm going to ask it one more time. If you
25 allowed a 4 percent owner -- if you failed to do a background

1 check on a 4 percent owner who has a felony conviction
2 prohibited under the Administrative Code, did you fail in
3 carrying out the NAC or the NRS?

4 A No.

5 Q Tell me why not. Should that owner be allowed to
6 have --

7 A I don't have any other -- I don't have anything to
8 add to this. I've mentioned -- I've spoken --

9 THE COURT: Ma'am, can you answer the question,
10 please.

11 MR. PARKER: Thank you.

12 THE WITNESS: I've spoken to this. It's the same
13 answer that I've provided.

14 THE COURT: Ma'am, answer the question, please.

15 MR. PARKER: Thank you.

16 THE WITNESS: That there was the balance of the
17 unduly burdensome and the public safety and making the
18 regulation and having the regulation go through the process.
19 I believe that it was protecting the public health and safety.
20 And the regulations complied with the statute.

21 THE COURT: So, Ma'am, you believed you could
22 substitute your judgments for the voters' of the State of
23 Nevada?

24 THE WITNESS: I believe that we went through the
25 process that we went through and we interpreted the provisions

1 and we considered all the responsibilities that we had under
2 the initiative. And I believe that the regulation was validly
3 adopted and it is valid, yes.

4 THE COURT: Okay. Thanks.

5 BY MR. PARKER:

6 Q Should a 4 percent owner with a felony conviction be
7 allowed to be an owner of a retail marijuana establishment in
8 the state of Nevada?

9 A Yes. Under the regulation and the statute, yes.

10 Q Let's take a look at that. Category 1 is under NAC
11 453D.905. Are you familiar with that?

12 A Yeah.

13 Q And Category 1 is under Section (3)(a). Are you
14 familiar with that?

15 MR. PARKER: So, Shane, it's 453D.905(3).

16 BY MR. PARKER:

17 Q It says here "Category 1 violations are violations
18 of a severity that make a person ineligible to receive a
19 license, including, without limitation, conviction of an
20 excluded felony offense." That's number (3)(a)(1). Is that
21 correct?

22 A Yes.

23 Q So if a 4 percent owner is an excluded -- has a
24 conviction of an excluded felony offense, doesn't the Code say
25 he cannot be an owner? It says, "ineligible"; is that

1 correct?

2 A That's what the statute says, yes.

3 Q And it doesn't say in this part of the statute
4 5 percent or 2 percent. It just says an owner; is that
5 correct?

6 A Yes.

7 Q So do you believe -- let's take what you said
8 earlier as being correct. So, Ms. Contine, under this section
9 that 4 percent owner is ineligible if he has a conviction --
10 he or she has a conviction of an excluded felony offense;
11 isn't that correct?

12 A Yes.

13 Q Thank you. And the only way you would have known
14 that that person had that conviction of that excluded felony
15 offense is to actually do a background check for all
16 prospective owners; isn't that correct?

17 A Yes.

18 Q That's right.

19 MR. PARKER: Took a while, Your Honor.

20 BY MR. PARKER:

21 Q All right. So let's take a look at NAC 453D.265,
22 and I'm interested in (1)(b)(3). Do you see the physical
23 address requirement?

24 A Right.

25 Q All right. Now, I know you said you didn't work on

1 the application. When you created this part of the
2 Administrative Code did you believe that the physical address
3 was important for the proposed marijuana establishment?

4 A Yes.

5 Q And tell me why you believed it was important to
6 have a physical address.

7 A Well, you'd have to have a physical address to have
8 local government review.

9 Q Good answer. I looked through your definitions and
10 I don't see the word "locality" defined. Do you know why
11 "locality" was not defined in your definition?

12 MR. SHEVORSKI: Objection. Vague.

13 THE COURT: Overruled.

14 THE WITNESS: You mean with respect to jurisdiction?

15 BY MR. PARKER:

16 Q And see, that's different, and I was going there
17 next. Because some parts of the Code says "locality," others
18 said "jurisdiction." Some they even use it in the same
19 paragraph. So is there a distinction in your mind between
20 locality and jurisdiction? Neither are defined in the
21 Administrative Code.

22 A The locality, I would interpret that to be the local
23 government jurisdiction. So --

24 Q Okay. And what would you consider jurisdiction,
25 then?

1 A I mean, it's the -- it's the local government.

2 Q So you think they're interchangeable?

3 A I don't know if they're interchangeable, but I think

4 of them the same way.

5 Q Okay. So as the creator of the Administrative Code

6 you don't know if there's a difference between jurisdiction

7 and locality?

8 A I think of them as the same way.

9 Q They're the same?

10 A So the local government jurisdiction.

11 Q They're the same to you?

12 A I think of them in the same way, yes.

13 Q All right. So when you created this provision

14 453D.265, in particular (1)(b)(3) you had an idea of why a

15 physical address was important, and I think you just said that

16 a second ago; correct?

17 A Yes.

18 Q And did you notice that the statute also placed an

19 importance on the physical address?

20 A Right.

21 Q Did you also notice that the Ballot placed an

22 importance on the physical address?

23 A Yes.

24 Q So do you have any explanation why the Department of

25 Taxation, after you left, changed the application to remove

1 physical address? Do you have any information on that?

2 A I don't know about that, no.

3 Q All right.

4 A But I --

5 Q If you don't know I'm going to move on. Look at
6 NRS 268 -- it's 453D.268 --

7 THE COURT: NRS, or NAC?

8 MR. PARKER: NAC. I'm sorry, Your Honor.

9 THE COURT: Okay.

10 BY MR. PARKER:

11 Q -- (2)(e). And in this portion -- this provision it
12 says the physical address where the proposed marijuana
13 establishment will be located, as well. Is that correct?

14 A Yes.

15 Q Is this another reinforcement of the importance of
16 the physical address for the purposes of the application?

17 A I think it's discussing each individual application,
18 yes.

19 Q Good. Looking at 453D.268(3), it says, "evidence of
20 the amount of taxes paid." How is that -- why was that added
21 to this provision?

22 A It demonstrates the ability to operate a business,
23 that you've operated a business in compliance, that you
24 followed the rules, that you've contributed to the community
25 so that there can be some analysis of community or economic

1 stability.

2 Q Okay. Let's take those individually. We've learned
3 that one of the applicants and owners had over 30 deficiencies
4 noted. Certainly taxes doesn't equate to compliance, does it?

5 A Regulatory or --

6 Q Yeah. Deficiencies noted by the Marijuana
7 Enforcement Division, over 30, including selling to a minor.
8 So you would agree with me that paying taxes doesn't equate to
9 compliance?

10 MR. KOCH: Objection. Misstates testimony.

11 THE COURT: Overruled.

12 THE WITNESS: I don't know specifically what you're
13 talking about. I just -- I tried to express my understanding
14 and the rationale behind one piece of the puzzle that you can
15 demonstrate an economic stability.

16 BY MR. PARKER:

17 Q Well, you can -- the only thing you can decide or
18 determine from that is that you paid taxes; right? That's it,
19 it's just the amount of money you've paid; isn't that correct?

20 A Right.

21 Q Thank you. It doesn't make you a better operator
22 just because you pay taxes; right?

23 A Well, it demonstrates that you've complied with the
24 provisions, that you've been involved in the community, that
25 you -- and it's just -- it's not just --

1 Q Let me -- we can use our own president. We don't
2 know how much Mr. Trump paid, but I doubt that any of us would
3 equate how much taxes he paid with compliance; right?

4 A Right. Other beneficial financial contributions, I
5 mean, it's -- yeah, I think that -- what I explained -- the
6 rationale behind that is what I would say. I don't know --
7 regulatory compliance, no.

8 Q So if you were a strip club owner and you paid a lot
9 of taxes, does that necessarily mean that you're going to be a
10 good marijuana establishment owner?

11 THE COURT: And you're referring to live
12 entertainment taxes?

13 MR. PARKER: Yes. Sounded a lot cleaner when you
14 said it, Your Honor.

15 BY MR. PARKER:

16 Q That's exactly what I meant, Ms. Contine.

17 A Not necessarily, no.

18 Q Right. The amount of money you pay in taxes does
19 not determine whether or not you're going to be a better
20 marijuana operator, will it?

21 A It's going to demonstrate an economic stability that
22 is an indication of whether you can operate a business.

23 BY MR. PARKER:

24 Q All right. Ms. Contine, we got, you know,
25 interrupted twice now.

1 The amount of money you pay in taxes, if it's not a
2 marijuana establishment, does it really have any relationship
3 to how you operate a marijuana retail establishment?

4 MR. KOCH: Objection. Asked and answered.

5 THE COURT: Overruled.

6 THE WITNESS: I think it's one piece that can go
7 into the analysis.

8 BY MR. PARKER:

9 Q All right. So if you continue to 453D.268(5)(2), it
10 says, "Any previous experience at operating other businesses
11 or nonprofit organizations." Do you see that?

12 A Right.

13 Q Was that your brainchild to include nonprofit
14 organizations, or did someone else come up with that?

15 A I think it might have been a discussion in the
16 working group or maybe somebody -- I don't, I mean, I don't
17 know that I sat down and typed that up. I don't think I did,
18 but I didn't say, oh, we should include nonprofits. I don't
19 recall that I said that, but throughout the process it might
20 have been discussed and it was incorporated.

21 Q And did someone believe working at a thrift store
22 would be helpful to running a marijuana establishment?

23 A I don't think so. I don't know.

24 Q Did you see it in the ballot initiative?

25 A No.

1 Q Did you see it in the statutes?

2 A No.

3 Q So this is something -- a deviation from both
4 created by someone during the working group?

5 MR. KOCH: Objection. Argumentative.

6 THE COURT: Overruled

7 THE WITNESS: I don't think it's necessarily a
8 deviation. I think that -- that specifically is so that a
9 person can demonstrate that they have some experience in
10 running a business or a nonprofit or some level of, again,
11 experience that creates stability. Again, we're going through
12 a process where we're trying to develop ways that people can
13 distinguish themselves because there's ranking. So you have
14 to have some categories in there that gives people opportunity
15 to distinguish themselves, and I think that was the thought
16 behind that provision and some of the others. So --

17 BY MR. PARKER:

18 Q Wouldn't a way of distinguishing yourself as a owner
19 of a medical marijuana establishment is to show that you have
20 fewer deficiencies than someone else, did you run your
21 operation with less compliance issues than the next person?

22 A I think that would be relevant, yes.

23 Q Wouldn't that be relevant to show that you had a
24 spotless four or five years, whereas someone who's had over
25 30 compliance issues, that would be a way of differentiating

1 two operations; right?

2 A Right. I mean, if you were -- you know, you'd have
3 to look at the level of the violations. And what spotless
4 means I'm not sure.

5 Q Right. Well, that means none, zero.

6 A Okay.

7 Q All right. Or even if somebody had five and someone
8 had 35?

9 A Yeah, in that particular category you'd look at
10 that, yes.

11 Q Right. That is a better way of judging how someone
12 will operate a marijuana establishment in the future based
13 upon how many deficiencies they've had in the past; isn't that
14 correct?

15 A And that was a consideration, yes.

16 Q Well, that was taken out of the application; did you
17 know that?

18 A No.

19 Q Yeah, it sure was. Someone thought it was more
20 important to consider nonprofit organizations and your
21 contributions towards those, as opposed to how many
22 deficiencies you may have had over four years. That was not
23 your decision, was it?

24 MR. KOCH: Objection. Misstates the evidence.

25 THE COURT: Overruled.

1 THE WITNESS: I don't think I would have decided to
2 take something out that was in the regulation, but I don't
3 know all the facts behind what you're talking about.

4 BY MR. PARKER:

5 Q Because you know under 453D.272 compliance is an
6 important factor, isn't it?

7 A Yes.

8 Q Isn't that correct, ma'am?

9 A It's in the regulation, and it was part of the
10 ongoing discussions that -- there's a lot of testimony. I
11 think I read some today even where I testified to such.

12 Q That's right. Let me take a look at Exhibit 96,
13 please, so you can see what your successor did in terms of
14 deficiencies. Are you familiar with Nevada Organics?

15 A No.

16 Q You're familiar with Andrew Jolley?

17 A Yes.

18 Q Okay. That's the same -- that's his company, I
19 believe.

20 A Oh. Okay.

21 Q And you can read that to yourself. So this is May
22 2018, approximately four, five months after you left. And Ms.
23 Kara Cronkhite --

24 Do you know her?

25 A Yes.

1 Q She's indicating that an investigation, SOD
2 regarding -- a self-reported event regarding the sell -- or
3 sale of marijuana to a minor be removed. Do you see that?
4 A So -- yes.
5 Q And you would agree with me selling marijuana to a
6 minor is a serious offense?
7 A Yes.
8 Q And you would agree with me that that's something
9 that the initiative said was prohibited?
10 A Yes.
11 Q And in fact it's reinforced in the statute?
12 A Yes.
13 Q And in fact it's a Category 2 violation under the
14 Code; is that correct?
15 A Under the civil penalties you mean?
16 Q Yes, under 905 -- NAC 453D.905; is that correct?
17 A Uh-huh.
18 Q Is that a yes?
19 A I'd have to --
20 Q You keep saying uh-huh, and I keep saying is that a
21 yes.
22 A Sorry. I apologize for that.
23 What did you reference?
24 Q In terms of selling to a minor?
25 A Well, you just said it's in 453D --

1 Q 453D.905.

2 A Okay. In the regulation, then?

3 Q Category 2. And I'll tell you exactly where it is.

4 A Yeah. Okay. I would say that if you're

5 representing that it's in the regulation, yes, I think it's --

6 Q You think it's a serious offense, do you not?

7 A Well, it's a Category 2 violation in the regulation,

8 so yes.

9 Q Yeah. I can show it to you if you want to take a

10 look at that. It's under --

11 A It's on the screen here.

12 Q Yeah. All right. Good. Yeah, it's (3)(b)(7).

13 Well, is it (7)?

14 A Yes.

15 Q Yeah. Somewhere in there.

16 A Oh. Wait. No. I'm sorry. Yeah, it's (b)(7).

17 Q Oh. Okay.

18 A Yeah.

19 THE COURT: Shane had it for us.

20 MR. PARKER: Yeah, I know it's in here.

21 THE COURT: It's on the screen, Mr. Parker. It's in

22 yellow on the screen.

23 BY MR. PARKER:

24 Q Here we go. It's actually under (c). "For failing

25 to verify the age or selling or otherwise providing marijuana

1 to persons less than 21 years of age." Do you see that?

2 A Yes.

3 Q All right. So it's a Category 2(b) violation, to be
4 exact. So that type of violation and deficiencies, that's a
5 way of determining who will be a better operator. Would you
6 agree as you did previously?

7 A It could be considered in that category, yes.

8 Q Isn't that more important, to know how a operator
9 has done over the past several years when considering whether
10 or not to give them a license for recreational, to know they
11 had deficiencies and these types of violations?

12 MR. KOCH: Objection. Argumentative.

13 THE COURT: Overruled.

14 THE WITNESS: I think the regulation anticipates
15 that there would be some review of compliance.

16 BY MR. PARKER:

17 Q Thank you.

18 A In that email -- I'm not saying that -- I don't know
19 for a fact that they didn't get some type of a violation. It
20 looked like there was some other language about applying a
21 different process, like allowing for a plan of correction,
22 which is what comes after the deficiencies. So I don't really
23 know the ins and outs of all of that.

24 Q No worries. So look at NAC 453D.272. This is one
25 of the provisions where I've indicated to you that the word

1 "locality" and "jurisdiction" is used in the same paragraph,
2 and in fact the same sentence. So 453D.272(1). It says,
3 "Within each applicable locality for any applicants which are
4 in a jurisdiction that limits the number of retail marijuana
5 stores." Do you see that?

6 A Yes.

7 Q What was your understanding or meaning behind
8 "locality" and then "jurisdiction" in this provision?

9 A I think that would be the local government locality
10 in the County. So they wouldn't be in the -- they wouldn't be
11 -- well, that's what I understand it to be.

12 Q So that would be Henderson within Clark County?

13 A Yes.

14 Q So there would be no locality you could use to the
15 City of Las Vegas?

16 A The City of Las Vegas is in Clark County.
17 Henderson's in Clark County. Unincorporated Clark County is
18 in Clark County.

19 Q Okay.

20 A North Las Vegas is in Clark County.

21 Q Okay.

22 A I think that's the --

23 Q But aren't they also in separate jurisdictions for
24 purposes of applying for a license?

25 A Well, they're in separate local government

1 jurisdictions, yes.

2 Q Right. Okay. Now, 453D.305, did you prepare or
3 create this regulation?

4 A Yes. I mean, it's part of the process, yes.

5 Q Okay. And under (1) -- I'm sorry, (2)(d) it says --
6 first it says, "A person or entity that wishes to renew a
7 license for a marijuana establishment must annually submit to
8 the Department," and it says (d), "A list and description of
9 each of the following which has not been previously reported
10 to the Department. A conviction of an owner --"

11 Do you see that?

12 A Yes.

13 Q "-- officer or board member." See that?

14 A Yes.

15 Q Now, if the Department required such would, you
16 agree with me that this provision does not limit it to
17 5 percent owners, board members, or officers?

18 A Not in that language, no.

19 Q Right. So if it was required annually to provide
20 that information for all owners, all officers, and all board
21 members, why wouldn't it be required in the initial
22 application process?

23 A I think it would be interpreted that that provision
24 would apply in this case, as well.

25 Q It doesn't say it?

1 A No, it doesn't.

2 Q In fact, the 5 percent is not mentioned anywhere
3 else in chapter 453D; isn't that correct?

4 A I don't know.

5 Q You don't recall seeing it anywhere else?

6 A I don't recall if it -- if you're telling me that it
7 doesn't, at this point in time I don't have any basis to say
8 that you're not telling the truth.

9 Q It also requires you to report -- or requires the
10 licensee to report a civil penalty or judgment entered against
11 an owner, officer, or board member; isn't that correct?

12 A That's what it says, yes.

13 Q Now, let me tell you why I believe that 5 percent
14 makes no sense, okay. Why would you differentiate between a
15 5 percent owner, but require every officer and board member to
16 provide the information? Wouldn't the owner be more important
17 than the officer or board member? Wouldn't you want to know
18 more about the owners than an officer and a board member?

19 MR. KOCH: Objection. Argumentative.

20 THE COURT: Overruled.

21 THE WITNESS: I don't know that it says that.

22 BY MR. PARKER:

23 Q Well, you would agree with me, if we go back to NAC
24 453D.255, it says, "An ownership interest of less than
25 5 percent"; right? It doesn't say a 5 percent or lesser of an

1 officer or lesser of a board member. It does not qualify or
2 -- it doesn't qualify the type of officer or board member;
3 right? Which means all officers and all board members; right?
4 A Yes.
5 Q Right. Wouldn't you agree with me that an owner is
6 the more important person in terms of the hierarchy of a
7 business?
8 MR. KOCH: Objection. Vague.
9 THE COURT: Overruled.
10 THE WITNESS: I don't know.
11 BY MR. PARKER:
12 Q So a board can fire an officer; right?
13 MR. SHEVORSKI: Objection. Vague.
14 THE COURT: Overruled.
15 BY MR. PARKER:
16 Q Isn't that true?
17 A I don't know.
18 Q You don't know? Wait a second. You're an attorney;
19 right?
20 A Yeah. but I --
21 Q You're telling me -- wait a second. Wait. Wait.
22 Wait. Wait. You're an attorney; right?
23 A Yes.
24 Q You had corporate law as a requirement in law
25 school; right?

1 A No.

2 THE COURT: Mr. Parker, we don't need to go through

3 this.

4 MR. PARKER: All right. All right. no worries.

5 THE COURT: I've had lots of lawyers who don't know

6 who can fire who.

7 THE WITNESS: I don't know.

8 BY MR. PARKER:

9 Q If you don't know, that's fine. I will skip it. I

10 just -- I'm surprised.

11 A I don't know that an owner -- I don't know if an

12 owner can -- you're asking me can an owner fire an officer?

13 Q Yes. Can I go -- I own my practice. Can I go in

14 and fire anyone in that office?

15 MR. KOCH: Objection. Need to look at his

16 documents.

17 THE COURT: Very good, Mr. Koch. Sustained.

18 THE WITNESS: Yeah. I mean, I'm guessing that's the

19 point. I don't understand how everybody's structures are set

20 up and that type of thing.

21 BY MR. PARKER:

22 Q Okay. That's fine, Ms. Contine. That is fine. You

23 don't know if an owner can fire an officer. Then that's based

24 on not knowing the organizational setup of a particular

25 company. Is that your position?

1 A Right.

2 Q All right. Good enough. If there's a 100 percent
3 owner with three officers and the owner of this corporation is
4 the president, he has a vice president, he has a treasurer,
5 that's the three officers and one owner, do you believe that
6 that owner could fire the treasurer?

7 A And there's no board or --

8 Q No board. I'm trying to make this simple.

9 A I would think that they could at that point.

10 Q All right. Which would make the owner more
11 important in terms of the running of that operation -- at
12 least the ownership of that operation than the treasurer,
13 right, or any other officer?

14 MR. KOCH: Objection. Vague.

15 THE COURT: Overruled.

16 BY MR. PARKER:

17 Q Isn't that true? This is a simple concept.

18 A I don't know.

19 Q All right.

20 A More important, I don't know how -- I don't know.

21 Q The point is, Ms. Contine, you did not have any
22 restrictions or limitations on checking the background of all
23 officers and board members; right?

24 A Right.

25 Q Which means that every officer and every board

1 member under the regulation had to be checked based upon the
2 regulation; right?

3 A Yes.

4 Q Both at license applications and at renewals; right?

5 A Yes.

6 Q And here, unlike 453D.255, .305 says at renewal
7 there is -- as far as all owners. It doesn't say the
8 5 percent owners; right?

9 A Right.

10 Q Thank you. And if you wanted it to be 5 percent on
11 renewals under the Administrative Code, you could have put it
12 in this section; right?

13 A It could have been in that section, but it could
14 also be interpreted under the other section.

15 Q All right. Good enough. And the same in terms of
16 fingerprinting under .305(3). So if you go to paragraph (3),
17 it says, "Each person who is an owner, officer or board member
18 of a marijuana establishment must complete a set of person's
19 fingerprints and written permission of the person authorizing
20 the Department to forward the fingerprints to the Central
21 Repository for Nevada." Do you see that? 453D.305(3).

22 A Yes.

23 Q Now, if you -- how would you know you're getting all
24 of the owners, officers, and board members if the applicant
25 has not identified all of them, not just those that are

1 5 percent? Because when you're doing a renewal this provision
2 doesn't say 5 percent. So how would you be able to cross-
3 reference if you'd gotten fingerprints for all of the owners
4 if you limited in part for the application to 5 percent or
5 greater but not limited specifically or expressly in the
6 renewals?

7 MS. SHELL: Your Honor, misstates the regulations.

8 THE COURT: Overruled. You can answer.

9 THE WITNESS: Yeah. I don't -- I don't know if
10 that's how it would be applied. I think that there would be a
11 requirement to list everybody whether they had a 5 percent or
12 not.

13 BY MR. PARKER:

14 Q Good enough. And that's what I tried to get to.

15 A But I'm not -- but I've never -- I don't know what
16 the documents look like, and so I'm not --

17 Q That's fine. But you just said you have an
18 obligation to list them all, otherwise you could not know; is
19 that correct?

20 A I don't think you could know.

21 Q Perfect. So even if you did not do a background
22 check of those with less than 5 percent, the only way you
23 could know who the owners were were for them -- for the
24 applicant to list them all?

25 A Right.

1 Q And if they failed to list them all, then they
2 didn't comply with your regulation. I'm not talking about the
3 application. I'm divorcing myself from the application, since
4 you didn't prepare it.

5 A I think there's an expectation that they would
6 provide them all because of the second part of that provision
7 that gives the Department the authority to look at it globally
8 and decide whether they thought there was a need to --

9 Q That's what I thought, too. Thank you so much.

10 Okay. Look at 453D.312. And these are the grounds
11 for denial of issuance or renewal of license, grounds for
12 revocation, and notice or opportunity to correct situation.
13 Do you see that?

14 A Yes.

15 Q Ground (1)(a) says, "The application or the
16 marijuana establishment is not in compliance with any
17 provision of chapter 453D of the NRS."

18 A Uh-huh. Yes.

19 Q So is that an indication that the Administrative
20 Code is deferring to the statute, it would have priority in
21 terms of compliance obligations?

22 A Yeah, if there were -- if they weren't -- you know,
23 if they weren't operating in compliance with the provisions
24 that they operate under, yes.

25 Q Okay. And so if an applicant is not compliant with

1 the statute that says, provide all owners' information, then
2 they're not in compliance with the Code, as well, because the
3 Code defers to the statute; right?

4 MR. KOCH: Objection. Argumentative. Legal
5 conclusion.

6 THE COURT: Overruled.

7 BY MR. PARKER:

8 Q Isn't that correct?

9 A I mean, if you weren't -- if you weren't in
10 compliance and the Department knew, yes, I think that
11 provision would come into play.

12 Q All right. So tell me, and this is kind of getting
13 towards the end now, how do you --

14 MR. PARKER: Don't give me that look.

15 [Unintelligible]

16 BY MR. PARKER:

17 Q How can you reconcile NRS 453D.200, which expressly
18 says, "All -- each prospective owner," and 453D.255 when
19 453D.312 requires you to be compliant with the NRS? Do you
20 understand the question?

21 A Yes. And this has been the ongoing question in the
22 -- again, the regulations were fully vetted, discussed,
23 adopted, gone through the whole process, reviewed for
24 compliance, and based on that authority and also the
25 understanding that the Department was looking at the various

1 balancings, that balancing that had to take place under the
2 initiative, that that would be valid.

3 THE COURT: What do you mean by balancing?

4 THE WITNESS: Well, looking at the requirement to
5 not have -- to not apply the statute as to make it impractical
6 for businesses to operate, to have regulations that were
7 necessary and compliant, looking at protecting the public
8 health and safety, and making sure the regulations did that.
9 So all those factors that went into that.

10 THE COURT: And when you were mentioning the burdens
11 on the industry you're referring to the definition of
12 "unreasonably impracticable"?

13 THE WITNESS: Right.

14 BY MR. PARKER:

15 Q The problem I have with your response, Ms. Contine,
16 is that you speak of the impracticalities on the problems
17 associated from the establishment's point of view. But you
18 started your conversation today and, from what I've read in
19 the notes, you were talking about how difficult it would be
20 for the Department of Taxation to undertake certain things.
21 So I want to make sure we have those separated, okay.

22 A And I think they both go into the analysis.

23 Q But the statute trumps the Administrative Code;
24 right?

25 A I believe that the regulations are valid under the

1 process under 233B that we went through.

2 Q All right. But the regulation defers to the statute
3 under .312, 453D.312, which we just read in the record; right?

4 A Yeah.

5 Q Isn't that correct?

6 A I'm sorry. I don't --

7 MR. KOCH: Objection. Vague.

8 THE WITNESS: I don't know.

9 THE COURT: Overruled.

10 MR. PARKER: Can you put that right back up, Shane,
11 just quick.

12 THE COURT: There it is. It's on the screen, again.

13 BY MR. PARKER:

14 Q 453D.312(1)(a). Yeah. It says, "The application or
15 the marijuana establishment is not in compliance with any
16 provision of Chapter 453D of the NRS." Isn't that correct?

17 A Yes.

18 Q So in terms of compliance of any applicant or
19 licensee the Administrative Code refers back to compliance
20 with the statute; right?

21 A Right. And I -- I mean, I understand what you're
22 getting at, but I believed at that time and I believe now that
23 the regulations were adopted under the statute in that they
24 interpret or carry out the provisions of the statute. And
25 based on that process I believe they're valid. So you would

1 look at that globally.

2 MR. PARKER: No further questions, Your Honor.

3 THE COURT: Okay. Anyone else from the plaintiffs'
4 side wish to ask any questions? Anyone else from the
5 defendants' or the defendants in intervention?

6 Mr. Gutierrez, Mr. Shevorski would like to go before
7 you. He has not had an opportunity.

8 MR. SHEVORSKI: Thank you, Your Honor.

9 THE COURT: And we're breaking in a half hour so the
10 witness can make it to where she needs to be.

11 MR. SHEVORSKI: I only have a few, Your Honor.

12 It won't be like my promise with the Gilbert
13 situation where I got a similar look to -- now I remember his
14 name -- Mr. Parker. And I did confess to him earlier that I
15 blew it.

16 DIRECT EXAMINATION

17 BY MR. SHEVORSKI:

18 Q So I'd like to talk a little bit about -- I believe
19 Mr. Parker, my friend Mr. Parker, who I remember, asked you
20 about the differences between 453A and 453D, and I'm referring
21 to the statute. Do you recall that?

22 A Yes.

23 Q Can you go to 453A.370.

24 THE COURT: And I don't know if that's in the pocket
25 part or the regular part.

1 THE WITNESS: Okay. 453A.370?
2 BY MR. SHEVORSKI:
3 Q .370.
4 A Okay.
5 Q It says, "The Department shall adopt such
6 regulations as it determines to be necessary or advisable to
7 carry out the provisions of NRS 453A.320 to 453A.370,
8 inclusive." Now, if you compare that back to NRS 453D.200,
9 that is a distinction, isn't it?
10 A Yes. The language is different.
11 Q Right. It's broader.
12 A Right.
13 Q It gives the Department broader authority to
14 regulate, doesn't it?
15 A Yes.
16 Q There's a great deal about background checks, and
17 cost, and burden. Let's assume -- let's take our friends the
18 publicly traded companies again. And I believe Mr. Parker,
19 and I accept his -- that it's -- there's a one-time
20 nonrefundable \$5,000 fee.
21 A Okay.
22 Q And some of that money was going to be used to cover
23 background checks, or the Department could -- let's say the
24 Department could charge a fee. Now I want you to assume a
25 hypothetical, that there's a publicly traded corporation with

1 a daily volume of trade shares or a willing buyer to a willing
2 seller and that is traded 500,000 times a day. You with me?

3 A Yes.

4 Q Do you have an estimate of how much that's going to
5 cost to run, to do a background check?

6 A No.

7 Q Every single day?

8 A No.

9 Q Every single time that share changes hand?

10 A Right. No. I don't know how that would be
11 estimated.

12 Q Who's going to bear the burden of that -- of that
13 cost? It could either be the applicant, or it can be the
14 Department. Can the Department afford to absorb that cost
15 itself every single day?

16 A Well, you know, the money is the one thing, but it's
17 also the time and how long that could take and the things that
18 are outside of the control of the Department when it came to
19 that. And it would basically -- how I would see it playing
20 out, it would basically shut down the ability to operate.

21 Q Let's start with -- before we get to effort
22 externalities is how I'll call them, and a nod to my friend
23 the economist, Mr. Bhirud, let's talk about the money first.

24 Could the Department afford to absorb the cost of
25 running itself 500,000 background checks a day?

1 A No. I mean, they'd have to get budgetary authority.
2 And that's a process. There wouldn't be enough money to do
3 it.

4 Q What about the manpower, the -- setting aside the
5 money, what about the administrative cost to run those
6 background checks?

7 A That's kind of what I was talking about. I was
8 talking about it globally. I just -- I don't know how
9 administratively you do that.

10 Q And my friend Mr. Kemp mentioned that the Department
11 could have chose a less burdensome background check than going
12 to the Central Repository and then to the FBI. Do you
13 remember that?

14 A Oh, yes.

15 Q Okay. What was the process that the voters gave to
16 the Department in 453D.205(1)? It says --

17 A Yeah. It says to -- "the Department to forward the
18 fingerprints to the Central Repository for Nevada Records of
19 Criminal History for submission to the FBI."

20 Q Submission to the FBI.

21 THE COURT: That's not exactly what it says, is it,
22 ma'am? It says, "When conducting a background check pursuant
23 to --"

24 THE WITNESS: Right.

25 THE COURT: "-- subsection of NRS 453D.200 the

1 Department may require each prospective owner, officer and
2 board member of a marijuana establishment license applicant to
3 submit a complete set of fingerprints and written permission
4 authorizing" it to go to a central repository.

5 MR. SHEVORSKI: That's right.

6 THE WITNESS: Yes. That's right.

7 BY MR. SHEVORSKI:

8 Q It may.

9 A Right.

10 Q The voters gave that choice to the Department, did
11 they not?

12 A Yes.

13 Q Can the Department in terms of how long it takes the
14 Federal Bureau of Investigation -- can it tell the FBI how
15 long to take to do its job?

16 A No.

17 Q And the voters -- the voters put that in there, you
18 would presume to know -- they would know that the State of
19 Nevada cannot tell the FBI how long it takes to do a
20 background check and do its report.

21 A I would think that they would know that they're
22 different, different branches of government, different levels
23 of government.

24 Q Was there a time period for these applications to be
25 submitted and scored?

1 A Yes; 90 days is when the Department had to issue the
2 -- under the initiative.

3 Q And the Department can't control how long the FBI is
4 going to take to do those background checks, can they?

5 A No.

6 Q So you would have to come up with some
7 interpretation to effectuate the voters' intent; correct?

8 A Yes.

9 Q There was a lot of talk about public safety and
10 owners being more important. But owners of public
11 corporations, if there are -- for example, I'll represent to
12 you that there happens to be a company called Microsoft with
13 over a billion shares outstanding, and there's a person out
14 there who owns one share and that person has a felony
15 conviction. Does that person pose any threat to public safety
16 if Microsoft becomes an owner of a licensee?

17 A I don't think so.

18 Q My friend Mr. Kemp put up before the -- he said
19 there was a cut and paste between various provisions of
20 NAC 453A and NAC 453D with respect to background checks. Do
21 you recall that?

22 A Yes.

23 Q Is that a fair representation of how the regulatory
24 process works in Nevada?

25 A Well, generally you don't start from nowhere. You

1 have some type of -- either some type of outside -- so when we
2 implemented the commerce tax we looked at other states that
3 have revenue taxes, we looked at how they regulated and
4 borrowed that. So you usually are not starting from a blank
5 screen per se, you're kind of pulling stuff together and then
6 having it go through the process for the discussion, at the
7 workshop, and then to the -- to review, and then to adoption.

8 Q My friend Mr. Miller mentioned the Cole memo and the
9 importance to Nevada of keeping undesirable persons out of the
10 marijuana industry. He mentioned, you know, people who might
11 have ill intent. And the Cole memo, if I recall correctly,
12 mentions suspicious activity reports that the Judge, I'm sure,
13 is well aware of.

14 If a member of the Sinaloa Cartel purchases a share
15 of a Canadian publicly traded corporation and it's under
16 \$5,000 and that financial institution actually knows it's the
17 Sinaloa Cartel, do you know if under federal law that
18 financial institution has any obligation to report that as a
19 suspicious activity report?

20 A I think they would, yes. It's like -- I think
21 there's some various components, and know your client is kind
22 of one of them, so they would -- if they knew that, they would
23 have to report it, I believe.

24 Q Would it surprise you to learn that they don't?

25 A That financial institutions don't?

1 Q Because there is a monetary limit, and it only
2 applies to transactions over \$5,000.

3 A Oh. Yeah. Okay.

4 MR. SHEVORSKI: No further questions, Your Honor.

5 THE COURT: Thank you.

6 Mr. Gutierrez.

7 MR. GUTIERREZ: Thank you, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. GUTIERREZ:

10 Q I'll be brief, Ms. Continue. You've been here for a
11 while.

12 A Thank you.

13 Q We talked about this, and I just want to be clear,
14 the regulations that you worked on, they went through
15 Legislative Council Bureau; correct?

16 A Correct.

17 Q They went through the Tax Commission; correct?

18 A Right.

19 Q You had multiple public workshops; correct?

20 A Yes.

21 Q You had a lot of input from the Governor's Task
22 Force, including some of the plaintiffs, like Mr. Ritter, who
23 had input on the 5 percent requirement; correct?

24 A Yes.

25 Q And then they were ultimately adopted; is that fair?

1 A Yes.

2 Q And in your opinion did the regulations follow the
3 recommendations of the Task Force and all the input that you
4 received?

5 A Yes.

6 Q And did the regulations follow the ballot
7 initiative?

8 A Yes.

9 Q And the statute NRS 453D?

10 A Yes.

11 MR. GUTIERREZ: Okay. No further questions.

12 THE COURT: Anybody else have any more questions?
13 She has a meeting, and we're going to let her go.

14 MR. KOCH: I have a couple.

15 THE COURT: Mr. Koch.

16 REDIRECT EXAMINATION

17 BY MR.KOCH:

18 Q Ms. Contine, you have been asked a lot of questions
19 about your post-Department activities, and you referenced you
20 had helped a company with an application; is that right?

21 A Yes.

22 Q And that was WSCC?

23 A SCC, yeah.

24 Q Okay. And in fact you're actually listed as an
25 officer of the WSCC when you quit the Department; is that

1 right?

2 A Yes.

3 Q And WSCC, did it get any license granted as part of
4 this application process?

5 A No.

6 Q WSCC got no licenses?

7 A No licenses.

8 Q The companies that Mr. Miller asked you about,
9 Tryke, TGIG, that made campaign donations, any of those
10 companies get licenses that you're aware of?

11 A I don't think so. Because they're part of the
12 litigation, so I'm assuming they did not.

13 Q Right. Now, Mr. Ritter, you talked about you may
14 have gone to lunch with him or met with him one time -- from
15 time to time.

16 A Dinner.

17 Q Do you know if his companies got any licenses?

18 A I don't think so. I don't -- I don't.

19 Q So even the fact that you're an officer of a
20 company, you may have helped them with the application, there
21 was no undue influence or partiality given because of the fact
22 that you are an officer of WSCC, was there?

23 A No.

24 Q Were you aware of any partiality with respect to the
25 scoring and ranking process that you observed or learned about

1 at any point in time?

2 A No.

3 Q With respect to the provisions in the drafting of
4 the regulations did anyone in any of these meetings say, look,
5 I know what the Initiative says, but we're going to do
6 something completely different?

7 A No. Along the way we were attempting to make
8 regulations that implemented the initiative reasonably and
9 without undue burden, but still protecting public health and
10 safety.

11 Q And --

12 A And we thought we were doing that.

13 Q There was some talk about the Colorado and its
14 regulatory legal structure with respect to public companies,
15 and Mr. Miller, I think, read you part of the governor's veto.
16 Have you heard that in recent weeks Colorado's actually
17 adopted a statute that provides for disclosure of 10 percent
18 ownership in a publicly traded company that's part of a
19 marijuana establishment?

20 A I haven't heard that, no.

21 Q Would it surprise you if Colorado in fact determined
22 that 10 percent was a reasonable threshold for disclosure of
23 ownership of publicly traded companies?

24 A No.

25 Q Is -- the threshold for ownership, is that something

1 in your experience that is unique to marijuana establishments
2 or regulation?

3 A I think there's -- no. There's other licensing,
4 liquor and other things like that where there's ownership
5 that's required to be presented.

6 Q And in fact in the medical marijuana regulation
7 NAC 453A contained a 5 percent threshold already --

8 A Right.

9 Q -- starting in 2014; is that right?

10 A Yes, I think so. I'm not 100 percent sure when
11 things changed in 453A, but --

12 Q Okay. Well, I did -- looking at it yesterday I
13 think we established that a regulation under 453A NAC provided
14 the one that I think Mr. Parker showed you earlier, that was
15 -- maybe I'm getting them confused, showed it to you, somebody
16 showed it to you, and that was actually regulated and adopted
17 2014 and that had the 5 percent threshold; is that right?

18 A (No audible response)

19 Q Yes?

20 A Okay. I believed that that was what is reflected in
21 the documents, yes.

22 Q There's some questions about scoring errors, and Mr.
23 Kemp asked if there's a 20-point error someplace might you do
24 something about that. If you found out that there was a
25 20-point math error for one of the entities that filed an

1 application, would you have gone in and said, hey, we're
2 throwing out the whole process because of this math error?
3 What would you have potentially done?

4 A I mean, I'd like to think I would have looked at it,
5 you know, looked at the issue, tried to confirm if something
6 had happened, and then work on a problem related to that one
7 entity, not disrupting the whole -- you know, working on
8 solving the problem that was related to that one entity.

9 Q And Mr. Parker asked you about this compliance
10 issues. Are you aware of anyone in the industry who did not
11 have a single deficiency on their record?

12 A I don't know. I don't know the number of
13 deficiencies.

14 Q That wasn't your --

15 A You know, it's been communicated that deficiencies
16 are handed out pretty liberally, at least under the medical
17 and as we transition into recs. So I don't -- I don't know.

18 Q Last, with respect to background checks. An
19 applicant -- the background checks that are called for under
20 the statute, those could be conducted after an application was
21 submitted; correct?

22 A Right.

23 Q For example, a conditional license -- with the
24 timing of that conditional license there's some things that
25 have to happen before that license is finalized; is that

1 right?

2 A That's right.

3 Q And a background check if -- let's suppose an
4 applicant submits their application and then a month later
5 somebody comes in, buys 25 percent of the company, would you
6 anticipate running a background check on that new 25 percent
7 owner?

8 A So in the process?

9 Q So there -- let's say right now my client has
10 received a conditional license, somebody else comes in and
11 buys a portion of that company in the meantime. Would you
12 still run a background check on that new owner that came in
13 after the fact?

14 A So that transfer of ownership couldn't occur until
15 there was compliance with the other regulations that deal with
16 transfer of ownership. So that would be dealt with in that
17 process. I don't know the timing and how it would all work
18 together, but you would have to notify of a transfer of
19 ownership.

20 Q Right. And so any owner, whether they purchased
21 before or purchased after, a background check would have to be
22 run on those individuals; is that right?

23 A Right. At the 25 percent you're talking about, yes.

24 Q And you're aware the regulations would allow the
25 Department to check the background of any owner irrespective

1 of the 5 percent threshold; is that right?

2 A Yes.

3 Q And so if the Department has reason to check into
4 that background, they'll do it?

5 A I would -- they would have the authority to do it,
6 yes.

7 Q There's also -- are you aware that there's an
8 attestation form that each individual owner, officer, or board
9 member was required to submit as part of the application?

10 A Right.

11 Q And part of that attestation stated specifically
12 that they have not been convicted of an excludable felony; is
13 that right?

14 A Correct.

15 Q May or may not be true. You've got to have some
16 trust in that attestation form, otherwise, why even have it,
17 though; right?

18 A Right.

19 Q Okay. Thank you.

20 THE COURT: Anybody else have any more questions for
21 her before I let her leave to go to her meeting?

22 And thank you very much for your time. We
23 appreciate it. Sorry you had to come back today.

24 THE WITNESS: Thank you. That's okay.

25 THE COURT: Good luck.

1 THE WITNESS: Thank you.

2 THE COURT: And thank you for making the computer
3 systems for the State run smoothly.

4 All right. Guys, what's our plan for Monday, 10:00
5 o'clock?

6 MR. KEMP: They've given us five witness, I think.
7 So we're going to try and get them all here on Monday.

8 MR. KOCH: 10:00 o'clock starting with Mr.
9 Groesbeck?

10 MR. KEMP: Well, depending on whose schedule is
11 what.

12 THE COURT: We're starting at 10:00 o'clock with a
13 bunch of representatives from different plaintiffs. Do you
14 anticipate getting through all of those witnesses on Monday?

15 MR. KEMP: Well, Mr. Koch --

16 MR. KOCH: I anticipate it.

17 MR. KEMP: Mr. Koch said yesterday Mr. Groesbeck was
18 20 to 30 minutes.

19 MR. KOCH: Just like Teddy's 20 to 30.

20 THE COURT: My eye roll did not make the record.
21 But Teddy can't do anything in 20 to 30 minutes.

22 MR. KEMP: Seriously, Your Honor, that is important,
23 because I've told Mr. Koch already that Mr. Groesbeck has to
24 be somewhere afterwards. So if he's telling me now that he
25 thinks it's going to be a lot more than 20 or 30 minutes --

1 MR. KOCH: I don't think it's going to be a lot
2 more. The plaintiffs, I don't know what they're going to ask.
3 I don't know. My examination is going to be quick.

4 THE COURT: Okay. So we'll take Mr. Groesbeck first
5 if he's here. How's that?

6 MR. KEMP: The's fine, Your Honor.

7 THE COURT: Otherwise, we'll do somebody else first,
8 and he'll have to wait.

9 MR. KEMP: If not, we'll have someone else here.

10 THE COURT: So what I'm trying to say, Mr. Kemp, is
11 if he wants to be out of here, the only way he's going to have
12 control is if he's first.

13 MR. KEMP: I have told him that.

14 THE COURT: Okay. So we will take him first when he
15 gets here. Then Tuesday I understand some people cannot come
16 because they have other obligations.

17 MR. SHEVORSKI: And Wednesday, Your Honor.

18 THE COURT: And Wednesday.

19 MR. PARKER: And Thursday, and Friday. So I'm
20 hoping we're done on Monday, Your Honor.

21 THE COURT: When are we going to do closing
22 arguments?

23 MR. PARKER: I can do Thursday morning. I have a
24 board meeting in the afternoon. I can do Thursday morning.

25 THE COURT: How long do you need for closing

1 arguments?

2 MR. KEMP: I would say about two hours.

3 MR. PARKER: I can do it tomorrow. I mean, I can do

4 Tuesday and Wednesday, and Thursday morning.

5 MR. KEMP: Judge, I'd like to finish the testimony

6 Monday first, before we --

7 MR. KOCH: Right.

8 MR. KEMP: Because, you know, we've joked about 20

9 or 30 minutes apiece turns into a little bit longer. So --

10 THE COURT: I am aware of that, Mr. Kemp. That's

11 why I'm trying to plan. That's why I told you guys I had all

12 week next week, except Tuesday afternoon.

13 MR. KOCH: Thursday, I don't know that Thursday

14 morning's --

15 MR. PARKER: I can do Thursday morning.

16 THE COURT: I can do Thursday morning.

17 MR. PARKER: I don't think I'm going to take very

18 long. The Court knows the case.

19 MR. BHIRUD: Could we go all day Thursday? Teddy's

20 got the morning, but everybody else is here.

21 You will need to be here?

22 MR. PARKER: I'd like to be here.

23 Well, is it going to take that long for us to sum

24 this case up?

25 MR. BHIRUD: I mean, you're not going to be

1 objecting or anything.

2 MR. KEMP: Judge, Mr. Rulis reminded me we have the
3 MSJ set for the 22nd.

4 THE COURT: Yeah. This is a preliminary injunction
5 hearing.

6 (Colloquy among counsel)

7 THE COURT: Guys, just tell me when you want me to
8 listen to your closing arguments.

9 MR. PARKER: Could we do the following week, Your
10 Honor? I mean, all of our witnesses will be done.

11 MR. CRISTALLI: Well, I don't know if Mr. Gentile's
12 going to be here the following week.

13 THE COURT: The following week, which is the week of
14 July 22nd, I have some time available that week, not as much
15 as next week.

16 MR. GENTILE: Can we have until Monday to decide, or
17 do you need to hook it up now?

18 THE COURT: No, I don't. I've been putting people
19 off, and I will put them off some more.

20 MR. GENTILE: I'll do what you guys want to do.

21 THE COURT: Are we done? Have a lovely weekend.
22 Enjoy spending time with your families and relaxing. And I
23 will see you all Monday at 10:00 o'clock.

24 (Court recessed at 2:37 p.m., until the following
25 Monday, July 15, 2019, at 10:00 a.m.)

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| <u>NAME</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
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DEFENDANTS' WITNESSES

| | | | | |
|----------------|-----|---------|---------|--|
| Deonne Contine | 157 | 3/59/97 | 164/165 | |
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EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
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PLAINTIFFS' EXHIBIT NO.

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| 133, 134 | 34 |
| 236 | 90 |

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DEFENDANTS' EXHIBIT NO.

NONE ADMITTED

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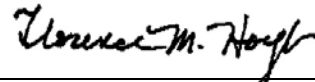
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

7/14/19

DATE

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 35 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAR HANDS AGAINST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |

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| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 342 | BENCH TRIAL - DAY 19 | 327 thru 328 | 8/17/2020 | 045940-046223 |

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| 343 | BENCH TRIAL - DAY 20 | 329 | 8/18/2020 | 046224-046355 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 354 | BENCH TRIAL - PHASE 1 | 332 | 9/8/2020 | 046667-046776 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |

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| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 365 | CLARK NATURAL MEDICINAL SOLUTIONS LLC, NYE NATURAL MEDICINAL SOLUTIONS LLC CLARK NMSD LLC AND INYO FINE CANNABIS DISPENSARY L.L.C.'S JOINDER TO NEVADA WELLNESS CENTER'S MOTION TO AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046932-046933 |

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| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |
| 367 | CIRCLE S FARMS LLC'S JOINDER TO OPPOSITIONS TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 10/1/2020 | 046941-046943 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
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| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
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| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
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| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
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| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

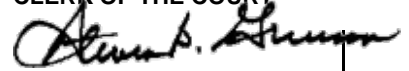
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
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| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
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| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
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DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**EVIDENTIARY HEARING - DAY 13
VOLUME II**

THURSDAY, JULY 11, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL CRISTALLI, ESQ.
ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
NATHANIEL RULIS, ESQ.
MAXIMILIEN FETAZ, ESQ.
MAHOGANY TURFLEY, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
BRIGID HIGGINS, ESQ.
ERIC HONE, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
JOSEPH GUTIERREZ, ESQ.

1 LAS VEGAS, NEVADA, THURSDAY, JULY 11, 2019, 2:09 P.M.

2 (Court was called to order)

3 UNKNOWN: Your Honor, too, we want to take care of
4 it. We do have that motion to seal our Exhibit F. We have
5 the documents that we think should --

6 THE COURT: Let's wait a second. Let me get through
7 what I've got on my mind first. I'm looking for plaintiffs'
8 lawyers. I've got a Mr. Kemp. That's pretty close.

9 UNKNOWN: Some are coming. I haven't seen Dominic.

10 THE COURT: I don't need Dominic. I need one person
11 from his office, any one of them.

12 Thank you, Ms. Haar.

13 MR. KEMP: Judge, they went over their -- Judge, I
14 know Mr. Cristalli --

15 THE COURT: Mr. Cristalli is walking in right now.

16 Thank you, Mr. Rulis. You're very fine at your
17 fashion advice.

18 All right. So my trial for next week settled. So
19 how many more days you guys need?

20 MR. KOCH: Five.

21 MR. KEMP: Judge, we were going to rest as soon as
22 we came back. And I've talked to Mr. Parker, and we just want
23 to formally rest the plaintiffs' case.

24 THE COURT: I've got to finish this -- oh. Before
25 this witness finishes?

1 MR. KEMP: Yeah.

2 THE COURT: Okay. That's fine.

3 MR. KEMP: Because we thought --

4 THE COURT: Wait. So I'm looking at this side of
5 the room. How many more days do you guys need?

6 MR. KOCH: The only witness that I have is Mr.
7 Groesbeck, and we've had discussions. He's potentially going
8 to be here tomorrow, but Mr. Kemp says maybe not. Tomorrow
9 I'll know. But he's a relatively brief witness. I don't know
10 if the State has --

11 THE COURT: Other than finishing Ms. Contine and
12 getting Mr. Groesbeck, what else?

13 MR. GUTIERREZ: Your Honor, we would -- on behalf of
14 Essence and Thrive we want to call at least five or six of the
15 plaintiffs' principals.

16 THE COURT: You can call anybody you want. I'm
17 trying to figure --

18 MR. GUTIERREZ: It's more coordination, Your Honor.
19 We've been coordinating with counsel, so if you have
20 availability next week we can just make sure by tonight --

21 THE COURT: Well, that's what I'm trying to do right
22 now.

23 MR. GUTIERREZ: What's the availability next week?
24 Is it every day?

25 THE COURT: It's like Monday through Friday.

1 MR. GUTIERREZ: Perfect. Okay.

2 THE COURT: I just made a doctor's appointment for
3 Tuesday afternoon, though, because I didn't have Mental Health
4 Court. So I took the time to make a doctor's appointment. So
5 other than that, I'm at your disposal. I don't know if I have
6 a settlement conference on Monday. Hold on. Let's see. I
7 don't have a settlement conference on Monday, so I can start
8 as early as 10:30. The question, though, is do you have
9 witnesses that you would like to call?

10 MR. KOCH: Tomorrow -- if Mr. Groesbeck is not
11 available tomorrow, I'd like to call him on Monday. Is he
12 available Monday?

13 MR. KEMP: I'd have to check with him, Your Honor.
14 I'd kind of like to know why all of a sudden we're -- as of
15 yesterday we were hoping to try to get done tomorrow, and last
16 night they substituted --

17 THE COURT: Nobody told me that.

18 MR. KEMP: Judge, I've been trying to get this thing
19 done for two weeks, okay. So, Judge, last night is the first
20 we hear all of a sudden they want four more plaintiffs. I
21 just don't understand why they think they need --

22 THE COURT: Mr. Kemp, it's okay. As I think you've
23 recognized, no discovery occurred in this case prior to us
24 starting this hearing. As a result of no discovery happening
25 in this case, I have certainly allowed everybody in the room

1 enough rope to hang themselves or call the witnesses that they
2 want to. If people want to call some more witnesses, I'm
3 going to let them call them so that we have a full and
4 complete record given the lack of discovery that was done
5 prior to this hearing starting.

6 Now I'm just trying to figure out what to do,
7 because I want to finish up next week.

8 MR. KOCH: And I think the witnesses that are
9 potentially going to be called will be relatively brief. Mr.
10 Groesbeck, for example, my questioning of him would be done in
11 20, 25 minutes --

12 THE COURT: Great.

13 MR. KOCH: -- whatever additional -- I think all the
14 witnesses would be of that type --

15 MR. GUTIERREZ: That's correct, Your Honor. Every
16 witness we would propose is 20 or 30 minutes.

17 MR. KOCH: -- if they're all available.

18 MR. GUTIERREZ: Just it's availability.

19 THE COURT: All right. So --

20 MR. KOCH: We could get them -- frankly, we could
21 get them done today, but, you know, I'm not counting on that.

22 MR. KEMP: Judge, can we at least see why we're
23 calling these witnesses while we've got time.

24 THE COURT: Hold on a second. So has anyone heard
25 from Mr. Gentile?

1 MR. CRISTALLI: Yeah. Your Honor, Mr. Miller and
2 myself were up there. He looks like he's completing his
3 testimony now. He should be back I would imagine very
4 shortly.

5 THE COURT: Okay. So we've got a half hour.

6 MR. CRISTALLI: Next week is a little concerning,
7 but he did -- I think Mr. Gentile -- listen, we could continue
8 to go forward without his presence with the witnesses that are
9 remaining. That's not an issue. But I think he really wants
10 to be present, so he may vacate his travel plans. So I don't
11 want to speak on his behalf. I'm just anticipating that he
12 will say that.

13 THE COURT: I'll listen to it if he says it.

14 MR. CRISTALLI: Yeah.

15 THE COURT: So we had Mr. Groesbeck?

16 MR. KOCH: Right.

17 THE COURT: Who else?

18 MR. GUTIERREZ: Frank Hawkins.

19 THE COURT: Okay.

20 MR. GUTIERREZ: Brett Scolari from Tryke, one of the
21 plaintiffs; John Matos from ETW; Jesse McCrea, one of the
22 plaintiffs; and Riana Durrett, who's part of the NDA, but
23 she's out of the country, Your Honor.

24 THE COURT: So other than Mr. Groesbeck can you tell
25 me, because Mr. Kemp requested it, the purpose for which you

1 intend to call each of those witnesses.

2 MR. GUTIERREZ: Absolutely. We're talking about
3 irreparable harm. We have to talk to the plaintiffs about
4 their -- what they've done, what they're doing to buy
5 licenses, which we think goes directly against the irreparable
6 harm problem. We also want to talk about some of their
7 applications. We also want to talk about some of the things
8 that they've done and told our clients when it comes to the
9 application process. So, you know, it's not going to take
10 long, Your Honor. At least estimated 30 minutes each one.
11 It's just about scheduling and getting them in. Once we do
12 that I think we'll be fine.

13 THE COURT: Okay. All right.

14 MR. CRISTALLI: If I could just inquire, then, Mr.
15 Gutierrez. I think that also Damon Hernandez is on the
16 witness list. And then there were two yesterday, that was
17 Chad Christensen and Shawn Luz [phonetic] and Ben Sillitoe.
18 So are -- 'cause you just mentioned Brett. Are you intending
19 to call all of those additional witnesses, as well?

20 MR. GUTIERREZ: My intent is to call at least
21 somebody from the plaintiffs' side. We'll talk with you about
22 that. But, like I said, each one, Your Honor, wouldn't be
23 more than 20 minutes, 30 minutes.

24 THE COURT: If I can get them in the room.

25 MR. CRISTALLI: And what about Hernandez?

1 MR. SHEVORSKI: The State is not calling Mr.
2 Hernandez.

3 MR. CRISTALLI: Yes, but he's also on --

4 MR. GUTIERREZ: We're not calling Mr. Hernandez,
5 either.

6 MR. CRISTALLI: Okay.

7 MR. SHEVORSKI: I'm sorry.

8 THE COURT: You're just down to plaintiff party
9 representatives at this point from the defendants in
10 intervention. Okay.

11 MR. GUTIERREZ: That's correct. With the exception
12 of Riana Durrett, who's part of the NDA. But that's -- the
13 rest will be plaintiff party witnesses, Your Honor.

14 THE COURT: Okay. All right. Thanks.

15 Now I'm going to go to Mr. Kemp. Mr. Kemp, you
16 wanted to tell me something.

17 MR. KEMP: I have eight, which is Groesbeck,
18 Scolari, Hawkins, Matso, Riana Durrett, Christensen, Losee,
19 and Hilltop.

20 THE COURT: No reason I can't finish that in four
21 and a half days?

22 MR. KEMP: I would think not, Your Honor, especially
23 if they're promising in Mr. Koch's case 20 or 25 minutes and
24 Mr. Gutierrez's case 20 to 30 minutes. So I would think you
25 could get done in four days.

1 But getting back to what we started with, we would
2 rest our case.

3 THE COURT: Okay. Does that include all of the
4 plaintiff parties that have participated in the preliminary
5 injunction hearing?

6 MR. GENTILE: I just heard Mr. Gutierrez say
7 something that tells me that I can use my expert in rebuttal.
8 Let me lay it out for you. If he's going to go into in his
9 case in chief the concept of irreparable harm and he intends
10 to do it through these four, then I have retained a gentleman
11 from Colorado who is an expert in the evaluation of cannabis
12 businesses.

13 THE COURT: Okay.

14 MR. GENTILE: So I'll call him in rebuttal.

15 THE COURT: Then you would have a rebuttal witness.
16 It's okay. But I'm only on case in chief. All of the
17 plaintiff parties who've been participating in our preliminary
18 injunction hearing, all of you agree to rest at this point for
19 purposes of this hearing?

20 Max -- I'm sorry. Mr. Fetaz.

21 MR. FETAZ: On behalf of ETW plaintiffs, yes, we
22 rest.

23 THE COURT: Mr. Gentile?

24 MR. GENTILE: We rest.

25 THE COURT: Mr. Kemp, you already rested.

1 MS. TURFLEY: We rest.

2 THE COURT: Okay. So the plaintiffs' group has
3 rested with the understanding that, depending upon what you
4 guys put on in your case in chief, they may have a rebuttal
5 witness. So are we ready to continue with our current
6 witness?

7 MR. GUTIERREZ: Yes, Your Honor.

8 THE COURT: Can you all, and those are you all
9 sitting at the plaintiffs' table, check with your respective
10 clients about their availability for next week. I understand
11 that Mr. Gentile may have some travel challenges, but --

12 MR. GENTILE: I'm going to forgo it. This is far
13 more important.

14 MS. TURFLEY: I can represent Mr. Parker does have
15 his board meeting on Thursday.

16 THE COURT: We'll let him get to his board meeting.
17 I've broken for board meetings for Mr. Parker before.

18 DEONNE CONTINE, DEFENDANTS' WITNESS, PREVIOUSLY SWORN

19 Ms. Contine, are you ready? You're still under
20 oath.

21 THE WITNESS: Yes. Okay.

22 MR. CRISTALLI: And, Your Honor, before we start
23 with Ms. Contine, I didn't address this prior to her beginning
24 her testimony, but -- and I did speak to Mr. Gutierrez with
25 regard to this issue prior to the testimony starting -- Ms.

1 Contine, after her employment with the Department I believe
2 went into private practice for a period of time with Kaempfer
3 Crowell, and during that period of time, it was March of 2018,
4 represented the interests of Nevada Pure, Shango. And so we
5 talked about some concern that may exist with regard to
6 privileged communications and potential conflict as it relates
7 to her representation of that company during that period of
8 time. We haven't gotten there yet. I don't know whether or
9 not we will or not, but I wanted to make the Court aware of
10 it.

11 THE COURT: I am sure she will respect the attorney-
12 client privilege and any communications she had with the
13 client. It's one of the problems with litigating in the State
14 of Nevada. Some of you may have read a report from
15 Massachusetts. They don't understand that when you're in a
16 state as small as Nevada it is impossible to avoid having
17 relationships with people.

18 MR. CRISTALLI: Yes, Your Honor.

19 THE COURT: Okay. Anything else? Now you may
20 continue.

21 MR. GUTIERREZ: Thank you, Your Honor.

22 DIRECT EXAMINATION (Continued)

23 BY MR. GUTIERREZ:

24 Q Ms. Contine, when we left we were talking about the
25 final report of the Governor's Task Force. Do you have that

1 still in front of you?

2 A Yes.

3 Q Okay. And I want you to turn -- if you can, turn to
4 page 19.

5 THE CLERK: I'm sorry, Mr. Gutierrez. Is this
6 Exhibit 2009?

7 MR. GUTIERREZ: Yes. I'm sorry. It's 2009, which
8 was previously admitted.

9 THE CLERK: Thank you.

10 MR. GUTIERREZ: Thank you.

11 BY MR. GUTIERREZ:

12 Q And are you there, Ms. Contine, on page 19?

13 A Yes.

14 Q Okay. And the first paragraph talks about
15 application and licensing requirements, and there's several
16 recommendations. And one of the recommendations is about the
17 impact of ownership interest below 5 percent and the most
18 effective way of issuing agent cards. Do you recall having
19 discussions with the Governor's Task Force about ownership
20 interest less than 5 percent?

21 A Yes.

22 Q Okay. Can you tell us about those discussions.

23 A So there were several discussions along the way in
24 various processes about the difficulty that the industry had
25 faced in the medical program in obtaining -- and essentially

1 the burden that it was to actually get anything done through
2 the process when they had to get a signature or a background
3 check from somebody that maybe was a -- had like a, you know,
4 half a percent interest or something like that and lived in
5 Ohio. And so that was an ongoing discussion with the industry
6 about making that process a little bit less burdensome.

7 Q So the concern when discussing background checks of
8 owners less than 5 percent was to make sure it wasn't
9 burdensome on the industry; is that fair to say?

10 A Right. And it was their request. And our -- the
11 Department's, you know, the State's interest was kind of
12 looking at the overall purpose of the regulations and, you
13 know, protecting public health and safety and kind of coming
14 to this conclusion that there could be some give on that,
15 because if you have a really small interest in a company,
16 you're not going to be able to dictate actions that may lead
17 to black market sales or things like that. So it was kind of
18 a balance between, again, as I spoke of before, like balancing
19 that public health and safety in the interest of the industry
20 and the interest of the State in trying to come up with
21 something that the State could work with and that the industry
22 could also work with.

23 Q And when you were having those discussions was --
24 did the Department and the Task Force look at the ballot
25 initiative and NRS 453D to make sure that was in compliance?

1 A Yes.

2 MR. GUTIERREZ: Okay. And if we can, turn to,
3 Brian, NRS 453D.

4 Judge, do you mind if I hand her the --

5 THE COURT: You may. Sure. It's right there.

6 THE WITNESS: Okay.

7 (Pause in the proceedings)

8 BY MR. GUTIERREZ:

9 Q Ms. Contine, are you at -- can you turn to NRS
10 453D.200.

11 A Okay.

12 Q And you've seen this and read the statute before;
13 correct?

14 A Yes.

15 Q Okay. Now. the statute says. "The department shall
16 adopt all regulations necessary or convenient to carry out the
17 provisions of this chapter." We discussed already what you
18 stated was your interpretation of necessary or convenient; is
19 that correct?

20 A Correct.

21 Q But the next sentence, tell me what you -- what your
22 position is on the next sentence that says, "The regulations
23 must not prohibit the operation of a marijuana establishment
24 either expressly or through the regulations that make their
25 operation unreasonably impracticable."

1 A And that's kind of in line with what I discussed
2 earlier, which is -- well, I think the -- I'm making an
3 assumption, but I think that I've even had discussions with
4 maybe some of the drafters is that the fear that going forward
5 if somebody didn't like -- if there was -- if somebody didn't
6 like the fact that marijuana had been voted in, legalized by
7 the public, you could make -- you could theoretically make
8 regulations so unreasonable that it would eliminate the
9 ability to operate. So I think that language is meant to
10 address some of that. And so, again, as I testified before,
11 there's always this kind of balance between what's reasonable
12 in terms of regulatory structure, but which still allows the
13 agent -- or the entities to operate the establishments.

14 Q So in your interpretation the Department in looking
15 at this provision of the statute also had to consider a
16 balancing, not adopting regulations that would make the
17 operation of an establishment impossible or impracticable as
18 it says; is that correct?

19 A Right. Correct.

20 Q And then if you could turn to the definition of
21 "unreasonably impracticable," which is 453D.030(19). And do
22 you have that in front of you, Ms. Contine?

23 A Yes.

24 Q Okay. And is that definition of unreasonably
25 impracticable, was that used by the Department in adopting

1 regulations to ensure that the marijuana businesses -- that
2 regulations weren't adopted they were going to put them out of
3 business or increase costs unnecessarily high?

4 A Correct.

5 Q Could you explain that a little more for us about
6 how this was utilized with the adoption of the regulations.

7 A So I guess the way that it was utilized was to
8 really consider what were some of the barriers that the
9 industry had faced in the past and how that was affecting how
10 they could operate and whether they could do their business.
11 And so, I mean, the basis for that -- I mean, I think the
12 language is meant to basically say, you know, you can't say,
13 you know, you can't sell edibles or you can't -- you know, so
14 that people couldn't come in and do those types of things.
15 But I think -- but in addition to that it was really kind of
16 having that input that, you know, these are some of the
17 challenges that we face in just operating the business and
18 considering those as we went forward under that section and,
19 you know, the reasonable -- you know, making the regulations
20 reasonable and necessary and convenient to carry out the
21 provisions of the chapter.

22 Q And you said you spoke -- or you thought you had
23 discussions with some of the drafters. Who would those be --
24 those people be?

25 A Well, or some of the people that were involved in

1 the initiative. I don't know everybody's involvement. Matt
2 Griffin, Joe Bresnie [phonetic], Will Adler, they were all
3 really involved in Question 2 from -- in some sort.

4 Q Did you ever speak to Heather Azzi at the Cannabis
5 Trade Federation?

6 A I don't think so.

7 Q Does that name ring a bell to you?

8 A No. But she might have been associated with one of
9 the other people, and maybe there was a conversation that
10 occurred in a group or -- but I don't -- I don't recall her.

11 Q She stated that the intent behind the "necessary or
12 convenient" language was to give the regulatory authority to
13 regulate the cannabis industry. Is that consistent with what
14 the Department looked at?

15 A Yes.

16 Q Okay. Do you believe the Department had some
17 deference when interpreting NRS 453D.200 in adopting
18 regulations?

19 A Yes.

20 Q Can you explain that for us.

21 A Well, generally, you know, a chapter has a lot of
22 provisions in it, and the agency goes about trying to
23 interpret and apply those provisions. With respect to the
24 initiative it was somewhat of a shell and gave kind of the
25 Department the broad authority to do maybe some work that

1 would have been done legislatively if it had been legislation.
2 And so to really hone in and fine tune the points of the
3 regulatory responsibilities, especially the categories of
4 regulatory responsibility, and then also look more broadly at
5 how -- you know, what would be necessary and/or convenient to
6 carry out the initiative.

7 Q Great. And if you could turn back to 453D.200. In
8 adopting the regulations the statute gave a list of criteria
9 that the regulations shall include. Do you see that --

10 A Yes.

11 Q -- under (a) through (m)?

12 A Yes.

13 Q And under (b) it discusses qualifications for
14 licensure. Do you see that?

15 A Yes.

16 Q And it says, "qualifications for licensure that are
17 directly and demonstratively related to the operation of a
18 marijuana establishment."

19 A Right.

20 Q How did the Department interpret that particular
21 provision of the statute in adopting the regulations?

22 A Well, I think the term related to -- so just looking
23 at -- it's kind of a more general provision and then just
24 narrowing it down within the regulations and what's related to
25 operation in a marijuana establishment similar to how you'd

1 look at other businesses and then what other specific
2 provisions maybe that are directly related to and that are
3 directly -- there is some broadness in it, I guess. And so I
4 think in the categories under the regs there's categories for
5 involvement in, you know, operating a marijuana business, and
6 then there's more general categories for other -- you know,
7 for other things to consider more generally in operating
8 businesses.

9 Q Okay. And did you receive input from operators of
10 marijuana establishments as you adopted the regulations to
11 interpret that provision?

12 A Yes.

13 Q Okay. Do you recall how diversity as a merit for
14 scoring was included in the regulations?

15 A So I think, you know -- frankly, I think the -- you
16 know, there's an ongoing discussion throughout the country,
17 really, on the effects of marijuana legalization and the
18 effects of the war on drugs in communities of color or
19 underserved or underrepresented communities, and they've
20 somehow bore the brunt of that. So the discussion in -- you
21 know, there was legislative discussion during that same time
22 in 2017 and I think AB422, which was a broad marijuana bill
23 where they talked about that.

24 And then just considering that, you know, the
25 importance of, you know, different types of diversity and

1 different -- different ways of thinking, different
2 perspectives, where you're coming from. If you have a diverse
3 group of people in your organization, you might be more
4 willing to operate in a community that is -- you know, has
5 been underserved or has been disserved by the war on drugs or,
6 you know, you have a more friendly face to some communities
7 like that. And I think there was just -- you know, that was
8 how it was related to the marijuana industry.

9 Q Did the Department receive input from the marijuana
10 industry on diversity either through the Task Force or through
11 AB422?

12 A Well, I -- you know, I think it would have been
13 discussed through the regulatory process. I mean, it could
14 have been -- I believe it was probably discussed in almost
15 every forum, so that through the Task Force, through the
16 legislature, through the workshops and the adoption hearings
17 for the regulations. So I think it was an ongoing discussion
18 that was happening at the time.

19 Q Did you have input or recall testifying at the --
20 either the Assembly or Senate when AB422 was being proposed?

21 A I don't think I testified.

22 Q Okay.

23 A I'm not 100 percent sure, but I don't think I did.
24 I think I would have only come to the table if I was called by
25 the Committee. I didn't --

1 Q Got it. And AB422, correct me if I'm wrong, was to
2 amend NRS 453A; is that correct?

3 A Yes, that's correct.

4 Q And added diversity to 453A?

5 A So -- yes. And they did amend some provisions in
6 453D that made them effective on January 1st of 2020.

7 Q And can you explain that. Where in 453D did they --

8 A I'm sorry. So in AB422 they made those changes. I
9 think -- I'm not 100 percent sure of all of them. I want to
10 say some related to advertising and maybe some other
11 provisions. But because they weren't going to be effective
12 with respect to -- so they weren't going to be relevant to
13 what we were doing necessarily, although, again, you know, I
14 would try not to make regulations that, you know, would have
15 to be changed once -- you know, there was a desire to have
16 some consistency in the regulations at that point, because if
17 we made -- if the State made a regulation and the legislature
18 had already made a decision on something that would be
19 effective later, you know, then you'd have to go through the
20 whole regulatory process. So to the extent that those
21 provisions complied with the initiative and were reasonable to
22 implement the chapter and the vote of the people, you know, we
23 consider that as important.

24 Q So to be clear, diversity wasn't added to 453D;
25 correct?

1 A No.

2 Q Okay. It was added to the regulations under NAC
3 453; is that correct?

4 A Yes.

5 Q The consideration of diversity?

6 A Yes. So the bill I believe added that diversity
7 provision only with respect to 453A. I could be wrong on
8 that. They could have made it effective to 453D on January
9 1st, 2020. I'm not 100 percent sure. But with respect to
10 that requirement for licensing it was added through the
11 regulatory process into NAC 453D.

12 Q And in putting diversity in NAC 453D did the
13 Department look at the "directly and demonstratively related"
14 language as for qualifications to include diversity?

15 A Yeah. I mean, it would have to be -- yes, it would
16 have to be within that -- within that criteria to advance and
17 go through the process and be approved.

18 Q And is that the reason why -- or is that the basis
19 or one of the bases the Department felt it can add diversity
20 as a qualification for licensure or a scoring criteria under
21 the regs?

22 A I mean, I think the initial analysis was that this
23 would -- our own internal analysis would be that this -- you
24 know, these regulations, the drafts that we're putting forward
25 comply with the statute. And then it goes through that legal

1 process and review, and, again, that's the kind of the second
2 check.

3 Q Okay. And on 453D.200 it says, "The regulations
4 shall include" when it's discussing adoption of the regs. Did
5 you believe that language was limited to only (a) through (m)
6 as what's in there, or did you believe that language gave the
7 Department the ability to say, this isn't an exhaustive list,
8 this is a list that the Department can, if it falls under this
9 qualification for directly and demonstratively related, we can
10 add this in the regulations?

11 A Yes. So the interpretation is that these are the
12 categories for which the State must -- the Department must
13 make regulations, and then they can make all other regulations
14 within the provisions as long as they comply with the
15 provisions of the -- as long as they're reasonable and not
16 unduly burdensome and not -- I wouldn't say that the State is
17 limited to this.

18 I'll make one kind of caveat on this, is that there
19 was discussion -- so Colorado, when they initiated they had a
20 more expansive -- kind of a more expansive public health
21 provisions, and so the Department did not make public-health-
22 related regulations. And it's not because, you know, they
23 weren't necessarily important or that they -- it's just it was
24 out of the expertise of that department and it wasn't
25 specifically called for. So I guess if there was a case where

1 we could have made regulations on something and other states
2 maybe did, and I thought that it would -- you know, it would
3 be to the legislature to kind of flesh that out. And so I
4 didn't want to -- I was trying not to over -- I was trying to
5 be -- you know, have a reasonable interpretation of these
6 provisions and then whatever was reasonable and necessary
7 outside of that without going too broadly outside of kind of
8 the authority that we had.

9 Q And in doing that you took the recommendations of
10 the people in the industry, correct, on how they handled their
11 day-to-day operations and what was important to them; is that
12 correct?

13 A Yes.

14 Q And you also took -- go ahead.

15 A And also, I mean, you know, again, the Task Force
16 was made up of public health professionals, public safety
17 professionals, industry, local governments, the Department of
18 Public and Behavioral Health. So just taking -- and many of
19 those people testified in the regulatory process, too. So
20 just having that broad -- you know, everybody having a seat at
21 the table.

22 Q Okay. I want to turn to background checks, which is
23 on 453D.200(6) if you turn down there. Do you have that in
24 front of you, Ms. Contine?

25 A Yes.

1 Q Okay. It says, "The Department shall conduct a
2 background check of each prospective owner, officer, and board
3 member of a marijuana establishment license applicant." How
4 did the Department interpret that provision when adopting the
5 regulations?

6 A So, again, that was slightly limited by the
7 5 percent rule, and so -- I mean, do you -- like the process
8 or how -- you want me to explain?

9 Q Yeah. And actually you mentioned the 5 percent
10 rule. Let's look at that. Let's look at NAC 453D.255. You
11 wouldn't have that in front of you, but we'll put it up on the
12 screen. You mentioned the 5 percent rule. Do you see it on
13 the screen, Ms. Contine?

14 A Yes.

15 Q Is this the 5 percent rule you were talking about
16 under 453D.255?

17 A Yes.

18 Q Okay. And in looking at this particular provision
19 of the regulation it says, "Except as otherwise required in
20 subsection (2), the requirements of this chapter concerning
21 owners of marijuana establishments only apply to a person with
22 an aggregate ownership of 5 percent or more in a marijuana
23 establishment." Do you see that?

24 A Yes.

25 Q And if you go to section (2), it says, "If in the

1 judgment of the Department the public interest will be served
2 by requiring any owner with an ownership interest of less than
3 5 percent in a marijuana establishment to comply with any
4 provisions of this chapter concerning owners of marijuana
5 establishments, the Department will notify that owner and he
6 or she must comply with these provisions." Do you see that?

7 A Yes.

8 Q Does subsection (2) of this give the Department some
9 discretion when it comes to potentially checking, if it needs
10 to, the background checks of owners under 5 percent interest?

11 A Yes.

12 Q And do you recall discussions regarding that
13 particular provision of the regulation?

14 A Well, yeah. I mean it -- yes, I mean, again, the
15 whole -- the whole idea behind the process was to balance the
16 public safety, you know, related to public health and safety
17 and then the interest of the industry. So that was a way that
18 we could craft -- you know, we could interpret that -- that
19 provision to allow -- you know, to not be as burdensome on the
20 industry, but also still take into account that there may be a
21 time when the department may see something and think ooh, you
22 know, I'm not sure about this, there might be something fishy
23 going on or -- you know, I mean, the whole goal is to keep a
24 regulated, robust market and to not have potential for a black
25 market. It's to bring this -- you know, an unregulated, you

1 know, illegal market into a legal market. And so that was the
2 intent of that.

3 Q Do you believe that the regulation under NAC
4 453D.255 is consistent with the ballot initiative in NRS
5 453D.200 on background checks?

6 A Yes.

7 THE COURT: So can you explain why.

8 BY MR. GUTIERREZ:

9 Q Can you explain why.

10 A Yeah, sure. I think it interprets the provisions.
11 Again, I think the process that the regulations went through,
12 the overall discussion, the input into it, the requirement to
13 make regulations that aren't unduly burdensome and going
14 through that whole process is -- you know, the State has the
15 ability to interpret the provisions when it makes -- to
16 reasonably interpret the provisions to make regulations, and
17 that's what --

18 THE COURT: So you think changing the interpretation
19 of the word "each" to "each who owns 5 percent or more" is
20 reasonable?

21 THE WITNESS: I think -- yes. I think it's the
22 ability to alleviate a burden as the statute -- or as the
23 initiative requires, but also make sure that the interests of
24 the State are protected, as well, with respect to the public
25 safety part.

1 THE COURT: But this wasn't a regulation that was
2 being imposed by the Department, it's part of the ballot
3 question. That's why I'm trying to ask why you thought you
4 had authority to make that change.

5 THE WITNESS: I think we that had -- for a couple of
6 reasons. I think we have authority because the agencies
7 generally have authority and deference in interpreting the
8 provisions that they are responsible for regulating or
9 enacting, and that that was an interpretation of that
10 provision.

11 THE COURT: So you think "each," which was approved
12 by the voters in Ballot Question 2, could be interpreted by
13 the Department to be "each with 5 percent or more"?

14 THE WITNESS: Right. And that --

15 THE COURT: Okay. Thanks.

16 THE WITNESS: That's because of the other language
17 within the statute -- or the initiative that required the
18 Department to not have unduly burdensome processes and to
19 effectively not make regulations that prohibited businesses
20 from operating.

21 THE COURT: Okay. Thanks.

22 BY MR. GUTIERREZ:

23 Q And was the Department getting feedback from the
24 members of the industry that background checks for owners with
25 less than 5 percent interest would have been unduly

1 burdensome?

2 A Yes.

3 Q Okay. Can you explain that.

4 A Yeah. I mean, it was a major issue in terms of
5 discussion. I think it was a discussion at the Task Force, it
6 was discussion through the regulatory process. Again, as I
7 mentioned when I first -- when you first started asking about
8 this, this was, you know, the examples of having, you know, a
9 half a percent owner that lived in Ohio that had nothing to do
10 with the operation of the business, that didn't live in
11 Nevada, the burdens that industry was having in complying with
12 those provisions, and how long everything was taking because
13 of that.

14 Q And with that, Ms. Contine, can we go back to the
15 Governor's Task Force report -- final report --

16 MR. GUTIERREZ: Which is 2009, Brian, and go to
17 page 114.

18 BY MR. GUTIERREZ:

19 Q Do you have that in front of you, Ms. Contine? The
20 title would be "Ownership Issues, Licensing Requirements."
21 Ms. Contine, is that the page you have in front of you?

22 A Yes.

23 Q Okay. And we talked about this 5 percent and where
24 it came from. And we have here the Task Force recommending
25 this 5 percent standard. Do you see that?

1 A Yes.

2 Q Okay. And who's on the -- who are the sponsors of
3 that?

4 A So this is the taxation revenue regulatory structure
5 working group. The individuals are John Ritter and David
6 Goldwater. And the recommendation is that they require only
7 owners with 5 percent or more cumulative ownership to be
8 fingerprinted, to be required to undergo a background check,
9 and resubmit any application for license renewal.

10 Q And that's the recommendation from John Ritter and
11 David Goldwater on behalf of the Governor's Task Force; is
12 that correct?

13 A So they would have been on that working group. So
14 some of the Task Force members were also on individual working
15 groups. So in that working group there would have been many
16 other people on that working group, and I think that when --
17 as issues were discussed various people within the working
18 group were responsible for working on an individual or a
19 singular recommendation, and that would have been -- in this
20 case it would have been John Ritter and David Goldwater who
21 were tasked from their working group members.

22 Q Okay. And go to the next page. Under section (4)
23 it talks about what guiding principles that those
24 recommendations support. Do you see that?

25 A Right.

1 Q And it says "to be responsive to the needs and
2 issues of consumers, non-consumers, local governments, and the
3 industry."

4 A Right.

5 Q And the Guiding Principle 4, "Propose efficient and
6 effective regulation that is clear and reasonable and not
7 unduly burdensome." Is that correct?

8 A Right.

9 Q And that's what you've been talking about, not being
10 unduly burdensome with this 5 percent requirement?

11 A Right.

12 Q Okay. And John Ritter, he's a plaintiff in this
13 particular case. We had the opportunity to hear from him
14 early on. Would it surprise you if he testified that his
15 definition of "owner" was that it meant that, "Every owner
16 flows to the initiative, the statute, the regulation and the
17 application, and it's my understanding that the intent was
18 that every single owner in every single company, every single
19 applicant was to be background checked." Is that consistent
20 with what he just -- he recommended as part of his work on the
21 Task Force?

22 A I mean, the recommendation is what it is. I mean,
23 it's clear to me. I mean, based on my experience and all the
24 discussions that occurred I think it was clear that people
25 were in agreement that the 5 percent would help lessen the

1 burden.

2 Q And Mr. Ritter went on and said, "Every single owner
3 in our company, whether they had a minute percentage of
4 ownership, was background checked." But yet he's here in the
5 Governor's Task Force saying -- recommending 5 percent or more
6 as part of the regulations that are going to be adopted; is
7 that correct?

8 A Yes.

9 Q Okay. Now, part of the Task Force's job, as we
10 discussed, was to go through and look and to see what
11 provisions of Ballot Question 2 were implicated; is that
12 correct?

13 A Right.

14 Q And that's done on number (5), is that what your
15 understanding is?

16 A Right. Yes.

17 Q It talks under (5) -- section (5), paragraph (1) of
18 IP1 states that, "The regulations must not prohibit the
19 operation of a marijuana establishment either expressly or
20 through regulations that make their operation unreasonably
21 impracticable." And that's what we've been talking about; is
22 that correct?

23 A Yes.

24 Q Is it fair to say that the Governor's Task Force
25 took Ballot Question 2 into consideration when they

1 recommended this 5 percent threshold within the adoption of
2 the regulations?

3 A Yes.

4 Q Was there any dissent on the group under number (7)?

5 A No.

6 Q Number (6) discusses "What issues does the
7 recommendation resolve?" Do you see that?

8 A Yes.

9 Q The State said, "To allow companies that own
10 marijuana establishment licenses in which there are multiple
11 owners that own less than 5 percent and in some cases far less
12 to be able to operate practically and efficiently." Is that
13 consistent with the Ballot Question 2 and the Statute NRS
14 453D?

15 A Yes. I mean, if you consider, you know, it's kind
16 of the opposite of unduly burdensome or not reasonable.

17 Q It goes on to say, "To allow companies that own
18 marijuana establishment license to function based on their
19 governing documents as companies are allowed to with other
20 industries." That was a consideration, correct, as well?

21 A Yes.

22 Q And it didn't want to have a standard that would
23 have put unduly burdensome pressure on a marijuana
24 establishment; is that correct?

25 A Yes.

1 Q Okay. So as we sit here do you believe that the
2 regulations on the 5 percent threshold complied with Ballot
3 Question 2 and the Statute --

4 A I do.

5 Q -- 453D?

6 A Yes, I do.

7 Q Okay. One of the other provisions we've been
8 talking about -- if you can turn on this report to page 109,
9 the same exhibit. Ms. Contine, you testified earlier that you
10 left the Department in January of 2018; is that correct?

11 A Yes.

12 Q And you went into private practice for about a year;
13 is that correct?

14 A A little bit less than that, yes.

15 Q Okay. And did you have any involvement in the
16 creation of the application for the 2018 recreational
17 application process?

18 A No.

19 Q Okay. So any questions about the application itself
20 would be outside of your scope and knowledge. Is that fair to
21 say?

22 A Yes.

23 Q You don't have personal knowledge, because you
24 didn't create that application. Is that fair to say?

25 A No, I did not. In fact, when I left the regulations

1 hadn't been fully adopted.

2 Q And if you could explain that more for us.

3 Q So they hadn't been -- so earlier when I explained

4 the process the regulations hadn't gone to the Legislative

5 Commission.

6 Q They had been drafted. They hadn't gone through the

7 Legislative Commission for feedback?

8 A Well, they hadn't gone -- the Legislative Commission

9 is the last --

10 Q I'm sorry. They'd already gone through Legislative

11 Council Bureau --

12 A Right.

13 Q -- and they just haven't gone to the Legislative

14 Commission?

15 A They hadn't gone to the Legislative Commission. So

16 they weren't fully adopted.

17 Q Do you know when they were fully adopted?

18 A February, I think, sometime.

19 Q February. Okay. And it was after you were gone --

20 A Right.

21 Q -- is that correct? Okay.

22 A Or -- yeah.

23 THE COURT: February 27th, 2018.

24 MR. GUTIERREZ: February 27th?

25 //

1 BY MR. GUTIERREZ:

2 Q So any questions that I may have or anyone may have
3 about the application itself and the scoring criteria, is that
4 something that you have no knowledge on?

5 A I have no knowledge of it.

6 Q Okay. Any questions about how certain companies
7 were graded or the use of Manpower, for example, is that
8 something you would have knowledge on?

9 A No.

10 Q Okay. So we'll limit your questions on this to the
11 Task Force and with the regulations; is that fair?

12 A I guess I should say that there were some -- you
13 know, as you plan for something there were some discussions
14 about, you know, that some need to staff up and to, you know,
15 be able to complete the process. So I wouldn't say that I --
16 but I wasn't involved in that decision making ultimately.

17 Q Were you involved with any of the decisions to, when
18 you talked about staffing, to outsource and hire Manpower or
19 independent contractors to grade the applications?

20 A Well, I want to -- I'm not going to say I wasn't
21 involved in any conversations, but it wasn't under my purview
22 by the time that happened. I wasn't responsible for that.

23 Q You didn't make the decisions; is that fair to say?

24 A Exactly.

25 Q Okay. And you also didn't make decisions that were

1 part of the interview process for --

2 A No.

3 Q -- graders? Okay. And you don't have knowledge as

4 to whether they were qualified or any questions as to that?

5 A I don't have any internal knowledge, no.

6 Q Do you even know who some of the graders were?

7 A No.

8 Q Okay.

9 A I don't know who anybody is.

10 Q So let's go back. We're on page 109 on the

11 application and licensing requirement. And could you just

12 tell us what this particular recommendation is for.

13 A On page 109? I'm sorry. That same --

14 Q It's 109. It should say "Application and Licensing

15 Requirements" up top. Do you see that?

16 A Right.

17 Q And I believe they were talking about at least

18 Bullet Point Number 2 where the Department will not require

19 zoning approval --

20 A Right.

21 Q -- to be submitted in the marijuana establishment

22 application. Do you see that?

23 A Yes.

24 Q Do you recall some of the discussions regarding

25 zoning approval and requiring that as part of the application

1 process?

2 A So in the initiative the zoning and land use
3 determinations were reserved for the local government.

4 Q And can you explain why.

5 A I think because the State isn't in the community and
6 the State isn't responsible for, you know, issuing special use
7 permits or the like, and so it was determined that the State
8 wouldn't review the land use.

9 Q That bullet point number -- I'm sorry. Go ahead.

10 A Well, at the time of the initial application.

11 Q It would still be required as part of the final
12 approval; is that fair to say?

13 A Yes.

14 Q Okay. And what was the reason why it wouldn't be
15 required as part of the initial application?

16 A I think this is another lesson learned from medical
17 and also just a slightly different wording in the initiative
18 than the wording in the medical statute was intended to take
19 into consideration, that you would get your marijuana license
20 -- your State marijuana license, and then you would make the
21 investment in the local government process, which also can be
22 expensive and a long process. So -- and, you know, it's
23 difficult -- well, the local governments, you know, could make
24 some determinations on location and the like, but not really
25 knowing if somebody had a -- would ultimately have a license

1 for operation.

2 Q And, again, this was an adopted regulation. This
3 was something that the Department looked for input from the
4 industry on what's the most practical and efficient and not
5 unduly burdensome way to adopt; is that fair to say?

6 A Correct.

7 Q And you had people at least that are listed here
8 that are part of the industry. We have John Ritter, again; is
9 that correct?

10 A Yes.

11 Q Okay. Amanda Connor?

12 A Right.

13 Q Steve Gilbert was part of this process, at least
14 this Task Force; is that correct?

15 A Yes.

16 Q Okay. And if you go back down to Bullet Point 2, it
17 says, "No extra point of merit will be awarded for it being
18 included," regarding zoning approval?

19 A Right.

20 Q So was it clear in adopting the regulations that
21 that was the intent, that we want to make sure that any zoning
22 gets left to the local governments and that it's not done
23 until the final application -- or the final approval is done?

24 A Yes, that's correct. And this was another -- there
25 was some internal discussions between the State -- between the

1 executive --

2 THE COURT: Hold on a second. We need a five-minute

3 break.

4 I need a five-minute break? Why do I need a five-

5 minute break?

6 Oh. I'm sorry. I have to talk to some lawyers

7 who've been bad. Please feel free to get up and move around.

8 MR. SHEVORSKI: You don't mean us, though; right?

9 THE COURT: No. You guys have all been good today.

10 (Court recessed at 2:58 p.m., until 3:06 p.m.)

11 THE COURT: Okay. We ready?

12 MR. GUTIERREZ: Ready. Thank you, Your Honor.

13 THE COURT: I'm going to stand up because my back's

14 hurting. So you keep going.

15 BY MR. GUTIERREZ:

16 Q Ms. Contine, before we continue with the Governor's

17 Task Force report, you were talking earlier about the

18 different steps and adopting regulations. Do you recall that?

19 A Yes.

20 Q And the regulations are always sent to LCB for

21 review. Do you recall --

22 A Permanent regulations, yes.

23 Q Permanent regulations. Now, these regulations under

24 453D were sent to LCB for review?

25 A Yes.

1 Q And that reviews for constitutionality to make sure
2 it complied with the Nevada Constitution?

3 A Yeah. It's for intent and to make sure it's within
4 the scope of the chapter essentially.

5 Q So the provision that we've been talking about with
6 background checks and the 5 percent threshold and the proposed
7 location was all sent to LCB for review; is that correct?

8 A Yes.

9 Q And LCB did not find any type of constitutional
10 violation with that; is that correct?

11 A Right.

12 Q Do you recall any back and forth with LCB on the
13 issue, on these particular points that we've been talking
14 about?

15 A So one thing I would mention, I think I mentioned
16 earlier that the -- in the temporary regulations the
17 regulation, which doesn't require Legislative Council review
18 or the Legislative Commission review but gives the legislature
19 the option to pull the regulations in within that 45-day
20 period, there was some conversation with Legislative Council
21 regarding the wording of one of the provisions, and it was
22 specifically related to the issue of zoning and land use and
23 whether the Department would require that that happen first
24 before the issue -- the license was conditionally issued. And
25 it was their -- the way they read the reg it didn't seem to

1 comport with the initiative. And so when I explained that
2 that wasn't our intent and that, you know, the language was
3 maybe just off a little bit they were fine with it. We
4 recognize that you don't have to have a local government
5 approval. Our interpretation of the initiative was you don't
6 have to have local government approval prior to getting your
7 marijuana establishment license. And so as long as they -- as
8 long as -- they wanted to confirm that that was the intent and
9 that we understood that so that they could give their elected
10 bosses some comfort that we were complying with the initiative
11 and that that regulation wouldn't be pulled into that 45-day
12 period.

13 Q Thank you. So that back and forth happened in order
14 to get clarification --

15 A During the temporary regulation period, yes.

16 Q During the temporary regulation. Okay. Do you
17 recall who that was with?

18 A Brenda Erdos and Brian Fernly, I think.

19 Q Okay. Now we're back on the Governor's Task Force.
20 You have that in front of you, Ms. Contine?

21 A Yes.

22 Q I think we're at page 109. Now, this is talking
23 about application licensing requirements and the application
24 process, correct, with zoning?

25 A Yes.

1 Q Okay.

2 A So that was what I was going to explain about this
3 section.

4 Q Oh. Great. Okay. So that's what you were going to
5 cover on that issue. And the guiding principles list for the
6 Task Force, again, health, safety, well being of the Nevada
7 communities, do you see that?

8 A Yes.

9 Q To be responsive of needs and issues of the
10 consumers, non-consumers, and local governments industry.
11 That was considered; correct?

12 A Yes.

13 Q And regarding Principle 3 it says, "This
14 recommendation will improve upon the medical marijuana
15 application process that was already successfully used."

16 A Correct.

17 Q "These minor improvements will make it clear to the
18 applicant, the Department, and remove ambiguity." Can you
19 explain that.

20 A That goes back to what I was just talking about. So
21 there was -- I think there was some -- and I don't know,
22 because I wasn't really involved in the medical, but I know
23 there was some issue with the timing and whether -- whether
24 the local government or the State had final sign off and those
25 types of issues. So I think that was to clarify that. And so

1 -- and to also, you know, relieve any burden of investment in
2 a local -- in a local establishment at the local level if the
3 applicant was not going to receive a State license. So it's
4 to clarify that you couldn't actually operate without the
5 State license, and so once you had that condition that you've
6 passed the general requirements, then you'd work on your local
7 government stuff.

8 Q And the Department relayed that to LCB and had the
9 discussion for the permanent regs, or just for the temporary
10 regs?

11 A No. Just for the temporary regs, because there is
12 no legislative review. And so that was the issue, was that
13 there wasn't a requirement for legislative review, but in
14 order to advise their own elected bosses they wanted to make
15 sure that we were all on the same page so that they could say,
16 hey, these don't need to be pulled in.

17 Q That makes sense. And then by the time you were
18 brought the permanent regulations, 453D, those regulations
19 still got run through LCB on these issues to ensure
20 constitutionality; is that correct?

21 A Yes.

22 Q Can you turn to 112, page 112 on the same document,
23 which is rating criteria on applications. Now, this document
24 discusses the rating criteria for the applications for the
25 2018 process and the recommendations from the Task Force. Do

1 you see that?

2 A Yes.

3 Q Now, John Ritter, Amanda Connor again on discussing
4 this. Do you see that?

5 A Yes.

6 Q Okay. So although you weren't involved with the
7 application process, when it came to the adoption of the
8 regulations for the application process do you recall having
9 discussions with the Task Force or with people within the
10 Department about this criteria?

11 A Yes. Lots of discussion about the process and how
12 -- the requirements. I mean, I think, you know, initially it
13 was the preference of the Department to flip a coin, but that
14 was outside of the authority in the initiative, so, you know,
15 just recognizing that there had to be, you know, criteria that
16 were put into the regulation, that that could be -- that could
17 distinguish people, because there was only a limited number of
18 licenses.

19 Q And with the limited license and trying to
20 distinguish between winners and losers on this process you
21 have to go through and the statute required the qualifications
22 for licensure that are directly and demonstrably related to
23 the operation of a marijuana establishment; is that correct?

24 A Right. Yes.

25 Q Now, when determining those qualifications that were

1 directly and demonstrably related to the operation of a
2 marijuana establishment did the Department rely also on the
3 Task Force and on working groups and public input?

4 A Yes.

5 Q Okay. And it took those considerations in when
6 developing the regulations or 453D; is that correct?

7 A Yes.

8 Q And if you go to the next page, 113 --

9 A Okay.

10 Q -- the guiding principles, again the Department --
11 the Task Force, I'm sorry, was providing guiding principles to
12 promote these qualifications. Do you see that?

13 A Yes.

14 Q Again, number (4), propose efficient and effective
15 regulation that is clear and reasonable, not unduly
16 burdensome, is that your understanding as to these
17 qualifications being complaint with the statute?

18 A Yes.

19 Q Section (5) talks about what provision of Question 2
20 does this apply to.

21 A Right.

22 Q And it discusses the provision of NRS 453D.200 that
23 we've been talking about; is that correct?

24 A Yes.

25 Q Okay. And after this -- there's no dissent;

1 correct?

2 A Right.

3 Q After this is done and the regulations are drafted
4 it's sent again to LCB for their review to ensure compliance;
5 is that correct?

6 A Right. So the Task Force made recommendations, and
7 then the Task Force recommendations along with additional
8 analysis and research and going through the entire regulatory
9 process would ultimately lead to what would be the regulations
10 that were approved by the Leg Commission.

11 Q Talk to me a little about the Governor's Task Force
12 reports dated May 30th, 2017.

13 A Yes.

14 Q After you received those recommendations back from
15 Task Force can you walk us through how the regulations are
16 then -- the permanent regulations are then adopted.

17 A Sure. So I think once we got the recommendations we
18 again used QuantumMark, as they had facilitated the Task Force
19 and the medical Task Force -- or the medical process, and they
20 basically put all the categories together and did some
21 benchmarking from other states. So just look at -- because by
22 then, you know, there'd been a few other states that were
23 coming online and with legalization. So looking at some other
24 states and what other states were doing. And then, you know,
25 there would be a decision -- you know, then there would be

1 communications, meetings between them on the different
2 sections of the regulations and asked myself and staff
3 internally to kind of -- you know, when there were decisions
4 points that had to be made. So, you know, hey, you know,
5 Washington does it this way and Colorado does it this way,
6 we've done it this way here before, and kind of just the
7 discussions would revolve around, you know, what was the best
8 language to come up with for the draft of the regulations.
9 And that's how -- so that's internally how we did it, and then
10 I'm pretty sure -- well, I can't remember. So under the
11 permanent regulation process you can, of course, go and have a
12 workshop without any language. And I -- but I don't think we
13 did that in this case. I can remember, though. We might have
14 just had a general workshop to get input or maybe we had
15 really rough language, but I can't remember.

16 But then we did have the general -- once we sent the
17 language off to LCB and it was put in the format that, you
18 know, that goes how they format it and do all the things that
19 they do in the review, then it comes because and then we would
20 have a workshop. So in this case we had a series of
21 workshops, so I think we had like a week's worth of workshops
22 on various categories of regulation in July of 2017, and after
23 that we took into consideration, you know, the various
24 comments, additional issues. I think -- I don't -- I think
25 there were -- there were some categories of regulation or some

1 decisions that were to be made that weren't completely fleshed
2 out, so we might have done some work on those. And then we
3 sent them to LCB. And then LCB reviewed and sent them back.
4 And then we noticed the adoption hearing.

5 Q Now could we turn to Exhibit 5045, which has already
6 been admitted.

7 Actually, I think I gave you two copies.

8 Ms. Contine, these are what is Commission minutes
9 dated February 27, 2018. Have you ever seen these minutes?

10 A I have.

11 Q Okay. Now, you've already -- you'd already left the
12 Department and went in private practice when these minutes
13 were submitted.

14 A I had left the Department, yes.

15 Q Okay. But if you could turn -- this is -- turn to
16 page 3. Will Adler, do you know who that is?

17 A Yes.

18 Q Okay. He made some comments. He said that the
19 regulation was reviewed at length in multiple hearings. He
20 concluded -- I'm going to the very end -- he concluded the
21 Department of Taxation has done a great job and he fully
22 supports R02-17 as written. Do you see that?

23 A Yes.

24 Q Was it your understanding as those regulations were
25 in the process of being adopted that you were getting full

1 support from the marijuana industry?

2 A I don't know about full support, but I think there
3 was a lot of work that had gone on during the regulatory
4 process to build a consensus to, you know -- again, I think
5 everybody was on board with balancing, you know, the public
6 health and safety concerns of the State with the
7 reasonableness to be able to operate. And I think in general
8 the industry wanted the same thing, a tightly controlled,
9 tightly regulated market with strict control because they
10 don't -- they didn't want a black market, as well. So I think
11 it was -- I think it was a -- you know, a group -- a group
12 effort. I don't think that everybody was supportive of it,
13 because I know that some of the people on there didn't offer
14 support in their comments. But I think there was a really
15 strong consensus that all the work that had been done led to a
16 workable and reasonable and legal set of rules.

17 Q And would you agree that everybody had an
18 opportunity to be heard throughout the regulation adoption
19 process with the workshops and public --

20 A I would say the there were -- yes, there were plenty
21 of public avenues to discuss your concerns and have your voice
22 heard, yes.

23 Q If you could turn to page 6. Do you know who
24 Nicholas Spirtos is?

25 A No, not really. I've never met him.

1 Q Okay.

2 A I mean, I just know the name.

3 Q Well, I'll represent that he's one of the plaintiffs

4 suing the State of Nevada in these cases. But he said there

5 are no perfect regulations under number (1). Do you see that?

6 A Yes.

7 Q Do you agree with him?

8 A Yes.

9 Q Okay.

10 A Yes. As much as I'd like to be perfect.

11 Q Number (2) he says, "Not everyone got what they

12 wanted during discussions on R092-17, but everybody was

13 heard." And that's what you said; is that correct?

14 A Yes.

15 Q He then says, "There should be flexibility in the

16 legislature and the Department of Taxation." Do you agree

17 with that?

18 A Yes.

19 Q And on number (5) he says, "If R092-17 is not

20 adopted, the dispensary industry would be operating without

21 guidance." What does that mean? Do you know what he was

22 talking about?

23 A Yes. Because the -- like I said, there's a time

24 frame for the temporary regulations, and also without the

25 permanent regulations you couldn't go forward and do -- and do

1 another application period under the permanent regs. So
2 without some -- without rules in place you're not able to
3 operate the industry, essentially.

4 Q And the Department had the time to adopt these
5 regulations? Did it have enough time to go through thoroughly
6 and vet these regulations?

7 A Yes.

8 Q Okay.

9 A I mean, I don't know about time. I don't know if
10 there was enough time. It's difficult to get the work done in
11 the time period, but because we started with kind of multiple
12 processes and had discussion and basically started talking
13 about it at the beginning of the year, I think the process
14 played out as well as could be expected. It's very, very
15 difficult to get regulations, permanent regulations adopted
16 within a year. The process is a little cumbersome. And with
17 respect -- I think I mentioned that I implemented the commerce
18 tax right before that, and the commerce tax became effective
19 on July 1st, 2015, and the regulations became effective about
20 a little bit more than a year later, but before the first
21 return was due. So that was the -- that was the level of
22 success we were shooting for. So it's just a -- it's a
23 cumbersome process with a lot of, you know, discussion and
24 meetings and things that have to occur [inaudible].

25 Q And in this process, though, you said the Governor's

1 Task Force was -- do you consider that very helpful in moving
2 this process along for the Department?

3 A Yes.

4 Q And having Legislative Council Bureau to make sure
5 that these regulations complied with the ballot initiative and
6 all the legal requirements, that's also very helpful for the
7 Department; correct?

8 A Yes.

9 Q This isn't a decision you were making on your own
10 whether it complied legally; is that correct?

11 A Correct.

12 Q That you had inputted a lot of people; fair to say?

13 A Yeah.

14 Q Okay. I want to -- if you can -- if we could pull
15 up NAC 453D.295. I want to ask you about this, Ms. Contine.
16 Do you see it on your screen, discussing "Surrender of a
17 license of a marijuana establishment who's not received final
18 inspection"?

19 A Yes.

20 Q Are you familiar with this provision in the
21 regulations?

22 A Yes.

23 Q And it states that, "If a marijuana establishment
24 has not received a final inspection in 12 months after the
25 date the Department issued a license to the marijuana

1 establishment, the marijuana establishment must surrender the
2 license to the Department."

3 A Right.

4 Q Then it says, "The Department may extend the periods
5 specified in this subsection if the Department in its
6 discretion determines the extenuating circumstances --" I'm
7 sorry "-- that extenuating circumstances prevented the
8 marijuana establishment from receiving a final inspection
9 within the period specified in this subsection." See that?

10 A Yes.

11 Q And then the next section talks about the -- that
12 the fee paid would be nonrefundable. You see that?

13 A Yes.

14 Q So what would constitute extenuating circumstances,
15 in your opinion?

16 A So it's fairly vague in this provision, but the
17 Department of Taxation has other provisions that deal with
18 extenuating circumstances, especially with respect to tax
19 liability. And so we would look -- probably in interpreting
20 that we'd look to those like provisions, which are act of God,
21 nature, things that are really beyond the person's control of
22 getting their business up and running. So -- and this was --
23 this provision was -- and do you want me to explain the
24 background of kind of how this --

25 Q Please.

1 A So under the medical program the Department of
2 Public and Behavioral Health gave 18 months to get
3 operational, and then would basically for almost any reason as
4 long as the applicant could show that they were making
5 reasonable steps to be operational, the DPBH would just --
6 would essentially extend that deadline. So the result of that
7 is that there were a lot of provisional certificates as we
8 moved into -- as we moved into recreational. And so in order
9 to deal with that on the recreational side, kind of putting
10 this basically hard and fast rule but also recognizing that
11 sometimes that there are just things that are beyond the
12 control of the -- of the applicant or the establishment as
13 they're working to get things going. And so extenuating
14 circumstances, again, would just be it's not within your
15 control to become operational.

16 Q Not within the applicant's control?

17 A Yes.

18 Q Would this litigation and these lawsuits that have
19 been filed against the State of Nevada constitute extenuating
20 circumstances that would justify an extension?

21 THE COURT: Are you asking her to speak for the
22 Department of Taxation, since she's no longer in charge of it
23 and she's now with the Department of Administration, who's in
24 charge of the computers at the Listserv?

25 MR. GUTIERREZ: I'm asking for her opinion as a

1 former head of the Department of Taxation with knowledge of
2 this particular statute -- or regulation.

3 THE WITNESS: I guess there would have to be -- so
4 your question is is litigation an extenuating circumstance?
5 BY MR. GUTIERREZ:

6 Q Correct. Would this litigation that's been the
7 reason we've been here for six weeks, there's seven other
8 lawsuits against the State of Nevada, there's an injunction
9 against my client Thrive currently. Would that be extenuating
10 circumstances as you interpret NAC 453D.295 that justifies an
11 extension of the 12-month requirement?

12 A I think it's -- it's somewhat beyond your control to
13 -- when you're enjoined from doing the things that you need to
14 do under the statute to get your license. So I think there
15 would be some consideration there.

16 Q Who's the person from the Department now that would
17 -- that would make the decision as to the extending the
18 12-month requirement. Do you have -- do you know?

19 A I don't know.

20 Q Okay. Jorge Pupo worked with --

21 A Yeah.

22 Q -- underneath you. He answered to you; is that fair
23 to say?

24 A Yes.

25 Q How much involvement did he have in the adoption of

1 the regulation process?

2 A All of the staff -- it was kind of all hands on deck
3 for the -- for the whole process. So it would have been -- I
4 mean, all of us -- there were -- it was a limited staff in
5 marijuana initially, so everybody had a role in it. I mean,
6 we all -- we all went to the workshops, we all went to the
7 Task Force meetings, we all -- we all participated.

8 Q But when it came to the decision of interpreting the
9 ballot initiative and deciding whether it complied or the regs
10 complied with that, that was something -- was that something
11 Mr. Pupo did, or was it something that was done as a group
12 effort and included LCB and [inaudible]?

13 A Yeah. I mean, it was done -- you know, ultimately
14 it was done by myself. I mean, I wouldn't put it -- I
15 wouldn't put something out there that I didn't think was
16 legally compliant, and then if I did, then there would be
17 discussion either with -- or, you know, sometimes if I wasn't
18 sure, I could even ask the AG's Office or, you know, along the
19 way. But generally, you know, I was the director of the
20 Department, and I approved, you know -- I mean, we all worked
21 on it, we all contributed, we had, you know, hours of
22 discussion and analysis, but if essentially, you know, if --
23 the buck stopped with the Governor, but right below him then
24 it would have stopped with me.

25 Q So the buck stops with you when it came to adoption

1 of the regulations; fair to say?

2 A Yeah.

3 Q And --

4 A Yeah. Making sure it happened, the process, making
5 sure issues were addressed.

6 Q And making those decisions you relied heavily on
7 Legislative Council Bureau, the AG, and everyone else when it
8 came to --

9 A Well, I wouldn't -- I wouldn't necessarily say that
10 I relied on the Legislative Council Bureau, but I relied on
11 the process. And the process is very specific, and we
12 followed the process. So it wasn't like I was calling them
13 every day and saying, are you guys good with this. But if
14 there were issues back and forth, we all discussed them and
15 made sure that we were on the right track.

16 Q But having Legislative Council Bureau involved
17 helped?

18 A Having that -- well, knowing that -- and under the
19 provisions in .233(b) that they review for legislative intent
20 or statutory intent.

21 Q Great. And then, Ms. Contine, as you sit here the
22 regulations for the 2018 marijuana recreational process, do
23 you believe that they followed and complied with the ballot
24 initiative and statute 453D?

25 A I do.

1 MR. GUTIERREZ: And I'll pass the witness.

2 THE COURT: I have some questions before we go,
3 because I want to make sure I get my issues addressed before
4 these guys bog us down.

5 So do you know how the initiative process of writing
6 the initiative occurred?

7 THE WITNESS: I believe -- I believe that maybe the
8 lady that he had mentioned earlier did some drafting and some
9 other people that I mentioned, so Matt Griffin and some of the
10 other people were involved in it. I think they did the
11 drafting. I think they pulled a lot from Colorado, but that's
12 just what I've been told.

13 THE COURT: And when you say they, those are people
14 who are in the industry?

15 THE WITNESS: I don't -- yeah. I don't know exactly
16 what their relationship with the industry, but they work in --
17 you know, they worked in legalization essentially. And --
18 yeah. There was something else I was going to say, but I
19 forgot. I don't remember.

20 THE COURT: All right. So let's skip ahead, then,
21 and the --

22 THE WITNESS: Oh. I'm sorry.

23 THE COURT: I'm sorry.

24 THE WITNESS: I remembered. I remember at one point
25 when I was the deputy director that there was some

1 conversations with the drafter about them wanting to draft and
2 put the program in the Department of Taxation, and the
3 director at the time not agreeing to it, but basically saying,
4 we're not going to fight you over this. So there was some
5 even communication before.

6 THE COURT: As long as you fund us, we're not going
7 to fight you about it. I've had those discussions at
8 legislative hearings.

9 So let me skip ahead to ballot question passes.
10 When the ballot question passes you've already had an idea the
11 summer before that there might be a situation where you're
12 going to have to gear up to be ready.

13 THE WITNESS: Uh-huh.

14 THE COURT: Who did you assign within the Department
15 to start the regulatory process for the recreational
16 marijuana?

17 THE WITNESS: So at that time there was nobody to
18 assign, so I assigned myself.

19 THE COURT: Okay.

20 THE WITNESS: So I started doing the initial
21 groundwork, having some additional conversations with people,
22 figuring out -- and, again, I had already met with some
23 people, kind of figuring out what we needed to do. And then
24 -- so then we need some money because we need to hire people,
25 so I need to go to the Interim Finance Committee, so preparing

1 all of that work. People in my office do that kind of work.
2 But essentially those initial steps. And then basically
3 telling people within the agency, hey, you know, we're doing
4 this and this and this and so I'm going to need all hands on
5 deck. And, again, we had just come off of an implementation
6 process for one whole year, so everybody was used to like the
7 franticness of all the deputies. So the Department of
8 Taxation has four deputies, compliance -- at that time it did,
9 compliance, IT, administration, and local government. And so
10 at that time there was no marijuana deputy. So what do we --
11 how do we implement this from a -- from a legal perspective,
12 from, you know, the rules. That's just one part of it. We
13 have to -- we have to create a system that allows collection
14 of tax, we have to, you know, consider those types of things.
15 We have a budgeting issue, so who in budget, you know,
16 somebody is going to have to come up with a budget and then
17 we're going to have to present that. So it's basically -- I
18 mean, we developed a timeline and we worked. So it was
19 essentially initially just me and the four deputies that were
20 in my staff at that time.

21 THE COURT: And at some point Behavioral Health let
22 you have their marijuana people from medical marijuana.

23 THE WITNESS: Okay. So that was a legislative
24 decision. That wasn't -- they didn't let us have them. The
25 legislature decided to move that program into the Department

1 of Taxation, and that happened on July 1st. So after the
2 legislature had convened that became effective on July 1st.
3 Theoretically they worked for the Department at that point.
4 There was still structure with budget and space and all of
5 that that had to happen in order for the transition to be
6 fully done. By that time I did have the deputy, and I think
7 we got -- I don't know exactly what other positions. We
8 probably got some tax-related positions. So we have like tax
9 examiners, things like that. And then the DPBH staff became
10 part of the Department of Taxation staff on July 1st of 2017.
11 However, they were somewhat involved in the whole process
12 because they didn't work for the Department before that, but
13 they were the experts in the area of like -- you know, we
14 didn't have a -- I think Kara has some type of an
15 environmental science type background, so with respect to --

16 THE COURT: Epidemiology.

17 THE WITNESS: Yeah. So like with lab stuff and all
18 of -- you know, that was part of the process, as well, like
19 regulating the labs. So having that level of expertise and
20 the people that had regulated the market going into that. So
21 they were involved in that process, as well.

22 THE COURT: Okay. So did the drafting of the
23 regulations begin before or after the team moved over?

24 THE WITNESS: Pretty much a bit simultaneously.

25 THE COURT: About the time they got there.

1 THE WITNESS: Yeah.

2 THE COURT: Had you assigned the task?

3 THE WITNESS: So -- so the -- so the -- the
4 regulations, we hired QuantumMark, essentially. So what they
5 did is they took a lot of the information from the Task Force
6 and then they benchmarked it -- or they -- then they looked at
7 other states and provided kind of information what other
8 states were doing, and then we would collectively, so myself,
9 Jorge, Kara, Steve, and maybe a few others -- the deputy, the
10 chief deputy, we would all get together and kind of discuss
11 like, okay, well, what is the best -- because this is the
12 drafting phase, right, so we're just looking for the best
13 draft that we can put out there for review and public comment.
14 And so discussing some of the issues that had occurred in
15 medical.

16 And I thought back on one of the issues that Dr.
17 Spirtos I knew was not happy about, was the inclusion of
18 testing, lab testing for aspergillus, which had been reported
19 to -- somebody had died in California, and, you know, he
20 didn't like that, because he's like, there's aspergillus
21 everywhere so I think I --

22 THE COURT: That's that desert fever bacteria?

23 THE WITNESS: Yeah. It's some -- I don't know. You
24 would have to ask Kara for more. But it guess the point is
25 like he was concerned about that. Kara was the subject matter

1 expert. She wanted it. I ultimately decided I think I said
2 at a meeting, like I know there's some controversy over this,
3 but I think in terms of going forward, you know, I'm going to
4 err, if this is an error, on the side of public health. And
5 so those were kind of -- you know, that was the process that
6 we went through internally before we got to this draft, which
7 was who's worked on this or who's an expert in an area and,
8 you know, pulling it all together, having those conversations,
9 weighing what, you know, concerns of industry are with the,
10 you know, concerns for public health and safety, and, you
11 know, not being unduly burdensome. And so that was kind of
12 the process, internal process. And then it went out for --

13 So when we did the workshops we all sat at the
14 table, and so there were different questions --

15 THE COURT: I'm still before workshops. I'm not
16 there yet.

17 THE WITNESS: Oh.

18 THE COURT: So who was your point person?

19 THE WITNESS: For?

20 THE COURT: Drafting the internal version of the
21 regs. I'm still back a couple steps behind you. Somebody has
22 to be point person in rule drafting. You've got a whole team
23 of people you've got working on it, but somebody's got to be
24 in charge.

25 THE WITNESS: Well, I was the point person.

1 THE COURT: Okay. So you're point person. How did
2 you as the point person make sure that the regulations your
3 team and QuantumMark were pulling from every place else, other
4 states, medical, other things that it complied with Ballot
5 Question 2?

6 THE WITNESS: Well, I read Ballot Question 2 and I
7 looked at the plain language of the statute, and then I looked
8 at some regulations that existed and decided, well, can we use
9 these regulations. So, for instance, in the initial -- in the
10 initial process there's a -- under Question 2 there's a new
11 license category that didn't exist before, so we can't borrow
12 -- at least for the temporary regs, you know, we -- no way
13 could we borrow from another -- from that process or there was
14 nothing to kind of guide us. So then the thinking was, how do
15 we -- how do we move forward with that. So then moving
16 forward with that and addressing it in the regulation it was
17 something that was new and different.

18 So recognizing that there were things within the
19 initiative that were going to be different than the medical
20 program and so we couldn't always rely on that or we couldn't
21 always rely on those states, and so identifying those by
22 reading the language of the initiative and figuring out what
23 we could use from all the -- based on all the information that
24 I've already talked about.

25 THE COURT: Okay. So let me go to the first part of

1 my questions related to Ballot Question 2. The voters decided
2 that they wanted marijuana to be regulated similar to liquor.
3 How did you investigate the way that liquor is regulated to
4 make a determination that you would regulate recreational
5 marijuana in the same way?

6 THE WITNESS: Okay. So I have a couple things to
7 say on that. So first of all, the Department of Taxation
8 regulates liquor partly.

9 THE COURT: They tax liquor. It's regulated on a
10 local level.

11 THE WITNESS: Well, you can't get a wholesale -- you
12 can't get a wholesale liquor license without applying to the
13 Department of Taxation. The liquor scheme is a three-tiered
14 system, so you can't -- you can't regulate marijuana like you
15 regulate liquor, because the initiative also says that the
16 Department can only issue licenses to entities that are part
17 of the medical program. And in the medical program there's
18 vertical integration. So the way I interpreted that is that,
19 you know, they wanted it to be taxed like liquor, essentially.
20 So the tax -- the tax provision is a 15 percent at wholesale,
21 and that's how the Department taxes liquor, as well. And
22 because there's not -- it's not possible to regulate it like
23 liquor under the current scheme knowing that there's already
24 vertical integration. So if the people that you can only give
25 licenses to are already vertically integrated, you know, you

1 can't undo that. You can't say, oh, well, you can't be
2 vertically integrated when you're already vertically
3 integrated. And so I think that was -- it was -- I mean, in
4 all honesty, frankly, I believe it was a way to communicate to
5 voters that marijuana should be considered a recreational
6 device just like alcohol.

7 THE COURT: So that's why in (3)(b) the voters said,
8 business owners are subject to review by the State of Nevada
9 to determine if the business owners and the business location
10 are suitable to produce or sell marijuana; right?

11 THE WITNESS: Right. And so that's the local
12 portion, I believe.

13 THE COURT: Okay. So let me go to my next part.
14 I'm just getting your answers.

15 THE WITNESS: Okay.

16 THE COURT: You don't get to ask me questions or the
17 lawyers, but we'll get there some day.

18 So why, if the voters decided we were going to
19 handle it like alcohol and liquor are handled, did the
20 Department determine that you did not need to conduct a
21 background check of each prospective owner, officer, and board
22 member of a marijuana establishment license applicant similar
23 to liquor and alcohol applicants?

24 THE WITNESS: So I would -- I think -- I believe
25 that that is similar to how we treat liquor and -- how the

1 Department treated liquor applicants. Because there's a
2 recognition in the liquor context that pretty much every
3 liquor wholesaler has some public component. So there's not
4 this ability to have every single entity that has some small
5 piece of ownership reviewed, essentially.

6 And, again, in interpreting that provision, kind of
7 creating a framework under which the industry could operate
8 that would still be true to the overall goals and the purpose
9 in regulating the industry is to make sure we have a regulated
10 market, make sure that we don't have people coming into this
11 regulated market that have, you know, ill intent or bad
12 intent, and in applying that 5 percent rule that that would
13 allow the Department to -- and also allowing the Department to
14 do its work over time, that it would be -- it would be based
15 on also the feedback from the industry and the reasonableness
16 of it. That's how we got there. And I believe that it
17 complies with that provision, because of what I just explained
18 and then also I think the value of the process and going
19 through the process and having all those levels of review,
20 especially legislative review and then the Legislative
21 Commission review.

22 THE COURT: Legislative Council, or Legislative
23 Commission?

24 THE WITNESS: Both.

25 THE COURT: Okay. Tell me what your definition of

1 "owner" is.

2 THE WITNESS: Well, owner is individual or entity
3 that maybe has individuals in it, so those types of
4 individual. But if there's a -- if there's an entity that
5 owns another entity, then you would look down to those -- to
6 that level at some point.

7 THE COURT: Okay. Can you maybe use in more
8 layman's terms for me how you define "owner."

9 THE WITNESS: John Ritter is an owner.

10 THE COURT: I don't need examples.

11 THE WITNESS: I mean, that's how -- I mean, at that
12 time there were individuals, and so I think that's what the
13 interpretation is. You can't -- you can't background an
14 entity. So it was individual entity -- or the individual
15 person within an entity at that 5 percent limit.

16 THE COURT: So you --

17 THE WITNESS: By regulation.

18 THE COURT: -- read "owner" as someone who had an
19 equity interest in the financial proceeds of the business.

20 THE WITNESS: Yes. Yes.

21 THE COURT: Okay. I'm just trying to get the right
22 words. What about --

23 THE WITNESS: Somebody who had invested some money.

24 THE COURT: Or sweat equity.

25 THE WITNESS: Right.

1 THE COURT: Let's go to officer. What was your
2 definition of "officer"?

3 THE WITNESS: So like secretary, president, vice
4 president, traditional corporate officers.

5 THE COURT: Chapter 78 corporate officers?

6 THE WITNESS: Right.

7 THE COURT: Okay. What about "board member"?

8 THE WITNESS: Somebody who was -- who served on the
9 board that was -- participated in board meetings as a board
10 member or an officer. I mean, sometimes officers participate
11 in the board meetings.

12 THE COURT: Like a board of director.

13 THE WITNESS: Yes.

14 THE COURT: Okay. Like a Chapter 78 corporate board
15 member.

16 THE WITNESS: Yeah.

17 THE COURT: All right. So how did you treat LLCs or
18 believe LLCs should be treated when you were drafting the
19 regulations to implement 453D.200(6), which is the part about
20 each owner and every owner?

21 THE WITNESS: Right. And so I guess that that's
22 what I get to -- you go to essentially the individual with a
23 5 percent ownership interest. So 5 percent equity interest.

24 THE COURT: And how did you determine that 5 percent
25 was the way to comply with the ballot question that says, each

1 perspective owner?

2 THE WITNESS: Again, in balancing kind of the
3 requirement to create reasonable rules that businesses can
4 operate under and thinking about the public health and safety
5 aspect of the goals, you know, the public health and safety
6 interests of the state, especially public safety, and the
7 thinking was a person with less than a 5 percent ownership is
8 not going to have an ownership interest such that they could
9 sway or there could be situations where they have enough
10 control to bring in -- to sell product out the back door. And
11 so that was a reasonable amount based on feedback from the
12 industry and concerns that they had about how the process had
13 become so burdensome to them, and then also balancing that
14 with the public safety piece.

15 THE COURT: Okay. The ballot question has a lot of
16 information about locations on where operations could be
17 located. Can you tell me how you implemented that in the
18 regulations.

19 THE WITNESS: I'm not quite sure I understand.

20 THE COURT: So the ballot question has a lot of
21 restrictions as to whether marijuana establishments can be
22 located.

23 THE WITNESS: Right.

24 THE COURT: And that requires a specific
25 identification of a location to be able to do that; right?

1 THE WITNESS: Right.

2 THE COURT: Whether there's zoning issues or not,
3 that's a local government issue.

4 THE WITNESS: Right.

5 THE COURT: But, you know, you do have other issues
6 that are in the ballot question related to location.

7 THE WITNESS: Right.

8 THE COURT: How did you as the point person in
9 developing the regulations implement that provision?

10 THE WITNESS: Well, I didn't implement these
11 regulations, but I -- you know, I helped --

12 THE COURT: Created them. You drafted them.

13 THE WITNESS: I helped in the process. And I think
14 that there's something in the regulation regarding distance
15 requirements.

16 THE COURT: There are.

17 THE WITNESS: And so developed those distance
18 requirements. I think there was general input in that
19 category from local governments because they, you know, they
20 do that, as well. The -- you know, and being mindful of the
21 State has this overall structure that we're trying to create,
22 but these businesses are actually located in a local
23 government. So trying to be true to their -- you know, their
24 -- some of the distance requirements that they have in place
25 or looking to them for feedback. And, you know, when you guys

1 are okaying a business are you talking about the -- like how
2 that would be approved, or --

3 THE COURT: I'm only trying to find out your process
4 as the point person in taking Ballot Question 2 and creating
5 regulations that are reasonably and convenient to carry out
6 the provisions of this statute -- of this chapter. And I keep
7 reading back to the statute to [inaudible].

8 THE WITNESS: So yeah. I -- so that -- so thinking
9 about that and looking at distance requirements that have been
10 used in terms of location in the past and providing the
11 guidance in that in regulation and having -- having the public
12 process and doing -- taking the input from the various
13 stakeholders that I've already mentioned, the local
14 government, the industry.

15 THE COURT: So part of what the ballot question also
16 requires is that you adopt regulations with conditions that
17 are demonstrably related to operation of a marijuana
18 establishment. Tell me how you implemented that provision in
19 drafting the regulations.

20 THE WITNESS: So are you talking about the licensing
21 piece of it?

22 THE COURT: No. I'm talking about the application
23 process, because that's what --

24 THE WITNESS: Right. Yeah. Okay.

25 THE COURT: -- it's all coming down to in this part

1 of the hearing.

2 THE WITNESS: So -- right. So some of the -- some
3 of the considerations in that section were, you know, fairly
4 -- fairly board. Like do -- you know, do you have -- are --
5 you know, can you plan for the safekeeping product and things
6 like that. So -- but then some of the other categories were
7 looked at under the guise of like we -- the Department is
8 going to have to distinguish people in some ways. And so then
9 looking at the categories -- so looking at -- so diversity,
10 for instance, how is diversity related to that. And as I
11 discussed earlier, kind of some of those policy considerations
12 and kind of how we viewed them to be related to the operation
13 of the establishment and also would provide some ways -- some
14 ways for people to distinguish themselves in various
15 categories. So having some categories that you might be able
16 to distinguish yourself and then some -- having some general
17 categories that just looked at are we going to -- are -- you
18 know, what are they doing and how is that related to
19 protecting -- to their business and then how is it related to
20 protecting the public health and safety.

21 THE COURT: Okay. Tell me what the taxes paid have
22 to do with that.

23 THE WITNESS: The taxes paid?

24 THE COURT: That's part of the regulations that got
25 adopted.

1 THE WITNESS: Well, the taxes -- there's a provision
2 in there that provides -- that requires the tax in Question 2,
3 the 15 percent.

4 THE COURT: Well, no. We all know that we have to
5 pay taxes, and the marijuana business got sold to the public
6 because of the taxes it was going to pay. I understand. But
7 the taxes that an individual pays unrelated to a marijuana
8 business, how is that demonstrably related to the operation of
9 a marijuana business?

10 THE WITNESS: Oh. You mean the requirement to
11 provide information about taxes paid? I think that that isn't
12 -- so is that what you're talking about within that? So the
13 taxes, the education, the civic --

14 THE COURT: Those kind of things, yep.

15 THE WITNESS: -- those kind of things, those are
16 basically to show that you -- that you're invested in the
17 business, that you've been invested in the business, that you
18 are -- again, we're only looking at right now the people who
19 have already been in the business, so that you can follow the
20 rules, essentially that you can -- that you've followed rules
21 in the past, that you've contributed when you were required
22 to, that you -- that you have some type of economic
23 involvement, that you -- that in all of those categories, the
24 education, as well, are related to your operation of the
25 business and being -- being -- having these levels of

1 stability within the process. And I believe that there's that
2 provision that you have to read, and then you have to read the
3 overall other provisions within the chapter together and you
4 have to be able to rank people, so you have to have some
5 categories where people can distinguish themselves. And so
6 those all relate to operation of the business, and so that's
7 why those were put into the regulations.

8 THE COURT: Okay. Why did you decide to hire
9 QuantumMark to assist you with the drafting of the
10 regulations?

11 THE WITNESS: Because they had assisted in the
12 drafting of the medical. They had also assisted in the Task
13 Force, and they -- and they had a level of expertise from
14 those processes. And -- but mostly because they're really
15 good at process organization. So because we had to get
16 through these processes fairly quickly -- like the most
17 tedious and burdensome thing about the process is that you --
18 pulling everything together. So just --

19 THE COURT: Right. That's why I asked who the point
20 person was.

21 THE WITNESS: Yes. So they -- they pulled all the
22 information together and made -- based on all the conversation
23 that was happening throughout the way and made -- and put it
24 in a format that it could be easily reviewed by the decision
25 makers. And that was really the reason to have them, is that

1 they created the process that allowed us to facilitate it
2 quickly.

3 THE COURT: And who were the decisions makers?

4 THE WITNESS: Well, I mean, I was the end decision
5 maker on what we would put out for regulation to be
6 workshopped in conjunction with, again, the various people in
7 the office. The industry had a role in that, the -- you know,
8 if there were things that were -- you know, I wasn't sure of,
9 I'd take it up the chain of command. So there was, you know,
10 a level of back and forth.

11 THE COURT: Okay.

12 THE WITNESS: But, again --

13 THE COURT: Who decided you were going to use temp
14 employees to do the application review process?

15 THE WITNESS: So I wasn't involved in that.

16 THE COURT: Okay. So you wouldn't be involved in
17 the decision on how many you've asked Interim Finance and how
18 many you actually utilized. That's was after you left.

19 THE WITNESS: Right. That was after me.

20 THE COURT: I have a note to myself that refers to a
21 statute number, so I've got to look at it and see what my
22 question was. Hold on a second.

23 When you in regulations, which you don't have a copy
24 of, that said after you get the applications somebody's going
25 to review them to determine if they are complete, why was that

1 included in the regulation?

2 THE WITNESS: I think so that if they weren't
3 complete the person could be notified and cure.

4 THE COURT: Okay. And so was there an anticipation
5 by you as the point person on the regulations that somebody
6 was actually going to look at them to see if they were
7 complete?

8 THE WITNESS: Yes.

9 THE COURT: And that something would happen if they
10 weren't complete?

11 THE WITNESS: Yes.

12 THE COURT: Whether it's a cure period or a letter
13 saying, we got your application, it's not complete, sorry.

14 THE WITNESS: I mean, there would be some -- well,
15 yes. I mean, and I think that there would be -- if somebody
16 just didn't provide a whole section of the -- of the
17 application or, you know, I think there would be some -- some
18 initial review and -- yes.

19 THE COURT: Did you anticipate when you created the
20 regulations and identified owners that there would be accurate
21 information as to the owners that would be provided to the
22 Department?

23 THE WITNESS: Yes.

24 THE COURT: Okay. And was there any way the
25 Department was to in reviewing an application for completeness

1 to determine if the information provided by the applicant on
2 the ownership was accurate?

3 THE WITNESS: I don't -- I don't know, because I
4 wasn't --

5 THE COURT: I'm just asking about if -- the
6 intent --

7 THE WITNESS: Yeah.

8 THE COURT: -- as you drafted them. Because you
9 have a plan on how you're going to implement it, you're on
10 short time, how are you going to get this done.

11 THE WITNESS: Right.

12 THE COURT: Okay. And you don't know the last one,
13 since you'd already left. Okay. I'm done. Thank you.

14 Who's up next?

15 MR. SHEVORSKI: Mr. Koch.

16 THE COURT: Mr. Koch wants to go next.

17 MR. KOCH: I'll be quick.

18 THE COURT: I was not quick. I tried, but.

19 MR. KOCH: Those are the most questions I think
20 you've asked.

21 THE COURT: Well, I found the decision-maker.

22 MR. KOCH: We got answers. The buck stops here.

23 THE COURT: I got something that wasn't "I don't
24 know." Thank you, by the way.

25 MR. KOCH: Thank you.

1 DIRECT EXAMINATION

2 BY MR. KOCH:

3 Q Ms. Contine, my name is David Koch. I represent one
4 of the applicants or licensees here. I just have a few
5 follow-up questions, maybe a few additional items. You were
6 asked about the taxes paid and those kinds of things. Was
7 economic stability for applicants, was that a concern or
8 consideration that the Department had?

9 A Yes.

10 Q Would it concern the Department if an entity got a
11 license but was unable to financially operate its business?

12 A Yes.

13 Q Why would that be a concern?

14 A Well, for a couple of reasons. You know, when you
15 issue a license or when you regulate businesses, which the
16 Department of Taxation does, you necessarily are concerned
17 about tax revenue so you want to give a license or, you know,
18 you want to have people that are actually going to use a
19 license that they give you -- that you give them or that they
20 receive. So you have to demonstrate some ability to do that,
21 that you can actually operate an establishment, so that's part
22 of it.

23 Also, kind of just a recognition generally that, you
24 know, in this case specifically like -- you know, that there's
25 competition, so if there's competition you have to have a way,

1 again, to distinguish people. And so looking at that economic
2 stability and then also, as I've mentioned in the past, you
3 know, looking at -- having a public safety component to it
4 that if you don't have the money to operate, then how are you
5 going to get the money? And then there could be -- and
6 because all of these entities already have some sort of
7 license, there could be some, you know, temptation to operate
8 outside the regulated market.

9 Q Okay. During these discussions that took place
10 regarding potential regulations that may be adopted, were
11 there any proposed regulations that were considered but not
12 adopted or not put in, even the workshop regulations?

13 A I'm not sure. I mean, I think we tried to be fairly
14 broad and to take consideration, but you have to start with
15 the drafts. I'm sure there were some ideas or some desires
16 that came about that were just not included, but I can't
17 identify them specifically at this time.

18 Q In that decision whether -- if something were not
19 included, would that be something that would be discussed
20 among the group that was considering those regulations?

21 A Yes.

22 Q And would part of the discussion be -- pertain to
23 whether that proposal related or complied with the initiative
24 and the ballot question?

25 A Yes. And some of the other concerns, too, like

1 having -- you know, the other concerns that I've already
2 talked about. I mean, if you -- you know, if you were
3 thinking, you know, controlled market, you know, ability to
4 have a black market and protecting that public health and
5 safety, so some of those considerations.

6 Q Okay. And one of the lines of questions or
7 considerations that's been talked about during this hearing
8 was this possibility that somehow cartels or some criminal
9 organizations may come in and infiltrate Nevada's market. Was
10 that a concern?

11 A No. I don't think that was a huge concern. I think
12 more the concern was having businesses be viable so they
13 wouldn't -- well, I guess ultimately down the line that could
14 be a concern, but if the business is not viable then what are
15 the possibilities that they could leave the regulated market
16 and go to the black market.

17 Q Okay. Would you say by that, would that be if a
18 business isn't viable, they'd take their inventory and sell
19 it?

20 A Yeah. Or they're not financially viable and they're
21 not making money, so they figure out another way to earn money
22 off their product.

23 Q All right. So selling it out the back door
24 perhaps, or doing something else?

25 A Yeah.

1 Q Was there any consideration to this 5 percent
2 requirement and a concern that maybe a whole bunch of cartel
3 members may buy up 4 percent of a marijuana establishment so
4 they could slip under the 5 percent?

5 A I mean, that wasn't specifically considered. You
6 know, the discussions along the way did not involve any type
7 of people gaming that system to create some illegal activity.
8 But again, I think that second part of that regulation that
9 allows the Department to have some flexibility in reviewing
10 below the 5 percent addresses that and also would address
11 other concerns that may come about.

12 Q So if the Department, for example, received an
13 application that had twenty-five 4 percent owners and they
14 said please don't check our backgrounds, would you anticipate
15 the Department would check those backgrounds still?

16 A I would anticipate if they saw something that was
17 out of the ordinary or irregular in the application. They
18 would still be required to put the people on the list; that
19 they would -- that would warrant further review. I would
20 expect that, yes.

21 Q All right. And you talked -- the fact that alcohol,
22 there are public companies that own entities that operate
23 liquor or alcohol establishments, is that right?

24 A Yes.

25 Q And the Department was aware of that?

1 A Yes.

2 Q And the Department regulates at least in part
3 alcohol in the state of Nevada?

4 A Right.

5 Q And you're aware the ballot initiative, I think the
6 judge asked you about that, the fact that it says that
7 marijuana would be regulated in a manner similar to alcohol.
8 Are you aware of that?

9 A Right.

10 Q Did you understand there to be a requirement that it
11 would be regulated identically to alcohol?

12 A No. And as I explained earlier, I didn't think that
13 was possible.

14 Q Okay. There are seven items listed in the ballot
15 initiative that talk about the characteristics or the
16 similarities. You reviewed those as part of your process?

17 A Yes.

18 Q And did you believe that what was being proposed
19 with respect to regulations carried out those considerations
20 as far as similar regulations to alcohol?

21 A Yes.

22 Q For example, not operating a vehicle while you're
23 intoxicated or impaired; right?

24 A Right.

25 Q Or not selling products to somebody who's under the

1 age of 21, that was a consideration, is that right?

2 A Right.

3 Q Okay. So based upon the regulations that were
4 submitted prior to the time that you left, you believe that
5 those regulations were in compliance with that section of the
6 ballot initiative?

7 A With the section you just read or --

8 Q Regarding the similarity, regulations similar to
9 alcohol, that you believe that that aspect was considered and
10 applied in drafting the regulations?

11 A Yeah. Yes.

12 Q Okay. A lot of discussion has been had during this
13 hearing about these physical locations and whether the
14 physical location itself had to be part of the application
15 score as part of that process. You were at least involved or
16 aware of some discussion of that prior to the regulations
17 being drafted, is that right?

18 A Yes.

19 Q That was part of the Task Force?

20 A Yes. Well, and again, as I mentioned before, the
21 way that the initiative was written I think was slightly
22 different than it had been applied before and it was
23 attempting to clarify that -- you know, clarify the timing of
24 the various licenses. So, you know, you can't -- you
25 obviously can't operate in a local government without local

1 government approval and you can't sell marijuana without a
2 marijuana license. So kind of determining, you know, kind of
3 how those two systems -- I mean, we had to regulate for those
4 two systems to work together because both of them required
5 some work from different regulating entities.

6 Q Did you anticipate that there would be a process to
7 review specific locations after conditional licenses were
8 granted?

9 A The regulations specifically say that you can't open
10 an establishment unless you have final Department inspection,
11 so that would be the final say in whether you can operate.

12 Q Okay.

13 A And with respect to providing the location, I think
14 the intent was if you have a location and you know your
15 location and you want to tell the State about it, that
16 information would be available. But again, in the regulation
17 with identifying that, it wouldn't be scored.

18 Q So the State or the Department was not actually
19 going out and looking at the proposed location if you had one
20 and say, well, this is a great spot, let's give them extra
21 points or anything like that?

22 A Well, I don't know what they did in the review
23 because I wasn't there, but the intent in the regulation was
24 that there would not be a review of a specific address within
25 that initial review. And it would be the applicants would

1 apply for a jurisdiction because the licenses were allocated
2 to the jurisdictions proportionate to population in that
3 county. So if you didn't identify on the application, we
4 didn't provide a place to identify -- if the Department didn't
5 request some identification of the jurisdiction, then you
6 wouldn't know how many licenses were in that jurisdiction.

7 Q Okay. I want to ask you about a provision in the
8 statute. If we can pull up NRS 453D.210. And we'll put this
9 on the screen for you or if you have it in the book --

10 A Yeah, I have it right here.

11 Q -- if it's easier for you there. And NRS 453D.210,
12 subsection 5 where it says, "The Department shall approve a
13 license application if."

14 A Right.

15 Q You've reviewed this subsection of the statute
16 before?

17 A Yeah. Yes.

18 Q Okay. And it says -- it has a number of items
19 there. Let me ask you about (e), which -- I just want to get
20 a little bit more understanding of how you interpret that. It
21 says, (e) if "the locality in which the proposed marijuana
22 establishment will be located does not affirm to the
23 Department that the proposed marijuana establishment will be
24 in violation of zoning or land use rules adopted by the
25 locality." What does that mean? It's a little confusing to

1 me, but what do you understand that to mean?

2 A It essentially means that they have to be properly
3 zoned at the local level.

4 Q And did the locality have to affirm that the
5 marijuana establishment was in compliance with zoning and land
6 use?

7 A No. I think this is kind of the provision that I've
8 been talking about in some ways that was the difference,
9 essentially, in the drafting of this from medical, which made
10 it clear that there was a local government responsibility
11 essentially to say that people aren't -- they don't have the
12 proper zoning. I think the way -- you know, the way that it
13 would be applied essentially is that the applicant at some
14 point -- you know, after the initial approval, we've reviewed
15 it, then the applicant would -- there would be some
16 discussion, they would be -- they would show that, you know,
17 they had the local government sign off, so in the final
18 inspection. I mean, I'm not sure how. There's various ways
19 to apply that and to insure that, but I guess in its most
20 basic -- the way that it's written that would mean that the
21 Department didn't do anything at all unless the local
22 government said we're not doing X.

23 So in some cases like when initially the letters
24 were sent from the local government saying we're not going to
25 have an Early Start or we're not going to expand or those

1 types of things. So there was some of that communication, but
2 there's other ways to determine that information other than
3 getting an affirmance or nonaffirmance from the local
4 government.

5 Q So did the Department ask local jurisdictions, then,
6 to submit an affirmance or nonaffirmance as part of the -- did
7 you anticipate that would be part of the application process
8 itself in order to approve an application that the local
9 government would first have to affirm that that location was
10 okay?

11 A Well, I think it would happen during the process
12 after a conditional license was reviewed or issued.

13 Q And so when this section 5 of subsection or .210
14 says shall approve a license application, did you anticipate
15 that constituted final approval and not just conditional
16 approval?

17 A Yes.

18 Q So it would be some future action taken after
19 conditional approval?

20 A Yes.

21 Q And staying in that same section, 5(c), it says a
22 license application will be approved if "the property is not
23 located within: (1) One thousand feet of a public or private
24 school that provides formal education traditionally associated
25 with preschool or kindergarten through grade 12 and that

1 existed on the date on which the application for the proposed
2 marijuana establishment was submitted to the Department." And
3 I'm interested in that last phrase where it says and which
4 "existed on the date on which the application was submitted."
5 Do you know what that referred to or how did you understand
6 that?

7 A That statute, that provision?

8 Q Right.

9 A So basically at the time that they submitted the
10 application to the Department if then they had received a
11 conditional license they'd go look at wherever they were going
12 to locate it and that analysis would be done at that time.

13 Q Okay. And so that was anticipated that it would
14 look back when the application was submitted --

15 A Right.

16 Q -- and then the final approval would be issued after
17 the fact?

18 A Right.

19 Q We looked at the Task Force report. Go to Exhibit
20 2009 again. I think you may have that in front of you or
21 we'll put it up on the screen. And let's go to page 19, Bates
22 number 2515. Mr. Gutierrez looked at a couple of these
23 sections with you. I just want to ask about one or two of
24 them. On the application process it says, "The Task Force
25 recommends the qualifications for licensure of a marijuana

1 establishment and the impartial numerically-scored bidding
2 process for retail marijuana stores be maintained as in the
3 medical marijuana program except for a change in how local
4 jurisdictions participate in selection of locations."

5 And so first, the item on qualifications for
6 licensure being maintained as the medical marijuana program,
7 did the Department look at the qualifications for licensure
8 that were outlined in the medical marijuana program?

9 A Yes. I mean, it was part of discussion, you know,
10 through the process.

11 Q And what we're talking about, drafting these
12 regulations, it sounds like the medical marijuana
13 establishment regulations were used as kind of a starting
14 point; right?

15 A Right.

16 Q You didn't just sit down yourself and say, okay, I'm
17 going to take a blank page and start writing regulations, did
18 you?

19 A I mean, partially yes. So the basis -- again, a lot
20 of discussion -- I mean, you can see from the Task Force that
21 there's identification of issues that had come up, things that
22 didn't really work that were either unduly burdensome or
23 weren't, you know, able to be -- you know, that were just
24 difficult or weren't, you know, looking at the policy behind
25 it, you know, didn't make sense. So there was a lot of that

1 analysis that went into it. But, yes, the medical, especially
2 considering that everybody that was going to be getting a
3 license initially was going to be already in that regulated
4 market.

5 Q All right. And so it sounds like the Task Force
6 recognized that we'll use medical as a starting point, but
7 maybe we can make some improvements?

8 A Right.

9 Q And what else is referenced there, it says, "Except
10 for a change in how local jurisdictions participate in
11 selection of locations." So that -- is that what we've been
12 talking about with respect to the selection of locations?

13 A Yes.

14 Q And that was something that was talked about in the
15 Task Force and among the industry?

16 A Right.

17 Q And was there anybody that was vehemently opposed to
18 that?

19 A To --

20 Q To changing so that the selection of the locations,
21 that that modification was proposed. Did anybody come forth
22 and say, no, no, no, no, no, it was perfect under medical, we
23 want to keep it just like it was, we want to have locations
24 all locked up?

25 A Well, I think under the initiative the wording was a

1 little bit different. So there was a recognition that that
2 process would be a little bit different because of that
3 affirmance language. So it wasn't like the local government
4 could say no, they could just, you know, not say yes. You
5 know, the way that it's worded was a little awkward.

6 Q Yeah.

7 A But the understanding of that was that -- was to
8 eliminate some of the initial problems that had occurred under
9 the medical licensing wherein the State issued licenses and
10 the County issued licenses to different people. And so
11 basically if you -- you need an overall marijuana license and
12 when you've been, you know, deemed to have met some of those
13 requirements then you go -- you do the local government piece.
14 And, you know, because it's -- again, because specifically in
15 the initiative there's land use and zoning requirements that
16 are left to the local government, you have to figure out how
17 the two pieces can work together. And so there was in the
18 Task Force and in other -- the regulatory process there was
19 the discussion that the State does the initial review and
20 issues the conditional -- you know, does the ranking, issues
21 the conditional approval and then the local government does
22 its piece.

23 Q Okay. And there was -- during this Task Force and
24 during the workshops and during the lead up to the adoption of
25 the regulations, was there consideration or discussion about

1 maybe we should require specific locations and grade those and
2 consider those as part of the ranking of the applications?

3 A Uh, you know, I think there was some consideration,
4 but just looking at the language of the initiative, you know,
5 and again the conversations that I had with various legal
6 counsel, including at the legislature, that the process was to
7 be the State reviews and then the local government does their
8 piece.

9 Q All right. And I guess just in sum it sounds to me
10 like this wasn't just on a lark I'm going to make a decision
11 and just put it as part of the regulations, it was discussed
12 quite a bit.

13 A Yeah. Everything was discussed extensively.

14 Q Let's go to page 114, Bates number 2610 of that same
15 exhibit. And this is the section regarding -- from the
16 working group for taxation revenue, regulatory structure,
17 ownership issues and licensing requirements. And I believe
18 Mr. Gutierrez asked you about a couple of these spots where
19 the sponsor was, among others, John Ritter. Do you see that?

20 A Yes.

21 Q Okay. And the recommendations here -- before we
22 talk about the text of the actual recommendations, there are
23 several items that are bracketed below in bold. And the first
24 one says, "In order to make the medical program consistent,
25 you need to change NRS 453A.332, paragraph 5." And the next

1 one under B says, "In order to make the medical program
2 consistent, you need to change NRS 453A." So was there a
3 concern or consideration about consistency between medical and
4 recreational regulations and statutes?

5 A Well, to the extent that initially only -- Yes, I
6 mean, that was a consideration. I mean, the entities had been
7 working under one process and, you know, how would they go and
8 work under another process, so there was some attempt to be
9 consistent.

10 Q And those -- you're talking about the entities. All
11 these entities were essentially the same entities?

12 A Yes, they were the same.

13 Q They had to have a medical license?

14 A Yeah. Yes.

15 Q And one of the recommendations here, then, it
16 specifically says under 5A: "Require only owners of 5 percent
17 or more cumulatively -- see below for a definition of
18 cumulatively -- officers and board members of the company
19 holding license to be fingerprinted, be required to undergo a
20 background check and resubmit a new application for license
21 renewal." So that was specifically something discussed by the
22 Task Force and recommended as part of the Task Force, the 5
23 percent requirement?

24 A Yes.

25 Q Do you know, by the time that you left, were any of

1 the marijuana establishments that you're aware of, did they
2 have any public ownership, publicly traded companies?

3 A I don't -- I don't recall. I wouldn't know.

4 Q Okay. Based upon the requirement to perform
5 background checks and do fingerprints, do you have an opinion
6 of whether it would be reasonable to expect the Department to
7 conduct background checks and obtain fingerprints if a company
8 had let's say millions of shareholders? Would that be
9 possible for the Department to do that?

10 A No.

11 Q What was that?

12 A No.

13 Q Okay. And would you expect --

14 A I mean, it would be possible, but it would take a
15 really, really long time.

16 Q It would maybe be --

17 A Longer than it does already. I know that's a
18 complaint.

19 Q It might be impractical?

20 A Yes.

21 Q And if you turn to the next page, 2611 Bates number,
22 when that 5 percent of the ownership recommendations were
23 considered, the Task Force appears to have considered Guiding
24 Principles there under Item 4. Do you see that?

25 A Yes.

1 Q And Guiding Principle 2 is being responsive to the
2 needs and issues of consumers, non consumers, local
3 governments and the industry. And then Guiding Principle 4,
4 to propose efficient and effective regulation that is clear
5 and reasonable and not unduly burdensome. Did you believe
6 that those guiding principles were satisfied with respect to
7 this 5 percent requirement?

8 A Yes.

9 Q And it actually says in Item 5, "What provision or
10 provisions of Question 2 does this recommendation apply to?"
11 And then it points to section 2(b) of I.P. 1, stating that the
12 business owners must be suitable. And then in section 5 of
13 paragraph 1 of I.P. 1, that the regulations should not be
14 unreasonably impracticable. So these specific sections of the
15 initiative were considered in making this recommendation, is
16 that right?

17 A Yes.

18 Q And then lastly, Item 6, "What issue does the
19 recommendation resolve?" It states, "To allow companies that
20 own marijuana establishment licenses in which there are
21 multiple owners no less than 5 percent, in some cases far
22 less, to be able to operate practically and efficiently; to
23 allow companies that own marijuana establishment licenses to
24 function based on their governing documents as companies are
25 allowed to do in other industries." So did you believe that

1 this proposed regulation did allow marijuana establishments to
2 operate as companies are allowed to do in other industries --

3 A Yes.

4 Q -- such as alcohol?

5 A Yes.

6 Q Any of the regulations that you believe were adopted
7 did you consider them to be arbitrary?

8 A No.

9 Q Did you believe them to be reasonably related to the
10 operation of marijuana establishments?

11 A Yes.

12 MR. KOCH: Thank you. No further questions.

13 THE COURT: Anybody else on the defendants in
14 intervention team? Mr. Shevorski?

15 MR. SHEVORSKI: No questions, Your Honor.

16 THE COURT: Anyone from the plaintiff side? We've
17 got 18 minutes before we break for the day.

18 MR. KEMP: Might as well, Your Honor.

19 THE COURT: Thank you, Mr. Kemp.

20 CROSS-EXAMINATION

21 BY MR. KEMP:

22 Q Good afternoon, ma'am.

23 A Good afternoon.

24 Q Now, when we were discussing -- when Mr. Gutierrez
25 was discussing the phrase "unreasonably impracticable," you

1 brought up three times an example of someone in Ohio that
2 owned .5 percent that had to sign something. Do you recall
3 that?

4 A Yes.

5 Q And so that was the example that you gave and that
6 was .5 percent; right?

7 A Well, it was just a random thing. It was based on
8 a cumulation of examples or discussions that had occurred
9 with --

10 Q Okay. Well, maybe it was random, but that was the
11 random one that you used three different times, .5 percent;
12 right?

13 A Yeah.

14 Q Now, as the Court went on with you that the
15 initiative petition said "every," it didn't say everyone with
16 50 percent; right?

17 A Right.

18 Q And if the Department wanted to it could have done
19 background checks on, say, everyone over 51 percent ownership;
20 right?

21 A Well, I think it would have had to go through the
22 regulatory process. I mean -- you mean it could have adopted
23 -- it could have --

24 Q Sure. Sure.

25 A Yes, it could have proposed that, I guess, yes.

1 Q And you think over 51 percent would have met the
2 standard of unreasonably impracticable that would have allowed
3 you to do that; right?

4 A Well, I think that that's one prong of it, making
5 regulations that -- to carry out -- that are necessary and
6 convenient to carry out the provisions. And also looking at
7 some of the other guiding principles and the overall public
8 health and safety issues related to implementation.

9 Q And obviously it would have been more convenient
10 just to do background checks on people with 51 percent
11 ownership because there would be less of them; right?

12 A Well, then you're not looking at necessarily the
13 public health and safety component.

14 Q So you think the public health requirement should be
15 somewhat under 51 ownership for background checks?

16 A I think that some discussion throughout this process
17 that occurred was what provision --

18 Q Could you answer my question first and then I'll let
19 you explain out -- expand.

20 A I think the Department could say they wanted 51
21 percent. I don't think that that regulation would go through
22 the process and be approved because of the balancing of --

23 Q You think 51 percent would be inconsistent with
24 Question 2?

25 A Well, I think if the Department had to apply -- if

1 the Department was only going to background somebody that had
2 51 percent, then they wouldn't be looking at any other factors
3 within the initiative. And so I think, yes, it would be
4 inconsistent.

5 Q How about 50 percent?

6 A I think the discussion was around this 5 percent
7 that was proposed.

8 Q I'm not asking what the discussion was around. I'm
9 asking whether you thought 50 percent would be inconsistent
10 with Question 2?

11 A Uh, if 50 percent would be inconsistent with
12 Question 2? I think it would be, yes.

13 Q How about 40 percent?

14 A I don't know.

15 Q So 40 percent could have been --

16 A I think --

17 Q -- consistent with Question 2 in your view?

18 A I don't know. I'd probably have to do a little bit
19 more research. I think that the 5 percent was a suggestion
20 and then there was some analysis that went in looking at it
21 and making sure that, you know, it would still be consistent
22 and that it would fall under the Department making -- you
23 know, not making regulations that prohibited operations of the
24 industry.

25 Q So 40 percent could have been consistent, but you'd

1 have to think about it? Is that where we wind up?

2 A Yes.

3 Q And so I guess 35, 30, 25, those all could have been
4 consistent, too, but you'd have to think about them, too?

5 A Five percent is a relatively low amount of ownership
6 traditionally. If somebody has a 5 percent ownership of a
7 company they're not making decisions, they're not -- they
8 don't have enough influence over what is happening, and that
9 was the analysis that kind of went into that. So I guess if
10 you threw out a number, then you'd have to kind of do that
11 same type of analysis along the way and determine if --

12 Q Okay. But just to be clear here, 40, 35, 30, 25,
13 20, 15, 10 percent, your position is that they could all be
14 consistent with Question 2, but you'd have to think about it;
15 right?

16 A Right.

17 Q Okay. And I guess -- let's go to 10 --

18 A I mean, based on kind of the parameters that I just
19 explained.

20 Q Let's go to 10 percent. Ten percent you would agree
21 would probably be consistent in your mind with Question 2?

22 A I don't know.

23 Q Okay. Now, the voters voted on every owner having
24 background checks; right? Right?

25 A Yes.

1 Q They didn't vote on 1 percent, 5 percent, 10
2 percent, 51 percent. That's not what they voted on, did they?
3 A No.
4 Q Okay. And you remember that that was a pretty close
5 vote, ten thousand?
6 A Right.
7 Q So do you think it would have been the same vote if
8 you had every person having to have a background checked as
9 opposed to only 51 percent owners have background checks? Do
10 you think that might have changed some voters?
11 MS. SHELL: Objection. Calls for speculation.
12 THE COURT: Overruled.
13 THE WITNESS: I don't know.
14 BY MR. KEMP:
15 Q Could it change --
16 A I don't -- honestly, I don't believe the owners even
17 knew about this provision, but --
18 Q Owners or voters?
19 A I mean the voters.
20 Q So was one of the reasons the Department discarded
21 the language every owner should have background checks was
22 because you didn't think the voters understood that?
23 MS. SHELL: Objection. Misstates the testimony.
24 THE COURT: Overruled.
25 MR. KOCH: Lacks foundation. Argumentative.

1 THE COURT: Overruled.

2 MS. SHELL: Thank you.

3 THE WITNESS: I don't think that the Department

4 disregarded that language.

5 BY MR. KEMP:

6 Q Well, it didn't apply that language, did it?

7 A I think the Department applied the language in

8 interpreting the statute to make the regulation. When it did

9 so it was also balancing that provision with the provision

10 that it not make rules that are impractical or unreasonable or

11 unduly burdensome. And so --

12 Q Can you really testify under oath that it would have

13 been unreasonably burdensome to background checks on 4.5, 5,

14 5.5, 6? Can you really say under oath that that would have

15 made a difference to the Department?

16 MS. SHELL: Objection.

17 MR. SHEVORSKI: Objection. Argumentative.

18 THE COURT: Overruled.

19 THE WITNESS: I don't know. I'm saying that the

20 Department was taking into consideration and concern some of

21 the feedback that the industry had with respect to the burden

22 that each -- that everybody operating, even in a very

23 inability to control any kind of aspect of the business. And

24 so --

25 //

1 BY MR. KEMP:

2 Q Okay, listen to my question. My question was --

3 THE COURT: Wait. Let her finish.

4 MR. KEMP: Go ahead.

5 THE COURT: You can finish.

6 THE WITNESS: And so the analysis that went into
7 that percentage was, okay, is there some ability for the
8 Department to still protect the public safety of -- does this
9 still protect public safety? Does this allow us to -- allow
10 the Department to have information with respect to a
11 background check of the people that are essentially in control
12 of what happens at the establishment as opposed to somebody
13 that doesn't live in the state or --

14 BY MR. KEMP:

15 Q Would 4.5 percent or 5.5 percent be in your view any
16 more unreasonably impracticable than 5 percent?

17 A No.

18 Q 3.5 percent to 6.6 percent, any more unreasonably
19 impracticable than 5 percent?

20 A I don't know. I mean, as you start to get to 10, I
21 think we'd have to look at some additional analysis. I don't
22 know all the constructs of what goes into a company, so I
23 think there would have to be some advice that we'd seek.

24 Q Okay. Well, earlier you told me that .5 percent
25 was, in your words, random. Do you recall that?

1 A Yes.

2 Q Five percent is random, too, isn't it?

3 A Well, again, it was -- as I've stated, the analysis
4 went along the lines of what is burdening the industry and
5 Question 2 says that we don't make rules that are impractical
6 or unduly burdensome. This is something that has said -- that
7 the industry has said is burdensome to them. And then looking
8 at what our responsibility was in order to maintain -- to make
9 sure that people were vetted that could affect the operations
10 of the business and could -- to have an overall say in the
11 business that could lead to some type of criminal activity.
12 Five percent is a low enough percentage that the Department
13 felt that it could balance those competing interests.

14 Q So is that a yes answer to my question that 5
15 percent is random or was that a no answer to my question as to
16 5 percent being random?

17 A No.

18 Q So that was a no. You don't think 5 percent was
19 just a random figure that the Department pulled out of the
20 air?

21 A It was not random in the context of the explanation
22 that I gave.

23 Q Okay. You keep talking about this analysis that the
24 Department -- the Department supposedly did at 5 percent;
25 right?

1 A Well, through --

2 Q That's what you said --

3 A Yes.

4 Q -- the Department did an analysis of the 5 percent

5 figure. The Department did it; right? Right? That's what

6 you said. Is that what you said?

7 A Yes.

8 Q Mr. Gilbert testified that he drafted the temporary

9 regulations. Is that true or not?

10 MR. KOCH: Objection. Misstates the testimony.

11 THE COURT: Overruled.

12 THE WITNESS: I'm sorry, the question is did --

13 BY MR. KEMP:

14 Q Mr. Gilbert said that he was the primary

15 draftsperson of the temporary regulations. True or false?

16 Was he or was he not?

17 A I don't know what he means by primary. Again, I

18 think I've explained the process. I mean, he was involved.

19 Q Well, actually you haven't explained the process.

20 You said, quote, "We drafted temporary regulations." You

21 never said who put pen to paper to draft them. Did you do

22 that?

23 A Yes, as part --

24 Q You were the one who took -- you put pen to paper

25 and drafted it?

1 MR. SHEVORSKI: Objection. He's got to let her
2 finish her answer, please.

3 THE COURT: You do have to let her finish it.

4 MR. KEMP: Go ahead.

5 THE WITNESS: So as I explained the process before,
6 it was a group effort. And nobody put pen to paper because
7 they put fingers to keyboards. So we all had, you know, kind
8 of different categories. Maybe some person drafted -- I don't
9 remember who drafted every single piece of information. There
10 was a drafting process internally within the agency and those
11 provisions were submitted for public review.

12 BY MR. KEMP:

13 Q So as we sit here today, you don't remember if you
14 drafted it, if Mr. Gilbert drafted it, if Mr. Pupo drafted it
15 or someone else drafted it, is that correct?

16 MR. SHEVORSKI: Objection. Vague.

17 THE COURT: Overruled.

18 THE WITNESS: Drafted what?

19 BY MR. KEMP:

20 Q The regulations.

21 A The temporary regulations?

22 Q The temporary regulations.

23 A We all drafted the temporary regulations.

24 Q Okay. With regards to the 5 percent provision, who
25 drafted that?

1 A I guess I'm -- you mean who typed it up?

2 Q What do you understand the word draft to mean?
3 Writing apparently is not what was used. Typing? Who typed
4 it up originally?

5 A So as I've explained the process, so the Task Force
6 met. There were the recommendations. Those recommendations
7 were typed up by QuantumMark. They were adopted. Then
8 information from those regulations were copied and pasted into
9 a separate document, along with other information that was
10 gathered along the way, or if somebody in staff was like, hey,
11 look at what they're doing in Colorado or look at what they're
12 doing this. And then the document was put all together and
13 the document was actually physically put together and
14 information was sent to the compiler and then once everything
15 was compiled the agency made some decisions on what the final
16 draft would look like that we would workshop.

17 Q So my question was who drafted the 5 percent. Can
18 you answer that?

19 A The 5 percent came out of a recommendation from the
20 working group.

21 Q So the government's advisory task force drafted the
22 5 percent?

23 A Well, the recommendation --

24 Q Who first drafted --

25 THE COURT: Wait. You've got to let her finish,

1 Mr. Kemp.

2 MR. KEMP: Your Honor, I'm getting flashbacks of --

3 THE COURT: I know, but we've still got to let her
4 finish.

5 THE WITNESS: Well, I guess I'm just having trouble
6 with what you mean by drafted. As I've explained, the process
7 is --

8 Q Okay. Let's try --

9 THE COURT: Wait. Let her finish.

10 THE WITNESS: The process initiated with the
11 Governor's Task Force. There were recommendations that came
12 out of that. The process also considered -- so it reviewed
13 those recommendations and it also -- the process also
14 considered what was in 453A, what other states were doing.
15 An original draft was compiled. So nobody just sat down on a
16 blank slate and started writing. There was information that
17 was all compiled together and then the agency went through and
18 made decision points on the 5 percent. So based on the
19 recommendation from the Task Force that was drafted into a
20 document that a lot of people had input into drafting and then
21 it went through the workshop process.

22 BY MR. KEMP:

23 Q So if Mr. Gilbert said it was copied from the
24 medical marijuana provision, that's a mistake, that's wrong;
25 right?

1 A I don't know about -- I don't know where -- again,
2 medical was a basis. The Task Force was a basis. Other
3 states was a basis. At this point I'm not sure where
4 everything -- you know, what decision points happened at which
5 time and how things were pulled together, but that was the
6 process that we went through.

7 Q So is it fair to say you don't know who drafted the
8 5 percent or what the basis of it was? Is that fair to say?

9 A No.

10 Q Okay. Then who drafted it? Who was the first
11 person that wrote 5 percent after Question 2 was passed?

12 MR. KOCH: Objection. Asked and answered many
13 times.

14 THE COURT: Overruled.

15 THE WITNESS: That basically took the recommendation
16 and put it in written form?

17 BY MR. KEMP:

18 Q Question 2 was passed; yes? Yes?

19 A Yes.

20 Q Who was the first person at the Department of
21 Taxation to draft 5 percent for background checks?

22 A So, the contractor compiled information in writing
23 based --

24 Q That would be QuantumMark?

25 A Yes. Based on --

1 Q So -- Go ahead.

2 A Based on the work in the working group, it was
3 reduced to writing. Maybe John Ritter wrote some of it. I
4 don't know because I wasn't in every working group. But that
5 process then was reduced to this -- the recommendation within
6 the Task Force, that was then presented to the overall Task
7 Force for review and approval. And then -- so I guess the
8 answer to your question would be the first time such a
9 recommendation was reduced to writing would have been the
10 recommendation of the working group. And then --

11 Q Which would have been in the year 2017, is that
12 right?

13 A Yes.

14 Q Is that right?

15 A Yes.

16 Q Okay. So the fact that it's basically identical to
17 the medical marijuana one in 2014, that's a mere coincidence?

18 A I don't -- it's not a coincidence.

19 Q So that was not the source of the 5 percent?

20 A Well, again, like I just said, I don't know where
21 everything came from, but -- and I explained kind of where
22 different things came from. And once the information was all
23 compiled, then the discussion happened about what would be in
24 and what would be out and then we went through the working
25 group.

1 Q Okay. Let's stay away from --

2 THE COURT: This is our -- wait. This is our place

3 for breaking for the day. It's 4:45. I have an argument on

4 closing on another trial tomorrow morning at 8:30. I should

5 be ready for you by ten o'clock.

6 MR. KEMP: Ten o'clock, Your Honor.

7 THE COURT: What's my plan for next week, guys?

8 MR. KOCH: Can I ask first, are we -- tomorrow after

9 finishing Ms. Contine, is there anybody else that is going to

10 be called?

11 THE COURT: Is Mr. Groesbeck coming tomorrow or any

12 of the other people who were identified coming tomorrow?

13 MR. KOCH: I've been told he's not coming tomorrow.

14 MR. KEMP: Your Honor, let's --

15 THE WITNESS: I just wanted to know about tomorrow a

16 little bit, like when we might be done, because I do have some

17 actual work.

18 THE COURT: Real work?

19 THE WITNESS: Yeah.

20 THE COURT: How long have you got, Mr. Kemp, at the

21 pace you're going?

22 MR. KEMP: At the pace I'm going, I probably have

23 five hours, Your Honor. I'm serious, Your Honor. This is

24 turning into another --

25 THE COURT: Mr. Kemp, that's okay.

1 What obligations do you have, ma'am? Because I've
2 got next week, too. So unless you're going to be on vacation
3 next week, we could call Friday off and see you on Monday.

4 THE WITNESS: I kind of have to clear it with my
5 boss, too.

6 THE COURT: Isn't your boss the Governor now?

7 THE WITNESS: Yes. And he expects me to do my --

8 THE COURT: He wanted this thing about transparency.

9 THE WITNESS: Tomorrow I have a one o'clock and a
10 three o'clock. If I have to move them -- well, the three
11 o'clock is a large conference call on an issue.

12 THE COURT: Is it easier for you to come Monday or
13 tomorrow?

14 THE WITNESS: Tomorrow.

15 THE COURT: Okay.

16 THE WITNESS: But can I be done by three?

17 MR. KEMP: Judge, it's up to her, it's not up to me.

18 THE COURT: I'm going to work through lunch.

19 THE WITNESS: Or 2:45 because I have to make -- I
20 have to be on a large conference call.

21 MR. GENTILE: Your Honor, we have no problem if she
22 leaves at three and comes back on Monday, but I don't see any
23 way she's done by three.

24 THE COURT: Okay. So I will have you talk with Mr.
25 Shevorski and the team --

1 THE WITNESS: Okay.

2 THE COURT: -- to see what the other options are if
3 we do not finish. In any case, we will break you at 2:45
4 tomorrow so you can get to your conference call.

5 THE WITNESS: Okay. Thank you.

6 THE COURT: How's that?

7 THE WITNESS: Yes.

8 THE COURT: And then you and Mr. Shevorski are going
9 to work out because poor Mr. Gilbert I think sat here for four
10 days. Some of the time he was just in the audience.

11 MR. SHEVORSKI: Over several weeks.

12 THE COURT: Yeah. All right, what else have you
13 got? What's my plan for next week, guys?

14 MR. KOCH: We have Monday available. Is everyone
15 available Monday? Is Mr. Groesbeck available?

16 THE COURT: I've got to have witnesses. Having you
17 guys show up without witnesses is not productive.

18 MR. KEMP: Judge, I want to talk about --

19 MR. KOCH: I understand Mr. Groesbeck to be the next
20 witness.

21 MR. KEMP: He keeps saying Mr. Groesbeck. I told
22 him if we were going to get done today, which was the original
23 plan, that I would have Mr. Groesbeck cancel ten different
24 business appointments and be here tomorrow so we can get done.
25 Last night, knowing that, they added five more plaintiff's

1 witnesses -- witnesses of plaintiffs. So I told Mr. --

2 THE COURT: They did. They did. You've got
3 different groups. Remember, it was over there.

4 MR. KEMP: Yeah, they did. So I told Mr. Groesbeck
5 that, you know, there's really no need to cancel his
6 appointments because he's going to -- you know, they're going
7 to go on through next week, so I've not talked to him about
8 what day. But this isn't my case-in-chief, this is their
9 case-in-chief.

10 THE COURT: Well, all I'm trying to figure out is
11 scheduling. There was an identification of five to six people
12 that needed to still testify in their case. I have given the
13 plaintiffs a lot of latitude because no discovery was done
14 prior to this evidentiary hearing. I am going to extend the
15 same courtesy to the defendants because that's the fair thing
16 to do. So since they're your client representatives, I just
17 need to know what day you want me here to hear them next week.

18 MR. KEMP: Judge, I would say Tuesday for Mr.
19 Groesbeck, without talking to him, because I don't think we're
20 going to get done with Ms. Contine until --

21 THE COURT: She says she can't come back on Monday.
22 Assume for a minute she can't come back on Monday but maybe
23 can come later in the week.

24 MR. KEMP: I thought she said she could come on
25 Monday.

1 THE COURT: No, which is why I told her to talk to
2 Mr. Shevorski because I don't want to get involved in the
3 prioritization of State business.

4 MS. HIGGINS: Your Honor, neither I nor Mr. Graf is
5 available Tuesday. I have ten hearings and he has hearings
6 all day on Tuesday.

7 MR. KEMP: Judge, I can try and get Mr. Groesbeck
8 here on Monday, but he's only one of the eight.

9 THE COURT: I know. That's why I'm asking.
10 Mr. Gentile.

11 MR. GENTILE: We have agreed to accept service with
12 regard to Mr. Scolari, not to the others, so I don't know if
13 service has been had.

14 THE COURT: Well, they don't need to subpoena your
15 client representative.

16 MR. GENTILE: Well, it's --

17 THE COURT: Okay.

18 MR. GENTILE: I haven't even been able to --

19 THE COURT: Pick a client representative to show up,
20 you know.

21 MR. GENTILE: Any client representative?

22 THE COURT: It's like he's going to ask them --

23 MR. GENTILE: Well, he's asked for specific people.

24 THE COURT: I know, but he's got a list of six
25 questions to ask and they're basically the same, so it doesn't

1 really -- I know what he's trying to do and I'm going to let
2 him do it, but we just need to have the people show up.

3 MR. GENTILE: Well, believe it or not --

4 THE COURT: Really?

5 MR. GENTILE: -- we found Jimmy Hoffa.

6 THE COURT: Did you?

7 MR. GENTILE: Yes.

8 THE COURT: Good.

9 MR. GENTILE: And he will be there on the stand.

10 THE COURT: Good. Great. I'm so glad to hear that.

11 So what day -- you don't need me on Tuesday because we have a
12 conflict with Clear River's counsel not being able to be here.
13 And since I made a doctor's appointment that day, it's going
14 to be okay. So do you guys want to plan to do at least one
15 witness on Monday and then try to do the rest on Wednesday?

16 MR. KOCH: I think we do as many as we can on
17 Monday. I'm not available on Wednesday, but Monday if we can
18 do as many -- Mr. Groesbeck and as many of the other
19 individuals. Maybe we can get them all done if they're all
20 here. If Ms. Contine is not available on Monday, we can get
21 the rest of them done, finish her up, if necessary. I don't
22 think she needs to go past tomorrow, but that's not my call.
23 I would ask --

24 THE COURT: I know it's not.

25 MR. KOCH: Keep arguing with her. So I think we can

1 get that done tomorrow, get the other witnesses done on Monday
2 and I think we're pretty close.

3 THE COURT: So, Mr. Shevorski, I'm going to task you
4 with talking to Ms. Contine because I understand she does have
5 other responsibilities. And since she's no longer with the
6 Department of Taxation, I'm not going to do what I did to Mr.
7 Gilbert and just make her sit in the room the whole time. I
8 would like you to try and -- your team to try and figure out
9 when a convenient day next week is if she doesn't finish
10 tomorrow before 2:45 so I know what the plan is because I'm
11 just trying to figure out my week next week. So if I have to
12 volunteer to help other judges with settlement conferences I
13 will have that, since I've gotten the third email today asking
14 if I can help out and I keep ignoring them.

15 MR. SHEVORSKI: We'll get it done.

16 THE COURT: Okay. Will you tell me tomorrow?

17 MR. SHEVORSKI: Yes, Your Honor.

18 THE COURT: Okay.

19 (Court recessed at 4:51 p.m. until the following day,
20 Friday, July 12, 2019, at 10:00 a.m.)

21 * * * * *

22

23

24

25

INDEX

| <u>NAME</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
|-------------|---------------|--------------|-----------------|----------------|
|-------------|---------------|--------------|-----------------|----------------|

DEFENDANTS' WITNESSES

| | | | | |
|----------------|-------|----|---|---|
| Deonne Contine | 12/81 | 99 | - | - |
|----------------|-------|----|---|---|

* * *

EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
|--------------------|-----------------|
|--------------------|-----------------|

PLAINTIFFS' EXHIBIT NO.

NONE ADMITTED IN AFTERNOON SESSION

* * *

DEFENDANTS' EXHIBIT NO.

NONE ADMITTED IN AFTERNOON SESSION

* * *

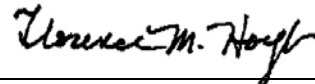
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146

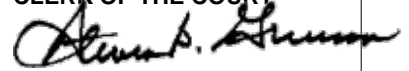


FLORENCE M. HOYT, TRANSCRIBER

7/12/19

DATE

048



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DISTRICT COURT

CLARK COUNTY, NEVADA

13 SERENITY WELLNESS CENTER, LLC, a
14 Nevada limited liability company, TGIG, LLC, a
15 Nevada limited liability company, NULEAF
16 INCLINE DISPENSARY, LLC, a Nevada
17 limited liability company, NEVADA HOLISTIC
18 MEDICINE, LLC, a Nevada limited liability
19 company, TRYKE COMPANIES SO NV, LLC,
20 a Nevada limited liability company, TRYKE
21 COMPANIES RENO, LLC, a Nevada limited
22 liability company, GBS NEVADA PARTNERS,
23 LLC, a Nevada limited liability company,
24 FIDELIS HOLDINGS, LLC, a Nevada limited
25 liability company, GRAVITAS NEVADA, LTD,
26 a Nevada limited liability company, NEVADA
27 PURE, LLC, a Nevada limited liability company,
28 MEDIFARM, LLC, a Nevada limited liability
company, MEDIFARM IV, LLC, a Nevada
limited liability company, DOE PLAINTIFFS I
through X; and ROE ENTITY PLAINTIFFS I
through X,

Plaintiffs,

vs.

THE STATE OF NEVADA, DEPARTMENT
OF TAXATION,

Defendant.

CASE NO.: A-19-786962-B
DEPT. NO.: 11

**PLAINTIFFS / COUNTER
DEFENDANTS' ANSWER TO
COUNTERCLAIM**

1 Plaintiffs, Serenity Wellness Center, LLC, TGIG, LLC, Nuleaf Incline Dispensary, LLC,
2 Holistic Medicine, LLC, Tryke Companies SO NV, LLC, Tryke Companies Reno, LLC, GBS
3 Nevada Partners, LLC, Fidelis Holdings, LLC, Gravitas Nevada, LTD, Nevada Pure, LLC,
4 MediFarm, LLC, and MediFarm IV, LLC (collectively “Plaintiffs/Counter Defendants”), by
5 and through counsel, the law firm of Gentile Cristalli Miller Armeni Savarese, hereby files their
6 Answer to the Counterclaim, states as follows:

7 1. Answering Paragraph 1 of the Defendant/Counterclaimants Counterclaim,
8 Plaintiffs / Counter Defendants admit each and every allegation contained therein.

9 2. Answering Paragraph 2 of the Counterclaim, Plaintiffs/Counter Defendants admit
10 each and every allegation contained therein.

11 3. Answering Paragraph 3 of the Counterclaim, Plaintiffs/Counter Defendants admit
12 each and every allegation contained therein.

13 4. Answering Paragraph 4 of the Counterclaim, Plaintiffs/Counter Defendants admit
14 each and every allegation contained therein.

15 5. Answering Paragraph 5 of the Counterclaim, Plaintiffs/Counter Defendants admit
16 each and every allegation contained therein.

17 6. Answering Paragraph 6 of the Counterclaim, Plaintiffs/Counter Defendants admit
18 each and every allegation contained therein.

19 7. Answering Paragraph 7 of the Counterclaim, Plaintiffs/Counter Defendants admit
20 each and every allegation contained therein.

21 8. Answering Paragraph 8 of the Counterclaim, Plaintiffs/Counter Defendants admit
22 each and every allegation contained therein.

23 9. Answering Paragraph 9 of the Counterclaim, Plaintiffs/Counter Defendants admit
24 each and every allegation contained therein.

25 10. Answering Paragraph 10 of the Counterclaim, Plaintiffs/Counter Defendants
26 admit each and every allegation contained therein.

27 11. Answering Paragraph 11 of the Counterclaim, Plaintiffs/Counter Defendants
28 admit each and every allegation contained therein.

12. Answering Paragraph 12 of the Counterclaim, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

13. Answering Paragraph 13 of the Counterclaim, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

14. Answering Paragraph 14 of the Counterclaim, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

15. Answering Paragraph 15 of the Counterclaim, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

16. Answering Paragraph 16 of the Counterclaim, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

17. Answering Paragraph 17 of the Counterclaim, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

18. Answering Paragraph 18 of the Counterclaim, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

19. Answering Paragraph 19 of the Counterclaim, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

GENERAL ALLEGATIONS

20. Answering Paragraph 20 of the Counterclaim, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

21. Answering Paragraph 21 of the Counterclaim, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

22. Answering Paragraph 22 of the Counterclaim, to the extent this paragraph contains legal conclusions or statements regarding the content of the laws or regulations referenced, no response is necessary. To the extent the allegations accurately state the laws or regulations referenced, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

23. Answering Paragraph 23 of the Counterclaim, to the extent this paragraph contains legal conclusions or statements regarding the content of the laws or regulations referenced, no

1 response is necessary. To the extent the allegations accurately state the laws or regulations
2 referenced, Plaintiffs/Counter Defendants admit each and every allegation contained therein.

3 24. Answering Paragraph 24 of the Counterclaim, Plaintiffs/Counter Defendants
4 admit each and every allegation contained therein.

5 25. Answering Paragraph 25 of the Counterclaim, Plaintiffs/Counter Defendants
6 admit each and every allegation contained therein.

7 26. Answering Paragraph 26 of the Counterclaim, Plaintiffs/Counter Defendants
8 admit each and every allegation contained therein.

9 27. Answering Paragraph 27 of the Counterclaim, Plaintiffs/Counter Defendants
10 admit that the applications period was from September 7, 2018 to September 20, 2018. As to the
11 remaining allegations, the document referred to therein speaks for itself.

12 28. Answering Paragraph 28 of the Counterclaim, Plaintiffs/Counter Defendants are
13 without sufficient knowledge or information at this time to form a belief as to the truth or falsity
14 of the allegations set forth in said paragraph and, therefore, deny them.

15 29. Answering Paragraph 29 of the Counterclaim, Plaintiffs/Counter Defendants to
16 the extent this paragraph contains legal conclusion or statements regarding the content of the
17 laws or regulations referenced, no response is necessary. To the extent the allegations accurately
18 state the laws or regulation reference, Plaintiffs admit the allegation.

19 30. Answering Paragraph 30 of the Counterclaim, Plaintiffs/Counter Defendants to the
20 extent this paragraph contains legal conclusion or statements regarding the content of the laws or
21 regulations referenced, no response is necessary. To the extent the allegations accurately state
22 the laws or regulation reference, Plaintiffs/Counter Defendants admit the allegation.

23 31. Answering Paragraph 31 of the Counterclaim, Plaintiffs/Counter Defendants
24 admit each and every allegation contained therein.

25 32. Answering Paragraph 32 of the Counterclaim, Plaintiffs/Counter Defendants are
26 without sufficient knowledge or information at this time to form a belief as to the truth or falsity
27 of the allegations set forth in said paragraph and, therefore, deny them.

28

1 33. Answering Paragraph 33 of the Counterclaim, Plaintiffs/Counter Defendants to the
2 extent this paragraph contains legal conclusion or statements regarding the content of the laws or
3 regulations referenced, no response is necessary. To the extent the allegations accurately state
4 the laws or regulation reference, Plaintiffs/Counter Defendants admit the allegation.

5 34. Answering Paragraph 34 of the Counterclaim, Plaintiffs/Counter Defendants to the
6 extent this paragraph contains legal conclusion or statements regarding the content of the laws or
7 regulations referenced, no response is necessary. To the extent the allegations accurately state
8 the laws or regulation reference, Plaintiffs/Counter Defendants admit the allegation.

9 35. Answering Paragraph 35 of the Counterclaim, Plaintiffs/Counter Defendants admit
10 each and every allegation contained therein.

11 36. Answering Paragraph 36 of the Counterclaim, Plaintiffs/Counter Defendants deny
12 each and every allegation contained therein.

13 37. Answering Paragraph 37 of the Counterclaim, Plaintiffs/Counter Defendants deny
14 each and every allegation contained therein.

15 38. Answering Paragraph 38 of the Counterclaim, Plaintiffs/Counter Defendants deny
16 each and every allegation contained therein.

17 39. Answering Paragraph 39 of the Counterclaim, Plaintiffs/Counter Defendants are
18 without sufficient knowledge or information at this time to form a belief as to the truth or falsity
19 of the allegations set forth in said paragraph and, therefore, deny them.

20 40. Answering Paragraph 40 of the Counterclaim, Plaintiffs/Counter Defendants admit
21 that they have sought relief that might limit or preclude Defendants-in-Intervention from being
22 able to move forward with obtaining final inspections for marijuana establishments under current
23 regulations. As to the remaining allegations, Plaintiff/ Counter Defendants deny.

24 41. Answering Paragraph 41 of the Counterclaim, Plaintiffs/Counter Defendants admit
25 that the State of Nevada, Department of Taxation's (the "Department") actions and/or inactions
26 have created an actual justiciable controversy ripe for judicial determination between Defendant-
27 in-Intervention and the Department with respect to the construction, interpretation, and
28 implementation of NRC Chapter 453D, NAC 453D, and R092-17 as to Defendants-in-

1 Intervention. As to the remaining allegations, Plaintiffs are without sufficient knowledge or
2 information at this time to form a belief as to the truth or falsity of the allegations set forth in said
3 paragraph and , therefore, deny them.

4 **FIRST COUNTERCLAIM**

5 **(Declaratory Relief)**

6 42. Answering Paragraph 42 of the Counterclaim, Plaintiffs/Counter Defendants reassert
7 and incorporate herein by reference their responses to Paragraphs 1 through 41 as though fully
8 set forth herein.

9 43. Answering Paragraph 43 of the Counterclaim, Plaintiffs/Counter Defendants admit
10 that the State of Nevada, Department of Taxation's (the "Department") actions and/or inactions
11 have created an actual justiciable controversy ripe for judicial determination. Between
12 Defendants-in-Intervention and the Department with respect to the construction, interpretation,
13 and implementation of NRC Chapter 453D, NAC 453D, and R092-17 as to Defendants-in-
14 Intervention. As to the remaining allegations, Plaintiffs are without sufficient knowledge or
15 information at this time to form a belief as to the truth or falsity of the allegations set forth in said
16 paragraph and, therefore, deny them.

17 44. Answering Paragraph 44 of the Counterclaim, Plaintiffs/Counter Defendants are
18 without sufficient knowledge or information at this time to form a belief as to the truth or falsity
19 of the allegations set forth in said paragraph and, therefore, deny them.

20 45. Answering Paragraph 45 of the Counterclaim, Plaintiffs/Counter Defendants deny
21 each and every allegation contained therein.

22 46. Answering Paragraph 46 of the Counterclaim, Plaintiffs/Counter Defendants deny
23 each and every allegation contained therein.

24 47. Answering Paragraph 47 of the Counterclaim, Plaintiffs/Counter Defendants admit
25 that they did not initially name Defendants-in-Intervention as defendants in this action, however,
26 Plaintiffs have sought relief that might limit or preclude Defendants-in-Intervention from being
27 able to move forward with obtaining final inspections for marijuana establishments under current
28 regulations. As to the remaining allegations, Plaintiffs deny.

48. Answering Paragraph 48 of the Counterclaim, Plaintiffs/Counter Defendants deny each and every allegation contained therein.

AFFIRMATIVE DEFENSES

1. The Counterclaim fails to state a claim against Plaintiffs upon which relief may be granted.

2. Defendant-in-Intervention's claim is barred due to the absence of any legitimate controversy between Defendant-in-Intervention and Plaintiffs.

3. Defendants-in-Intervention failed to mitigate, minimize, or otherwise avoid their losses, damages, or expenses.

4. If Defendants-in-Intervention were injured and damaged as alleged, which is specifically denied, then the injuries and damages were caused, in whole or in part, by the acts or omissions of others, whether individuals, corporate or otherwise, whether named or unnamed in the Counterclaim, for who conduct Plaintiffs are not responsible.

5. Defendants-in-Intervention's claim is barred by waiver.

6. Defendants-in-Intervention's claim is barred by the doctrine of unclean hands.

7. Defendants-in-Intervention are barred from seeking equitable relief because it has adequate legal remedies form any alleged injuries.

8. Defendants-in-Intervention have been unjustly enriched to the injury and detriment of the Plaintiffs, and therefore, are not entitled to any relief by way of Defendant-in-Intervention's claim.

9. In preforming the actions complained of, the Plaintiffs acted in the ordinary course of business.

10. Defendants-in-Intervention's claim fails because of intervening and superseding cause for the injury alleged in the Counterclaim.

11. Pursuant to Nevada Rules of Civil Procedure ("NRCP") Rule 11, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of this Answer, and therefore, Plaintiffs / Counter Defendants reserves the right to amend their Answer to add affirmative defenses should

1 the necessity arise.

2 12. It has been necessary for Plaintiffs / Counter Defendants to retain the services of
3 an attorney to defend this action and a reasonable sum should be allowed Plaintiffs / Counter
4 Defendants as for the attorney's fees, together with his costs expended in this action.

5 13. Some affirmative defenses may have been pled for purposes of non-waiver.
6 Plaintiffs / Counter Defendants reserves the right to amend the affirmative defenses as discovery
7 progresses.

8 **WHEREFORE**, Plaintiffs/ Counter Defendants pray that Defendant/Counterclaimant
9 take nothing by way of their Counterclaim on file herein and that Plaintiffs/Counter Defendants
10 be awarded reasonable attorney's fees and costs and such other and further relief as the Court
11 may deem just and proper for having to defend this action.

12 Dated this 12th day of July, 2019.

13 GENTILE CRISTALLI
14 MILLER ARMENI SAVARESE

15 /s/ Vincent Savarese, III, Esq.
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21 Tel: (702) 880-0000
22 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

The undersigned, an employee of Gentile, Cristalli, Miller, Armeni Savarese, hereby certifies that on the 12th day of July, 2019, I caused a copy of the foregoing **Plaintiffs / Counter Defendants Answer to Counterclaim** by electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's **Odyssey E-File & Serve** system.

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IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 34 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
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| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR | 55 | 2/25/2020 | 006952-006958 |

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| | WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | | | |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 11 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 4/16/2019 | 000237-000251 |
| 17 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT | 8 | 5/16/2019 | 001025-001037 |
| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS | 59 thru 60 | 4/14/2020 | 007401-007717 |

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| | COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | | | |
| 16 | DEFENDANT IN INTERVENTION'S OPPOSITION TO PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER | 8 | 5/10/2019 | 000975-001024 |
| 287 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |
| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |

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| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 374 | DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 10/30/2020 | 048131-048141 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |

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| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

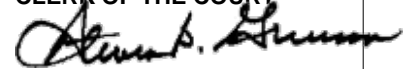
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
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11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 SERENITY WELLNESS CENTER, LLC, a
Nevada limited liability company, TGIG, LLC, a
14 Nevada limited liability company, NULEAF
INCLINE DISPENSARY, LLC, a Nevada
15 limited liability company, NEVADA HOLISTIC
MEDICINE, LLC, a Nevada limited liability
16 company, TRYKE COMPANIES SO NV, LLC,
a Nevada limited liability company, TRYKE
17 COMPANIES RENO, LLC, a Nevada limited
liability company, GBS NEVADA PARTNERS,
18 LLC, a Nevada limited liability company,
FIDELIS HOLDINGS, LLC, a Nevada limited
19 liability company, GRAVITAS NEVADA, LTD,
a Nevada limited liability company, NEVADA
20 PURE, LLC, a Nevada limited liability company,
MEDIFARM, LLC, a Nevada limited liability
21 company, MEDIFARM IV, LLC a Nevada
limited liability company, DOE PLAINTIFFS I
22 through X; and ROE ENTITY PLAINTIFFS I
through X,

23 Plaintiffs,

24 vs.

25 THE STATE OF NEVADA, DEPARTMENT
26 OF TAXATION,

27 Defendant.
28

CASE NO. A-19-786962-B
DEPT. XI

CORRECTED
FIRST AMENDED COMPLAINT

1 Plaintiffs, SERENITY WELLNESS CENTER, LLC, a Nevada limited liability company,
2 TGIG, LLC, a Nevada limited liability company, NULEAF INCLINE DISPENSARY, LLC, a
3 Nevada limited liability company, NEVADA HOLISTIC MEDICINE, LLC, a Nevada limited
4 liability company, TRYKE COMPANIES SO NV, LLC a Nevada limited liability company,
5 TRYKE COMPANIES RENO, LLC, a Nevada limited liability company, GBS NEVADA
6 PARTNERS, LLC, a Nevada limited liability company, FIDELIS HOLDINGS, LLC, a Nevada
7 limited liability company, GRAVITAS NEVADA, LTD, a Nevada limited liability company,
8 NEVADA PURE, LLC, a Nevada limited liability company, MEDIFARM, LLC, a Nevada
9 limited liability company MEDIFARM IV, LLC, a Nevada limited liability company; DOE
10 PLAINTIFFS I through X; and ROE ENTITIES I through X, by and through their counsel,
11 DOMINIC P. GENTILE, ESQ. and VINCENT SAVARESE III, ESQ., MICHAEL V.
12 CRISTALLI, ESQ., and ROSS MILLER, ESQ., of the law firm of Gentile Cristalli Miller
13 Armeni Savarese, hereby complain and allege against DEFENDANT STATE OF NEVADA,
14 DEPARTMENT OF TAXATION; DOE DEFENDANTS I through X; and ROE ENTITY
15 DEFENDANTS I through X, in their official and personal capacities, as follows:
16
17

18 **I.**

19 **PARTIES, JURISDICTION, AND VENUE**

- 20 1. Plaintiff SERENITY WELLNESS CENTER, LLC, was and is a Nevada limited
21 liability company and does business in Clark County, Nevada.
22 2. Plaintiff TGIG, LLC, was and is a Nevada limited liability company and does
23 business in Clark County, Nevada.
24 3. Plaintiff NULEAF INCLINE DISPENSARY, LLC, was and is a Nevada limited
25 liability company and does business in Clark County, Nevada.
26 4. Plaintiff NEVADA HOLISTIC MEDICINE, LLC, was and is a Nevada limited
27 liability company and does business in Clark County, Nevada.
28 5. Plaintiff TRYKE COMPANIES SO NV, LLC was and is a Nevada limited

1 liability company and does business in Clark County, Nevada.

2 6. Plaintiff TRYKE COMPANIES RENO, LLC, was and is a Nevada limited
3 liability company and does business in Clark County, Nevada.

4 7. Plaintiff GBS NEVADA PARTNERS, LLC, was and is a Nevada limited liability
5 company and does business in Clark County, Nevada.

6 8. Plaintiff FIDELIS HOLDINGS, LLC, was and is a Nevada limited liability
7 company and does business in Clark County, Nevada.

8 9. Plaintiff GRAVITAS NEVADA, LTD, was and is a Nevada limited liability
9 company and does business in Clark County, Nevada.

10 10. Plaintiff NEVADPURE, LLC, was and is a Nevada limited liability company and
11 does business in Clark County, Nevada.

12 11. Plaintiff MEDIFARM, LLC was and is a Nevada limited liability company and
13 does business in Clark County, Nevada.

14 12. Plaintiff MEDIFARM IV, LLC was and is a Nevada limited liability company
15 and does business in Clark County, Nevada.

16 13. Defendant STATE OF NEVADA, DEPARTMENT OF TAXATION (the
17 “Department”) is an agency of the State of Nevada. The Department is responsible for licensing
18 and regulating retail marijuana businesses in Nevada through its Marijuana Enforcement
19 Division.

20 14. The true names and capacities, whether individual, corporate, association or
21 otherwise of Doe Plaintiffs I through X, Roe Entity Plaintiffs I through X; Doe Defendants I
22 through X; and Roe Entity Defendants I through X, inclusive, are unknown to Plaintiffs at
23 this time, who therefore sue said Defendants by such fictitious names. Plaintiffs are informed
24 and believe, and thereupon allege, that each of the Defendants designated herein as Doe
25 and/or Roe Entities is responsible in some manner for the events and occurrences herein
26 referred to, and in some manner caused the injuries and damages to Plaintiffs alleged herein.
27 And Plaintiffs will ask leave of the Court to amend this Complaint to insert the true names
28 and capacities of all Doe and/or Roe Entity Plaintiffs and Defendants when the same have

1 been ascertained by Plaintiffs, together with the appropriate charging allegations, and to join
2 such parties in this action.

3 15. Both jurisdiction and venue with respect to this action properly lie in this Court
4 pursuant to Nev. Rev. Stat. § 13.040.

5 II.

6 GENERAL ALLEGATIONS

7 16. The Nevada State Legislature passed a number of bills during the 2017
8 legislative session that affected the licensing, regulation, and operation of recreational marijuana
9 establishments in the state of Nevada. One of those bills, Assembly Bill 422, transferred
10 responsibility for the registration, licensing, and regulation of marijuana establishments from the
11 State of Nevada's Division of Public and Behavioral Health to the Department of Taxation.

12 17. This legislation was added to the voters' approval at the 2016 General Election of
13 2016 initiative petition, Ballot Question No. 2; is known as the "Regulation and Taxation of
14 Marijuana Act"; and is codified at NRS 453D.010, *et seq.* Nevada Revised Statutes ("NRS")
15 pursuant to

16 18. NRS 453D.020 (Findings and declarations) provides:

17 "1. In the interest of public health and public safety, and in
18 order to better focus state and local law enforcement resources on
19 crimes involving violence and personal property, the People of the
20 State of Nevada find and declare that the use of marijuana should
be legal for persons 21 years of age or older, and its cultivation and
sale should be regulated similar to other legal businesses.

21 2. The People of the State of Nevada find and declare that the
22 cultivation and sale of marijuana should be taken from the domain
23 of criminals and be regulated under a controlled system, where
businesses will be taxed and the revenue will be dedicated to
public education and the enforcement of the regulations of this
chapter.

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

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

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

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

(d) Selling or giving marijuana to persons under 21 years of age shall remain illegal;

(e) Individuals will have to be 21 years of age or older to purchase marijuana;

(f) Driving under the influence of marijuana will remain illegal; and

(g) Marijuana sold in the State will be tested and labeled.”

19. NRS 453D.200 (Duties of Department relating to regulation and licensing of marijuana establishments; information about consumers) provides:

“1. Not later than January 1, 2018, the Department shall adopt all regulations necessary or convenient to carry out the provisions of this chapter. The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. The regulations shall include:

(a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment;

(b) *Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment;*

....

2. The Department shall approve or deny applications for licenses *pursuant to NRS 453D.210*” (emphasis added).

20. NRS 453D.210 (Acceptance of applications for licensing; priority in licensing; conditions for approval of application; limitations on issuance of licenses to retail marijuana stores; competing applications), in turn, provides, in pertinent part:

“4. Upon receipt of a complete marijuana establishment license application, the Department shall, within 90 days:

(a) *Issue the appropriate license if the license application is approved.*

5. The Department shall approve a license application if:

(a) The prospective marijuana establishment has submitted an application in compliance with regulations adopted by the Department and the application fee required pursuant to NRS 453D.2;

6. When competing applications are submitted for a proposed retail marijuana store within a single county, the Department shall use an *impartial and numerically scored competitive bidding process* to determine which application or applications among those competing will be approved” (emphasis added).

1 21. According to an August 16, 2018 letter from the Department, pursuant to
2
3 Section 80(3) of Adopted Regulation of the Department of Taxation, LCB File No. R092-17
4 ("R092-17"), the Department was responsible for allocating the licenses of recreational
5 marijuana retail stores "to jurisdictions within each county and to the unincorporated area of
6 the county proportionally based on the population of each jurisdiction and of the
7 unincorporated area of the county."

8 22. The Department issued a notice for an application period wherein the
9 Department sought applications from qualified applicants to award sixty-four (64) recreational
10 marijuana retail store licenses throughout various jurisdictions in Nevada.

11 23. The application period for those licenses, including thirty-one (31) licenses in
12 Clark County, seven (7) licenses in Washoe County and one (1) license in Nye County, opened
13 on September 7, 2018 and closed on September 20, 2018.

14 24. Pursuant to Section 6.2 of the Recreational Marijuana Establishment License
15 Application ("the Application") issued by the Department, as enabled under the above-quoted
16 provisions of NRS 453D.210, if the Department received more than one application for a license
17 for a recreational marijuana retail store and the Department determined that more than one of the
18 applications was complete and in compliance with R092-17, Sec. 78 and NRS 453D, the Department
19 was required to rank the applications within each applicable locality for any applicants in a
20 jurisdiction that limits the number of retail marijuana stores in order from first to last, with ranking
21 being based on compliance with the provisions of R092-17 Sec. 80, NRS 453D and on the content of
22 the applications relating to the following specifically-enumerated and objective published criteria:

- 23 a. Operating experience of another kind of business by the owners, officers or board
24 members that has given them experience which is applicable to the operation of a
25 marijuana establishment.
26 b. Diversity of the owners, officers or board members.
27 c. Evidence of the amount of taxes paid and other beneficial financial contributions.
28 d. Educational achievements of the owners, officers or board members.

- 1 e. The applicant’s plan for care, quality and safekeeping of marijuana from seed to
2 sale.
3 f. The financial plan and resources of the applicant, both liquid and illiquid.
4 g. The experience of key personnel that the applicant intends to employ.
5 h. Direct experience of the owners, officers, or board members of a medical
6 marijuana establishment or marijuana establishment in this State.

7 24. However, no numerical scoring values are assigned to any of the foregoing
8 criteria enumerated in the Application.

9 25. Moreover, Section 6.3 of the Application further provides that “[a]pplications
10 that have not demonstrated a sufficient response related to the criteria set forth above will not
11 have *additional [unspecified, unpublished] criteria* considered in determining whether to issue a
12 license *and will not move forward in the application process*” (emphasis added).

13 26. Thus, by necessary implication, conversely, Section 6.3 of the Application
14 textually subjects an Application which *has* in fact demonstrated a “sufficient” response related
15 to the specific, published criteria set forth above to “*additional [unspecified, unpublished]*
16 *criteria*,” consideration of which by the Department will determine whether or not a license is
17 issued and whether or not a license Application will “*move forward in the application process*,
18 notwithstanding the textual requirement of NRS 453 D. 200.1(b) that the Department shall adopt
19 only regulations that prescribe “[q]ualifications for licensure that are directly and *demonstrably*
20 related to the operation of a marijuana establishment” (emphasis added).

21 27. No later than December 5, 2018, the Department was responsible for issuing
22 conditional licenses to those applicants who score and rank high enough in each jurisdiction to be
23 awarded one of the allocated licenses in accordance with the impartial competitive bidding process
24 mandated by NRS 453D.210.

25 28. The Department allocated ten (10) licenses for unincorporated Clark County,
26 Nevada; ten (10) licenses for Las Vegas, Nevada; six (6) licenses for Henderson, Nevada; five (5)
27 licenses for North Las Vegas, Nevada; six (6) licenses for Reno, Nevada; one (1) license for Sparks,
28 Nevada; and one (1) license for Nye County, Nevada.

29. Plaintiffs submitted Applications for licenses to own and operate recreational marijuana retail stores in compliance with the specified, published requirements of Department regulations together with the required application fee in accordance with NRS 453D.210.

30. Plaintiffs have been informed by the Department that all of their Applications to operate recreational marijuana retail stores were denied.

31. In each instance, Plaintiffs were informed by letter from the Department stating that a license was not granted to the applicant “because it did not achieve a score high enough to receive an available license.”

32. On information and belief, Plaintiffs allege that the Department's denial of their license applications was not properly based upon actual implementation of the impartial and objective competitive bidding process mandated by NRS 453D.210, but rather, was in fact based upon the arbitrary and capricious exercise of administrative partiality and favoritism.

33. On information and belief, Plaintiffs allege conversely that that the Department improperly granted licenses to other competing applicants, likewise without actual implementation of the impartial and objective competitive bidding process mandated by NRS 453D.210, but rather, based upon the arbitrary and capricious exercise of administrative partiality and favoritism.

34. On information and belief, Plaintiffs allege that the Department has improperly granted more than one recreational marijuana store license per jurisdiction to certain applicants, owners, or ownership groups.

III.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF **(Violation of Civil Rights)**

(Due Process: Deprivation of Property)

(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)

35. Plaintiffs repeat and re-allege all prior paragraphs as though fully set forth herein.

1 36. The provisions of NRS 453D.200.2 and NRS 453D.210.4-6, affirmatively
2 mandating that the Department “shall” approve and issue the appropriate license within a time
3 certain if the prospective establishment submits an Application in compliance with published
4 Department regulations promulgated in accordance with the limitations imposed by NRS 453.
5 D.200.1(b) together with the required application fee; and, in the case of competing
6 Applications, outranks competing applicants in accordance with an objective, impartial and
7 numerically scored competitive bidding process, serve to create, as a matter of legislative intent,
8 a *statutory entitlement* to receipt of the license by applicants who comply with and prevail
9 competitively in accordance with those objective and impartial standards and procedures.

10 37. Such a statutory entitlement constitutes a “property interest” within the meaning
11 and subject to the due process protections of the Fourteenth Amendment to the Constitution of
12 the United States and Article 1, Sections 1 and 8 of the Constitution of the State of Nevada; and
13 therefore, by definition, may not be denied arbitrarily, capriciously, corruptly or based upon
14 administrative partiality or favoritism.

15 38. However, acting under color of state law, the Department has effectively nullified
16 and rendered illusory the legislative statutory entitlement to licensure of applicants who comply
17 with and prevail competitively in accordance with the objective and impartial standards and
18 procedures prescribed by the provisions of NRS 453D.200.2 and NRS 453D.210.4-6, by
19 textually subjecting an Application which in fact provides “sufficient” responses related to the
20 published, enumerated and specific criteria set forth in the Application to approval pursuant to
21 further, unpublished, unspecified and unascertainable “additional criteria” which are not set forth
22 therein, as a silent supplemental condition of licensure, thereby rendering the administrative
23 regulation governing the Application and licensing process susceptible to *ad hoc*, non-
24 transparent, arbitrary, capricious or corrupt decision-making based upon administrative partiality
25 or favoritism which cannot be discounted; thereby rendering that regulatory scheme
26 unconstitutional on its face.

27 39. On information and belief, Plaintiffs further allege that pursuant to the
28 implementation of the foregoing constitutionally-repugnant licensing process, the denial of their

1 Applications for licensure, were in fact affected by actual arbitrary, capricious or corrupt
2 decision-making based upon administrative partiality or favoritism; and therefore, that that
3 licensing process has thereby been rendered unconstitutional in its application as well as to
4 Plaintiffs.

5 40. Plaintiffs have therefore been deprived of property without due process under
6 color of state law in violation of the Fourteenth Amendment to the Constitution of the United
7 States and Article 1, Sections 1 and 8 of the Constitution of the State of Nevada.

8 41. The Constitutional infirmity of the entire licensing process renders the denial of
9 Plaintiffs' Applications for licensure void and unenforceable, and Plaintiffs are entitled to a
10 declaration as to the ineffectiveness thereof and an order enjoining the enforcement of those
11 license denials.

12 42. Plaintiffs are entitled to declaratory relief with respect to the forgoing federal
13 constitutional infirmities of the administrative licensing scheme pursuant to the provisions of
14 Title 42, United States Code ("U.S.C."), Section 1983 and otherwise.

15 43. Plaintiffs are entitled to declaratory relief because a justiciable controversy exists
16 that warrants a declaratory judgment pursuant to Nevada's Uniform Declaratory Judgments Act,
17 codified at NRS 30.010 to 30.160, inclusive.

18 44. Plaintiffs and Defendant have adverse and/or competing interests in that the
19 Department, through its Marijuana Enforcement Division, has denied Plaintiffs' Applications in
20 in violation of Plaintiff's constitutional rights, Nevada law, and state policy.

21 45. The Department's refusal to issue licenses to Plaintiffs affects Plaintiffs' rights
22 under NRS 453D, NAC 453D, R092-17, and other Nevada laws and regulations.

23 46. Further, the Department's improper ranking of other applicants for licensure and
24 subsequent, improper issuance of licenses to such other applicants adversely affects the rights of
25 Plaintiff under NRS 453D, NAC 453D, R09217, and other Nevada laws and regulations.

26 47. The Department's actions and/or inactions also have created an actual justiciable
27 controversy ripe for judicial determination between Plaintiffs and the Department with respect to
28 the construction, interpretation, and implementation of NRS 453D, NAC 453D, and R092-17,

1 and Plaintiffs have been harmed, and will continue to be harmed, by the Defendants' actions
2 and/or inactions.

3 48. The Department's actions and/or inactions have further failed to appropriately
4 address the necessary considerations and legislative intent of NRS 453D.210, designed to restrict
5 monopolies.

6 49. Accordingly, Plaintiff seeks a declaration from this Court that, *inter alia*:

- 7 a. The Department improperly denied Plaintiffs' license Applications for the
8 operation of a recreational marijuana establishment.
- 9 b. The denial of such licenses to Plaintiffs was void *ab initio*;
- 10 c. The procedures employed in denying Plaintiffs' license Applications violated
11 Plaintiffs' procedural and substantive due process rights and entitlement to
12 equal protection of the law (as set forth *infra*) under the Nevada and United
13 States Constitutions and, therefore, those license denials are void and
14 unenforceable;
- 15 d. The denials are void for vagueness and therefore unenforceable;
- 16 e. Defendant acted arbitrarily and capriciously or in contravention of a legal duty
17 and Plaintiffs are therefore entitled to a writ of mandamus;
- 18 f. Plaintiffs are entitled to judicial review; and
- 19 g. The Department's denial of Plaintiffs' license Applications lacked substantial
20 evidence.

21 50. Plaintiffs also seek a declaration from this Court that the Department must issue
22 licenses to Plaintiffs for the operation of a recreational marijuana establishment as applied for in
23 that Plaintiffs' would have been entitled to receive said licenses had the Department properly
24 applied the provisions of NRS 453D, NAC Chapter 453D, and R092-17.

25 51. Plaintiffs contend that a declaratory judgment is both necessary and proper at
26 this time for the Court to determine the respective rights, duties, responsibilities and liabilities
27 of Plaintiffs under NRS 453D, NAC Chapter 453D, R092-17, and other Nevada laws and
28 regulations.

1 52. Plaintiffs are also entitled to injunctive relief from the foregoing federal
2 constitutional violations pursuant to the provisions of 42 U.S.C. Section 1983 and otherwise.

3 53. The Department's flawed interpretation of the provisions of NRS 453D, NAC
4 Chapter 453D, and R092-17, and refusal to issue "conditional" licenses in accordance with the
5 law constitute and cause continuing and irreparable harm to Plaintiffs, who have no adequate
6 remedy at law.

7 54. The purpose of this administrative refusal was and is to unreasonably interfere
8 with Plaintiffs' business and cause Plaintiffs to suffer irreparable harm.

9 55. The Department will suffer no harm by following the law with respect to issuing
10 the licenses in question.

11 56. The Department's interpretation of NRS 453D, NAC Chapter 453D, and R092-17
12 is flawed and Plaintiffs are likely to succeed on the merits in this litigation.

13 57. The public interest favors Plaintiffs because in the absence of injunctive relief, the
14 consumers who would have benefitted by Plaintiffs' licensure will have less available options
15 from which they can receive recreational marijuana in accordance with legislative intent.

16 58. Therefore, Plaintiffs are entitled to preliminary injunctive relief, and after a trial
17 on the merits, permanent injunctive relief, ordering the Department to issue the subject licenses
18 to Plaintiffs in accordance with NRS 453D, NAC 453D, and R092-17.

19 59. Plaintiffs are also entitled to damages attributable to the above-identified due
20 process violations pursuant to the provisions of 42 U.S.C. Section 1983 and otherwise.

21 60. As the actions of the Department have necessitated that Plaintiffs retain the legal
22 services of Gentile Cristalli Miller Armeni Savarese, and incur fees and costs to bring this action,
23 Plaintiffs are also entitled to an award of attorneys' fees and costs of suit.

24 **SECOND CLAIM FOR RELIEF**
25 **(Violation of Civil Rights)**

26 **(Due Process: Deprivation of Liberty)**

27 **(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)**

28 61. Plaintiffs repeat and re-allege all prior paragraphs as though fully set forth herein.

1 62. The fundamental constitutional right to pursue a lawful occupation constitutes a
2 “liberty interest” within the meaning and subject to the due process protections of the Fourteenth
3 Amendment to the Constitution of the United States and Article 1, Sections 1 and 8 of the
4 Constitution of the State of Nevada; and therefore, by definition, may not be denied arbitrarily,
5 capriciously, corruptly or based upon administrative partiality or favoritism.

6 63. However, acting under color of state law, the Department has effectively nullified
7 and rendered illusory the legislative statutory entitlement to licensure of applicants who comply
8 with and prevail competitively in accordance with the objective and impartial standards and
9 procedures prescribed by the provisions of NRS 453D.200.2 and NRS 453D.210.4-6, by
10 textually subjecting an Application which in fact provides “sufficient” responses related to the
11 published, enumerated and specific criteria set forth in the Application to approval pursuant to
12 further, unpublished, unspecified and unascertainable “additional criteria” which are not set forth
13 therein, as a silent supplemental condition of licensure, in violation of NRS 200.D.1(b) thereby
14 rendering the administrative regulation governing the Application and licensing process
15 susceptible to *ad hoc*, non-transparent, arbitrary, capricious or corrupt decision-making based
16 upon administrative partiality or favoritism which cannot be discounted; thereby rendering that
17 regulatory scheme unconstitutional on its face.

18 64. On information and belief, Plaintiffs further allege that the pursuant to the
19 implementation of the foregoing constitutionally-repugnant licensing process, the denial of their
20 Applications for licensure, were in fact affected by actual arbitrary, capricious or corrupt
21 decision-making based upon administrative partiality or favoritism; and therefore, that that
22 licensing process has thereby been rendered unconstitutional in its application as well.

23 65. Plaintiffs have therefore likewise been deprived of liberty without due process
24 under color of state law in violation of the Fourteenth Amendment to the Constitution of the
25 United States and Article 1, Sections 1 and 8 of the Constitution of the State of Nevada.

26 66. The Constitutional infirmity of the entire licensing process renders the denial of
27 Plaintiffs’ Applications for licensure void and unenforceable, and, for the reasons set forth supra
28 in Plaintiffs’ FIRST CAUSE OF ACTION at paragraphs 30 through 47, inclusive, Plaintiffs are

1 entitled to a declaration as to the ineffectiveness thereof and an order enjoining the enforcement
2 of those license denials.

3 67. Plaintiffs are also entitled to damages for these due process violations pursuant
4 to the provisions of 42 U.S.C. Section 1983 and otherwise.

5 68. As the actions of the Department have necessitated that Plaintiffs retain the legal
6 services of Gentile Cristalli Miller Armeni Savarese, and incur fees and costs to bring this action,
7 Plaintiffs are also entitled to an award of attorneys' fees and costs of suit.

8 **THIRD CLAIM FOR RELIEF**

9 **(Violation of Civil Rights)**

10 **(Equal Protection)**

11 **(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1; Title 42 U.S.C. § 1983)**

12 69. Plaintiffs repeat and re-allege all prior paragraphs as though fully set forth herein.

13 70. By improperly denying Plaintiffs' Applications for licensure under the provisions
14 of NRS 453D.200.2 and NRS 453D.210.4-6 while improperly granting the Applications of other
15 applicants under color of state law as set forth *supra* in Plaintiffs' FIRST CAUSE OF ACTION
16 and SECOND CAUSE OF ACTION, the Department has, without justification, disparately
17 treated Plaintiffs' Applications absent rational basis, and has thereby violated Plaintiffs' rights to
18 equal protection of the law as guaranteed by the Fourteenth Amendment to the Constitution of
19 the United States and Article 1, Section 1 of the Constitution of the State of Nevada.

20 71. The constitutional infirmity of the entire licensing process and the resulting denial
21 of equal protection renders the denial of Plaintiffs' Applications for licensure void and
22 unenforceable, and, for the reasons set forth *supra* in Plaintiffs' FIRST CAUSE OF ACTION at
23 paragraphs 30 through 47, inclusive, Plaintiffs are entitled to a declaration as to the
24 ineffectiveness thereof and an order enjoining the enforcement of those license denials.

25 72. Plaintiffs are also entitled to damages for these equal protection violations
26 pursuant to the provisions of 42 U.S.C. Section 1983 and otherwise.

27 73. As the actions of the Department have necessitated that Plaintiffs retain the legal
28 services of Gentile Cristalli Miller Armeni Savarese, and incur fees and costs to bring this action,

1 Plaintiffs are also entitled to an award of attorneys' fees and costs of suit.

2 **FOURTH CLAIM FOR RELIEF**

3 **(Petition for Judicial Review)**

4 74. Plaintiffs repeat and re-allege all prior paragraphs as though fully set forth
5 herein.

6 75. The Department, in misinterpreting and incorrectly applying the provisions of
7 NRS 453D, NAC 453D and the related Nevada laws and regulations, has exceeded its
8 jurisdiction by improperly issuing licenses to applicants that do not merit licenses under the
9 provisions of NRS 453D, NAC 453D, and R092-17.

10 76. Plaintiffs are aggrieved by the decision of the Department to deny Plaintiffs'
11 Applications without proper notice, substantial evidence, or compliance with NRS 453D, NAC
12 453D, R092-17, and other Nevada state laws or regulations.

13 77. There is no provision in NRS 453D, NAC 453D, or R092-17 allowing for an
14 administrative appeal of the Department's decision, and apart from injunctive relief, no plain,
15 speedy, and adequate remedy for the Department's improper actions.

16 78. Accordingly, Plaintiff petitions this Court for judicial review of the record on which
17 the Department's denials were based, and an order providing *inter alia*:

- 18 a. A determination that the decision lacked substantial evidence;
19 b. A determination that the denials are void *ab initio* for non-compliance with
20 NRS 453D, NAC 453D, R092-17, and other Nevada laws or regulations; and
21 c. Such other relief as is consistent with those determinations.

22 79. As the actions of the Department have necessitated that Plaintiffs retain the legal
23 services of Gentile Cristalli Miller Armeni Savarese, and incur fees and costs to bring this action,
24 Plaintiffs are also entitled to an award of attorneys' fees and costs of suit.

25 **FIFTH CLAIM FOR RELIEF**

26 **(Petition for Writ of Mandamus)**

27 80. Plaintiffs repeat and re-allege all prior paragraphs as though fully set forth herein.

28 81. When a governmental body fails to perform an act "that the law requires" or acts

1 in an arbitrary or capricious manner, a writ of mandamus shall issue to correct the action. Nev.
2 Rev. Stat. § 34.160.

3 82. The Department has failed to perform various acts that the law requires including
4 but not limited to:

- 5 a. Providing proper pre-hearing notice of the denial; and
- 6 b. Arbitrarily and capriciously denying the applications for no legitimate reason.

7 83. The Department acted arbitrarily and capriciously in the denial by performing
8 and/or failing to perform the acts set forth *supra*, and because, *inter alia*:

- 9 a. The Board lacked substantial evidence to deny Plaintiffs' Applications; and
- 10 b. The Board denied Plaintiffs' Applications in order to approve the Applications
11 of other competing applicants without regard to the merit of Plaintiffs'
12 Applications and the lack of merit of the Applications of other competing
13 applicants.

14 84. These violations of the Defendants' legal duties were arbitrary and capricious
15 actions that compel this Court to issue a Writ of Mandamus directing the Department to review
16 Plaintiffs' Applications on their merits and/or approve them.

17 85. As a result of the Defendants' unlawful and arbitrary and capricious actions,
18 Plaintiff has been forced to retain legal counsel to prosecute this action and is therefore also
19 entitled to its damages, costs in this suit, and an award of attorneys' fees pursuant to NRS
20 34.270.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, PLAINTIFFS pray for relief as follows:

- 23 1. For declaratory relief as set forth above;
- 24 2. For a preliminary and permanent injunction enjoining the enforcement of the
25 denial of their Applications for licensure;
- 26 3. For judicial review of the record and history on which the denial of those
27 Applications was based;
- 28 4. For the issuance of a writ of mandamus;

5. For compensatory and special damages as set forth herein;
6. For attorneys' fees and costs of suit; and
7. For all other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Trial by jury is hereby demanded on all claims and issues so triable.

DATED this 3rd day of July, 2019.

GENTILE CRISTALLI
MILLER ARMENI SAVARESE

/s/ Vincent Savarese, III, Esq.

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CERTIFICATE OF SERVICE

The undersigned, an employee of Gentile, Cristalli, Miller, Armeni Savarese, hereby certifies that on the 3rd day of July, 2019, I caused a copy of the foregoing **CORRECTED FIRST AMENDED COMPLAINT** by electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's Odyssey E-File & Serve system.

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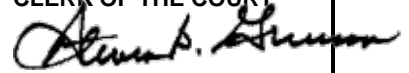
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046



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC,)
et al.,)
)
Plaintiffs,)
)
vs.)
)
STATE OF NEVADA DEPARTMENT OF)
TAXATION,)
)

Defendant.)

CASE NO. A-19-786962-B
DEPT NO. XI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

THURSDAY, JULY, 11, 2019

EVIDENTIARY HEARING - DAY 13

VOLUME I OF II

RECORDED BY: JILL HAWKINS, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

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WITNESSES FOR THE DEFENSE:

KARALIN CRONKHITE

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1 **LAS VEGAS, CLARK COUNTY, NEVADA, JULY 11, 2019, 9:44 A.M.**

2 *** * * * ***

3 THE COURT: Anything outside -- anything
4 housekeepingwise? Since I have no jury, there's nothing
5 outside the presence.

6 MR. RULIS: Your Honor, I think we're just trying to
7 talk scheduling today because we may have to, depending on how
8 long we're going to go with redirect, we may need to take a
9 break between --

10 MR. SHEVORSKI: Just in terms of Director Contine's
11 schedule.

12 THE COURT: Okay. So Ms. Cronkhite is here, and I
13 told her yesterday as I left the courtroom that today would not
14 be as bad. So let's work to make sure that I'm not a liar.

15 For those of you who just walked in, I told
16 Mr. Gentile as he walked in that my lunch arrangements have
17 canceled. So we can, if everyone's agreeable, work in to the
18 lunch hour. I asked my staff already so that we will have less
19 of a loss of time while he goes over to visit with Judge
20 Crockett. Is everybody okay that, taking a late lunch?

21 I see a bunch of nods of the head. Nobody says no.
22 Great.

23 MR. SHEVORSKI: It's only -- I think -- when is
24 Director Contine coming?

25 MR. BHIRUD: We -- she was available at noon, but we

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1 told her to come at 12:45 since we knew about the lunch --

2 MR. RULIS: And I think that's the issue is we'll
3 have to have a gap between when we finish up with Ms. Cronkhite
4 and, depending on how long it takes, and Ms. Contine.

5 (Pause in the proceedings.)

6 THE COURT: Mr. Rulis, how much is your continued
7 examination of Ms. Cronkhite?

8 MR. RULIS: Five, ten minutes.

9 THE COURT: Who else has examination?

10 Mr. Gentile told me that he had none yesterday, but
11 said remember Rule 1, which we all mean -- knows mean things
12 happen. So that means we may be done with Ms. Cronkhite this
13 morning.

14 And then if Mr. Hernandez is testifying, we have him,
15 but I heard yesterday we were withdrawing him, and I crossed
16 him off my list.

17 We may need Ms. Contine this morning.

18 MR. GENTILE: Your Honor, she's available at noon
19 apparently.

20 THE COURT: I heard that. Did you like how I said we
21 may need her this morning? Because I was just trying to do
22 math and I'm running out of people, but, you know, I can go
23 stay in my office and do things.

24 (Pause in the proceedings.)

25 THE COURT: Okay. So are we ready to resume?

1 Ms. Cronkhite, if you'd come on back up, we're going
2 to reswear you since it's a new day. It sounds like from our
3 math you will be up here for the morning.

4 Remember, if you need a break you're to let us know,
5 okay, otherwise, the lawyers will know they don't really get a
6 break unless it's an emergency.

7 **KARALIN CRONKHITE**

8 [having been called as a witness and being first duly sworn,
9 testified as follows:]

10 THE CLERK: Thank you. Please be seated.

11 Please state and spell your name for the record.

12 THE WITNESS: Karalin Cronkhite. K-a-r-a-l-i-n,
13 C-r-o-n-k-h-i-t-e.

14 THE COURT: Mr. Rulis, you may continue your
15 cross-examination.

16 MR. RULIS: Thank you, Your Honor.

17 CONTINUED CROSS-EXAMINATION

18 BY MR. RULIS:

19 Q Good morning, Ms. Cronkhite.

20 A Good morning.

21 Q Now, yesterday you were talking about during your
22 testimony using portions of the 2014 applications to go over
23 with the Manpower graders part of the training. Do you
24 remember that?

25 A Yes.

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1 Q And those, the specific portions that you were going
2 through with the Manpower graders, those were for the building
3 plans sections?

4 A Yes.

5 Q And those would have been for the medical marijuana
6 applications from 2014, just so we're clear?

7 A Yes.

8 Q Now, you are aware that the applicants in 2014 were
9 required to have actual physical locations as a part of their
10 application; right?

11 A Yes.

12 Q And as a matter of fact, if they didn't have physical
13 locations, their applications were rejected in 2014; right?

14 A That sounds right.

15 Q Okay. Now, did you convey that information to the
16 Manpower graders?

17 A I don't believe that came up because it wasn't listed
18 in that section.

19 Q Okay. So you didn't discuss with them the fact that
20 physical locations were required and that -- in the
21 applications that they were reviewing?

22 A They were informed and trained that physical
23 locations were not required for the 2018 application period,
24 but I don't recall if that came up during my portion of the
25 training at all, but it was part of their general training.

1 Q But nothing about whether physical locations were
2 required in 2014?

3 A Right. I don't believe so.

4 MR. RULIS: All right. That's all I have, Your
5 Honor.

6 THE COURT: Anyone else have further examination of
7 Ms. Cronkhite.

8 (No audible response)

9 THE COURT: Redirect.

10 REDIRECT EXAMINATION

11 BY MR. SHEVORSKI:

12 Q Good morning again, Ms. Cronkhite.

13 A Good morning.

14 Q My friend Mr. Parker asked you quite a bit about, and
15 the Court indeed asked you quite a bit about which took
16 precedent: The stat -- and the initiative, the statute and the
17 code. Do you recall that? And whether or not the department
18 was aware that the initiative controlled? Do you recall that?

19 A Yes.

20 Q Okay. Can you, hopefully I can help you with this,
21 go to Exhibit 235. There should be a binder.

22 MR. SHEVORSKI: May I help, Your Honor?

23 THE COURT: You may.

24 MR. SHEVORSKI: Or attempt.

25 THE CLERK: Mr. Shevorski, it's on the cart next to

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1 her on the witness stand, and it's probably going to be in the
2 second or third level of that cart.

3 MR. SHEVORSKI: On the cart.

4 (Pause in the proceedings.)

5 BY MR. SHEVORSKI:

6 Q Ms. Cronkhite, you've been handed what's been marked
7 as Exhibit 235. It's already in evidence. Would you please --
8 and I believe you're at page 14.

9 A Yes.

10 Q And you under -- if you wouldn't mind just flipping
11 back to the first page real quick. If you could hold that,
12 just hold it. Keep your hand on 14 though.

13 A Okay.

14 Q And obviously in part of your job you're aware of who
15 the Nevada Tax Commission is?

16 A Yes.

17 Q Okay. Does this appear to be minutes of a public
18 hearing?

19 A Yes.

20 Q And the date is January 16th, 2018?

21 A Yes.

22 Q Look at the bottom of page 14. It starts, Director
23 Contine stated.

24 A Uh-huh. Yes.

25 Q Do you see where that's indicated?

1 A Yes, I do.

2 Q If you look at the second to let's call it maybe the
3 third to last sentence, it says, There are limitations.

4 A Yes.

5 Q Do you see where that's indicated?

6 A Yes, I do.

7 Q It says, There are limitations that we have by
8 statute. The initiative cannot change for three years?

9 A Yes.

10 Q Did I read that correctly?

11 A Yes, you did.

12 Q So based on that, was the department aware that it
13 could not change the initiative in January of 2018?

14 A Yes, we were.

15 Q My friend Mr. Parker asked you about NRS 453D.210,
16 specifically Subpart 5. Do you remember that?

17 A Yes.

18 Q It says, The department shall approve a license
19 application if, and then it has a colon. I'm not going to ask
20 you to pull up the book again.

21 A Yes, I remember.

22 Q Okay. And Subpart D talks about a physical address,
23 and it's a physical address that is owned by the applicant or
24 has written permission of the property owner; is that correct?

25 A Yes.

1 Q In 2016, was retail marijuana legal in Douglas
2 County?

3 A I believe they had a moratorium at that time.

4 Q In 2017 is that true?

5 A Yes.

6 Q In 2018?

7 A I believe so, yes.

8 Q In 2019, as we sit here today?

9 A I believe that they never lifted the moratorium.

10 Q Okay. Do you know if someone could lawfully give
11 permission to operate a marijuana establishment in Douglas
12 County?

13 A No, not with their moratorium.

14 Q Okay. Do you believe it's the intent of this statute
15 for someone to put a false address into their application if
16 they were applying for Douglas County?

17 A No, it's not.

18 Q Because they couldn't get written permission, could
19 they?

20 A Correct.

21 Q In the city of Henderson, was retail marijuana
22 approved in 2016?

23 A No. They had a moratorium at that time.

24 Q And then in 2017, I believe in September of 2017,
25 they approved I think five retail licenses. Does that sound

1 about right?

2 A Yes, that sounds right.

3 Q Okay. And the requirement was that they be
4 co-located with a medical marijuana establishment?

5 A Correct.

6 Q I'm going to propose a hypothetical to you. If --
7 And the applications are submitted in September 2018;
8 correct?

9 A Yes.

10 Q And they were scored in October of 2018?

11 A Yes.

12 Q If the city council met in Henderson in October
13 of 2018 and changed its requirement for address and said it's
14 no longer required to be co-located, should we just throw out
15 the application process and not have scoring because the city
16 of Henderson has changed its zoning laws?

17 A I would say no.

18 Q And you've testified that you're familiar with
19 NRS 453D. We talked about some of its provision. In Subpart
20 5 of 210 that we just talked about, it uses the word
21 "approve" --

22 THE COURT: Just in case.

23 THE WITNESS: Thank you.

24 BY MR. SHEVORSKI:

25 Q -- the department shall approve. Do you know if

1 there's any definition of what approve means?

2 A Not to my knowledge.

3 Q In Subpart 453D.200, Subpart 1A, it says, Procedures
4 for issuance renewal suspension, revocation of a license. Do
5 you know if there's any definition in the statute that defines
6 what procedures the department shall use?

7 A I believe it says that it gives us authority to make
8 that determination.

9 Q The Judge asked you about one provision in particular
10 in Subpart 6 of 453D.200. It says, The department shall
11 conduct a background check of each prospective owner, officer
12 and board member.

13 With respect to the word "owner," I want you to
14 presume that the applicant is owned by a publicly traded
15 corporation. In order to do that background check, wouldn't
16 you have to know how often the company gets its list of
17 shareholders from the transfer agent?

18 A I suppose.

19 Q Because otherwise the company wouldn't know who owns
20 its shares, the public company, would it?

21 A Correct.

22 Q Now, it says "prospective owners." Does that mean
23 you don't background check current owners?

24 A We do background check current owners, but it does
25 read that way.

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1 Q Okay. So you'd have to interpret that, wouldn't you?

2 A Yes.

3 Q All the time when my friend Mr. -- oh, I forgot his
4 name --

5 MR. GENTILE: He's got too many friends.

6 BY MR. SHEVORSKI:

7 Q -- Mr. Parker -- when Mr. Parker was --

8 UNIDENTIFIED SPEAKER: Not much of a friend.

9 THE COURT: Will you make sure Teddy finds that out.
10 Just send him an email.

11 MR. SHEVORSKI: I'll call him, Your Honor.

12 BY MR. SHEVORSKI:

13 Q Mr. Parker is talking to you about consistency. He
14 never used the word interpretation. Wasn't it up to the
15 department to interpret the statute?

16 A Correct.

17 Q Do you know if anything in the statute will require
18 the department to reject an application that contained a
19 misspelling and therefore was incomplete or it misdescribed a
20 board member?

21 A No, not to my knowledge.

22 Q If they had misstated the address, if they put in a
23 proposed address, and they misstated it and misspelled it, is
24 there anything in the statute that says, and I'm talking about
25 453D here, that requires the department to reject that

1 application?

2 A No, not to my knowledge.

3 Q My friend Mr. Parker talked about my beloved
4 community of Summerlin and Sun City, and he didn't mention
5 Sienna. He mentioned some other age-restricted communities.
6 Are they all residential neighborhoods?

7 A I believe so, yes.

8 Q He mentioned The Ridges. Is that a residential
9 neighborhood?

10 A I think so. I'm not completely familiar with The
11 Ridges.

12 Q What about The Willows? Is that a residential
13 neighborhood?

14 A Again, I believe so, but I'm not completely sure.

15 Q Does Summerlin allow retail marijuana?

16 A They don't have a moratorium to my knowledge,
17 although I'm not aware of any dispensaries or facilities
18 whatsoever involving marijuana in the Summerlin area.

19 And I am a resident of Summerlin. So I would think I
20 would know.

21 Q I was going to make a statement about the head of
22 architecture for Howard Hughes Corporation, but I'll keep it to
23 myself.

24 THE COURT: Thank you.

25 / / /

1 BY MR. SHEVORSKI:

2 Q With respect to some of the rural counties, Douglas
3 County, is there a metropolitan neighborhood that might be
4 distinct from the rest of a rural county, in, for example,
5 Humboldt county?

6 A No. I believe they're pretty consistent. They're
7 out --

8 Q So you don't need to know which street the retail
9 dispensary is on in Humboldt County to know the community
10 impact, do you?

11 A Correct.

12 THE COURT: Do you mean in Winnemucca?

13 MR. SHEVORSKI: You know what, yes, where Mr. --

14 Where Mr. Jenae [phonetic] is from, another one of my
15 friends.

16 THE WITNESS: Correct.

17 MR. SHEVORSKI: No further questions, Your Honor.

18 THE COURT: Any further questions for Ms. Cronkhite?
19 Yes, Mr. Koch?

20 MR. KOCH: Yes.

21 REDIRECT EXAMINATION

22 BY MR. KOCH:

23 Q Good morning, Ms. Cronkhite. My name is David Koch.
24 I represent Nevada Organic Remedies in this matter. I just
25 want to follow up on a few of the things I think you were asked

JD Reporting, Inc.

1 about by Mr. Parker.

2 You were asked about the deficiencies. So you have,
3 well, you're aware of what the deficiency is in the context of
4 a marijuana establishment?

5 A Correct.

6 Q What is a deficiency?

7 A A deficiency is any -- any violation of the
8 regulations, and it could be anything from, you know, a hole in
9 the wall to a light out to even, you know, something more
10 extreme, like, selling products that weren't tested for
11 contaminants or something like that.

12 Q So there's a range of deficiencies; is that right?

13 A Absolutely.

14 Q And how is a deficiency -- what's the process for the
15 department to issue a deficiency? How does that take place?

16 A The inspectors and auditors go out into the facility.
17 They conduct their inspection and audit. After they're
18 complete, they go back to the office and type up their report.
19 We call that a statement of deficiencies, also termed SOD.

20 That gets sent to the facility, and the facility has
21 10 business days to respond with all their corrective action
22 plans for every single deficiency, and then the -- they send
23 that back to the inspector and auditor. They review that
24 information and determine if it's acceptable or if it needs
25 more attention.

1 Q And so there's a process for the statement of
2 deficiency to be issued and then the establishment to
3 propose -- is it a plan to fix that deficiency?

4 A Correct. It's either what they have already done or
5 what they're going to do going forward.

6 Q All right. And what happens if an establishment just
7 doesn't even respond to the statement of deficiency?

8 A We would send them several reminders, follow up
9 regularly, and if they never responded to that, eventually it
10 would lead to a suspension, and they'd be closed for operation.

11 Q All right. Has that ever occurred with any existing
12 medical establishment? Have they ever been suspended for
13 failure to respond to a statement of deficiency?

14 A One to my knowledge.

15 Q Okay. Do you know which one? Can you --

16 I don't know if it's public or private. Is it public
17 information?

18 A It was a dispensary. I can't remember the name. I
19 think they go by ShowGrow.

20 Q ShowGrow?

21 A I know their facility ID. I just don't know the
22 name.

23 Q Okay. So you don't know which entity that is,
24 ShowGrow?

25 A Correct.

1 Q Is it GB --

2 A That sounds; right.

3 Q All right. And that's Mr. Viellion. Do you know --
4 have you heard that name?

5 A No, that doesn't sound familiar.

6 Q Have any other dispensaries ever had their license
7 suspended or put on hold for any period of time?

8 A Yes, several.

9 Q Several. How many others would you estimate?

10 A At least 10 suspensions I would guess.

11 Q Okay. And have those establishments had their
12 licenses been put back into good standing after that period?

13 A Yes. They took necessary corrections and were
14 approved to resume operations.

15 Q Okay. Do you know which dispensaries were actually
16 suspended?

17 A Not off the top of my head I don't.

18 Q When an inspection takes place, how common is it for
19 at least one deficiency to be issued by the department?

20 A It's extremely common, almost always. I would say no
21 deficiency letters are very rare.

22 Q How often do inspections take place?

23 A The inspectors go out in the field approximately
24 three days a week and conduct three inspections per day, so
25 approximately nine a week, unless there's something else going

1 on that needs their attention in the office.

2 Q And is that nine a week of the same establishment, or
3 how many times is an establishment inspected?

4 A Actually, that would be nine a week per inspector.
5 We have eight inspectors statewide. All different facilities,
6 each facility inspected at least once a year. We shoot for
7 twice a year, sometimes more based on complaints and
8 investigations.

9 Q All right. So each establishment would be inspected
10 at least once a year?

11 A Correct.

12 Q Probably more?

13 A Correct.

14 Q But not like every week or every month or anything
15 like that?

16 A Correct.

17 Q All right. I'm going to show you Exhibit 96.

18 (Pause in the proceedings.)

19 BY MR. KOCH:

20 Q Exhibit 96 is an email we looked at earlier. I think
21 you talked about this for a few minutes with Mr. Parker. So
22 this email, it's kind of interesting. It doesn't look like an
23 electronic print out. It looks like it might be some sort of a
24 photo or screenshot or something like that. Did you produce
25 this to the plaintiffs in this case?

1 A No, I did not.

2 Q The blacked out section there, the "To" and the "CC,"
3 do you know why that's blacked out?

4 A I am not sure. I'm assuming the person that did send
5 it didn't want their name to be on it. I do have the original
6 email though. So I do know who it was sent to. The original
7 email --

8 This copy also cut off the very bottom where I have
9 my confidentiality statement saying that it cannot be
10 distributed without my permission.

11 Q All right. So you didn't give authority for this to
12 be distributed to the plaintiffs in this case?

13 A No, I did not.

14 Q Do you know how they got it?

15 A It would have had to have come from somebody who I
16 emailed it to initially, or it would have been forwarded from
17 someone they sent it to.

18 Q All right. And do you know as you sit here today who
19 actually sent this or forwarded this email?

20 A I have an idea, but I don't know for certain.

21 Q All right. Does that raise any concern with you that
22 a document like this with your confidentiality provision there
23 removed was provided to entities in this case?

24 A Yes, it is concerning.

25 Q All right. Well, let's take a look at what they said

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1 because this has been offered as an exhibit in this case as
2 apparently an important thing for the plaintiffs here. And you
3 talked about it for a few minutes yesterday. This was relating
4 to Investigations Letter on the subject -- or sorry, the
5 attachment's investigations letter, and you said that it
6 related to Henderson Organic Remedies. I'm looking at the
7 attachments Routine Nevada Organic and Investigations SOD
8 letter to Integral Associates. Were there three letters that
9 were at issue there? Do you know?

10 A I believe there were three letters, yes.

11 MR. KOCH: Okay. Let's put that back up. Keep that
12 up.

13 EXHIBIT TECHNICIAN: 96?

14 MR. KOCH: 96, yeah.

15 BY MR. KOCH:

16 Q And Mr. Parker asked you a little bit about this
17 letter, but can you just tell us why you sent this email --

18 A Yeah.

19 Q -- what was the purpose of this email?

20 A Absolutely. We had just started a incident report
21 form that's available on our website which gave facilities the
22 opportunity to basically tell us if something went wrong before
23 we come out and find it ourselves. I gave them the opportunity
24 to report any deficiency that might have occurred to us and let
25 us know that they already took care of it; it's not a problem;

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1 here's what happened.

2 It's also required for situations like power outages
3 where their security systems go down for an extended period of
4 time or something to that effect. So we had just initiated
5 this plan and this form.

6 We had situations where three different facilities
7 had self-reported. I don't know if they were all for sales to
8 a minor or if it was a variety of things. The auditors or
9 inspectors that were assigned to those investigations started
10 writing up statements of deficiencies.

11 After myself and Jorge Pupo discussed it, it -- we --
12 and I believe other people may have been in the discussion as
13 well, but we were talking about how writing them up and issuing
14 civil penalties for self-reporting would discourage
15 self-reporting, and that really wasn't the intention of this.

16 If we continued taking corrective -- or taking action
17 against facilities that went out of their way to tell us that
18 something went wrong, how they fixed it and how it won't happen
19 again, if we took action against them, then there would be no
20 incentive for them to self-report ever again, and we just would
21 never have that information. So we decided it's more important
22 that we have the information, we know it occurred, rather than
23 penalizing them.

24 So we said just send an acknowledgment letter and
25 thank them for notifying us. All the information is still in

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1 their file, and it's something that we still keep track of, but
2 it just wasn't any longer listed as an open investigation on
3 the complaint and investigation log.

4 Q Okay. And were these three self-reports by Henderson
5 Organic Remedies, Nevada Organic Remedies and Integral
6 Associates, were these the first of the self-reports that you
7 received?

8 A I believe so.

9 Q So these three entities were jumping right in and
10 reporting any issues that they perceived?

11 A Absolutely, yes.

12 Q And do you believe that that was, the self-reporting,
13 do you believe that's a necessary part of the compliance
14 process?

15 A I do.

16 Q And is compliance -- do you view compliance as --
17 well, let me ask you what do you view the purpose of compliance
18 to be, the compliance process as a whole?

19 A The process, the purpose of being compliant is to
20 protect the public health and safety, make sure that product
21 isn't ending up in the wrong hands, making people sick,
22 basically protection of the public is the main point of
23 compliance.

24 Q All right. And would you view an entity that
25 self-reported a potential issue to be more compliant than an

1 entity that did not self-report but tried to conceal that
2 violation?

3 A Absolutely.

4 Q The issue you state in the email here, you talk about
5 the letter, and it goes on in the middle to say, We received
6 your incident report. This was -- I'm sorry. This was the
7 letter. It should state something to the effect of, We
8 received your incident report. The corrective actions taken
9 were deemed appropriate or not, parentheses.

10 And so would it be possible that the corrective
11 action suggested by the self-reporting party would not be
12 deemed appropriate?

13 A It's possible, and so what we would do at that point
14 is work with the facility to come up with an appropriate
15 corrective action that would be acceptable to the department.

16 Q All right. It goes on to say, No further action is
17 necessary at this time, parenthetical, or please take the
18 following actions to remedy the issue.

19 Again, there appears to be -- the department still
20 considered the corrective action to determine if they were
21 appropriate or not; is that correct?

22 A Correct.

23 Q And then it states, These investigations should be
24 removed from the log. There's been insinuation by certain
25 parties in this case that the removal of the investigations

1 from the log was somehow unduly influenced by either the
2 entities that are listed here or somebody else. Do you believe
3 that the removal of investigations from the log was in any way
4 improper based upon what you've testified to?

5 A No, I don't believe it was improper because that is
6 just an internal document only. There's actually probably only
7 four people that really look at it in the office.

8 I'm the person that maintains the log.

9 My administrative assistant is the one who enters the
10 information into it and marks investigations as open or closed
11 or adds them and removes them.

12 Q And so if an entity self-reported an incident,
13 proposed a corrective action, that corrective action were
14 approved and corrective action were taken, would you consider
15 that entity to be compliant with that, with respect to that
16 incident?

17 A Yes, I would. And I -- I mean, things happen at
18 facilities that are out of their control sometimes, and so we
19 take that into consideration.

20 Q And that was something Mr. Parker made -- asked you
21 questions about the fact that Nevada Organic Remedies may have
22 had 30 deficiencies during the course of its operation, and you
23 said that was about normal. Is that what you said?

24 A Correct, especially considering the amount of time
25 that Nevada Organic Remedies has been operational. They

1 were -- they've been open for several years now, and so I'm
2 including the medical days. So with that amount of time being
3 operational, the number of facilities that they have, yes, I
4 would say that's -- that's probably on the lower end.

5 Q Are there any establishments that have been open
6 since the time of medical that have never received a deficiency
7 from the department?

8 A I would be surprised if there was, but it's possible
9 that maybe a facility that doesn't actually operate but
10 maintains their license could potentially do that, but it
11 would -- it would surprise me if there was one.

12 Q All right. What about a facility that actually
13 operates? Would you be surprised if a facility that actually
14 operates did not have a deficiency?

15 A I would be surprised. I'd probably have to go there
16 for myself and verify.

17 Q And maybe the investigators weren't doing their job
18 very well?

19 A Yeah. I'd probably have a question or two for them.

20 Q All right. Have you ever -- do you know the entity
21 Nevada Wellness Center, Mr. Parker's client?

22 A Yes, I do.

23 Q Has that entity ever received deficiency?

24 A I believe they have, yes.

25 Q Do you know how many?

1 A No, I don't off the top of my head.

2 MR. KOCH: Let me -- I'm going to -- I could read
3 them to you, but I'm just going to provide you a list if I can,
4 Your Honor --

5 THE COURT: Sure.

6 MR. KOCH: -- to the plaintiffs in this case.

7 THE COURT: Could you please show counsel for
8 Mr. Hawkins. Can we drop off a copy there.

9 Thank you.

10 MR. KOCH: Does the Court want one?

11 THE COURT: No.

12 MR. KOCH: All right.

13 THE COURT: If it's not admitted, I don't want it.

14 MR. KOCH: Just a list of names.

15 BY MR. KOCH:

16 Q Ms. Cronkhite, this I believe is a list of the
17 entities that are plaintiff's in the actions that have been
18 coordinated for purposes of this hearing. I think it's
19 complete, but correct me if I'm wrong, anyone, on this.

20 As you look at this list of names, are there any of
21 these entities that have been operational that have never
22 received a deficiency?

23 A Not to my knowledge.

24 Q And if any of these entities that are plaintiffs in
25 this case are operational, you would expect that they have at

1 least one or more deficiencies?

2 MR. GENTILE: Objection. That's speculation.

3 THE COURT: Overruled.

4 You can answer.

5 THE WITNESS: I would expect that, yes.

6 BY MR. KOCH:

7 Q All right. And so the fact that an entity or an
8 establishment had a deficiency at some point in time was not a
9 disqualifying factor when the applications for retail licenses
10 came -- were submitted in September 2018; is that right?

11 A Correct.

12 Q But you're aware that an establishment needed to have
13 an existing medical certificate to apply in 2018?

14 A Correct.

15 Q And if that medical certificate were not in good
16 standing or suspended, would that applicant be able to apply
17 and receive a recreational license?

18 A If they were currently suspended during the time of
19 application, no, I don't believe they were allowed to apply,
20 but I could be mistaken.

21 Q All right. As you look at that list of names there,
22 do you know if any of those entities have had a suspended
23 license --

24 A Yes.

25 Q -- at any point in time?

1 Which ones?

2 A Fidelis is the first one I see. I know that they've
3 had multiple facilities suspended.

4 I believe Libra Wellness has had a suspension. I
5 can't say for sure, but I do think that they have.

6 MR. GENTILE: Object and move to strike.

7 THE COURT: Overruled.

8 THE WITNESS: And I believe Rombough may have had a
9 suspension, but I believe that was for a taxation issue.

10 MR. GENTILE: Same objection. Move to strike.

11 THE COURT: Overruled.

12 THE WITNESS: I think THC Nevada also. I know they
13 had some major issues. I believe it led to a suspension, but
14 again I could be mistaken.

15 MR. GENTILE: Object and move to strike.

16 THE COURT: Overruled.

17 BY MR. KOCH:

18 Q All right. That is as far as your review as you sit
19 here today?

20 A Yes.

21 Q Okay. All right. Let me move on to a different
22 topic. You were asked a lot of questions about one of the
23 statutes we've spent a lot of time with, and that's
24 NRS 453D.200.

25 MR. KOCH: And, Bryan, if you could put that up.

1 BY MR. KOCH:

2 Q And this statute describes, is titled Duties of the
3 Department Relating Regulation and Licensing of Marijuana
4 Establishments. When Mr. Parker was asking you questions, you
5 drew a distinction between regulation and licensing. What is
6 that distinction in your mind?

7 A Between regulation and licensing or application and
8 licensing?

9 Q Well, you said -- I think you said -- look back at my
10 notes -- that there was licensure and regulation, and they may
11 be two different things. If you could at least explain what
12 you were thinking along those lines.

13 A I think, yeah, well, licensure is the process of
14 becoming -- so I'll just go over the process real quick if
15 that's easier.

16 Initially they apply for a conditional license. That
17 doesn't give them the license. It doesn't give them approval
18 to operate. It's just saying that your application is
19 acceptable, and you can start the process to become
20 operational.

21 Q And let me stop you there. So in this case, we've
22 had a lot of discussion about the fact that the licenses that
23 were issued in December 2018 were conditional. You're aware of
24 that?

25 A Yes.

1 Q And what is the condition or what are the conditions
2 that -- why is it called a conditional license based on what
3 you've explained?

4 A It's called a conditional license at that point
5 because they have not yet met all the conditions to become
6 operational. So they have -- we have a checklist they have to
7 follow, and they have to get their business licenses, both
8 state and local. They have to get their special land use
9 permit that says that the location has been surveyed and meets
10 all of the legal requirements. They have to get their
11 certificate of occupancy for the building. They have to have
12 fire and building inspections. Their scales have to be
13 certified for example.

14 There's a lot of different things that go into it.
15 We have to verify that all of the owners, officers and board
16 members had their background check and agent cards completed
17 and any other information that we require.

18 Once we get all that information, we go through it,
19 verify that it's all there and complete. I would sign off for
20 the southern facilities. Steve Gilbert would sign off for the
21 northern facilities, and then we would notify the
22 administrative assistant to print and finalize their
23 certificate, and then they would be allowed to start operating,
24 and at that point we would begin regulating them in compliance
25 with the administrative code.

1 Q Okay. So let me ask I guess a couple questions on
2 that. One, let's say my client, Nevada Organic Remedies, they
3 had a conditional license, and they submit a location that is
4 directly -- let's say it's inside of a church. Got a big
5 church building. They say we're going to take one of the
6 kiosks there, and that's where our establishment will be. Will
7 that be approved?

8 A No.

9 Q And if they insist that that's the only location they
10 want to have, what happens to their conditional license after
11 the time period ends?

12 A It would expire.

13 Q So they're not able to actually sell marijuana; is
14 that right?

15 A Correct.

16 Q What if my client he has a conditional license, has
17 not got an approved location but they just start selling
18 marijuana from somewhere? Again, just put a kiosk on the
19 street and they start selling marijuana. Are they permitted to
20 do that?

21 A No. That would be illegal.

22 Q What would happen -- do you know what the penalty or
23 the provision would be if somebody did that?

24 A That would be a revocation of their license if they
25 had one with the conditional we would revoke -- well, I don't

1 know if you revoke a conditional, but we would remove the
2 conditional. They would not be allowed to get their final
3 license, and we would notify law enforcement for that area as
4 well, as well as the local jurisdiction for business licensing.

5 Q Okay.

6 A I believe the fine is -- or the, not fine, sorry, the
7 civil penalty is \$30,000 for doing so.

8 Q Let's look at the bottom of this section 453D.200,
9 Number 7, Subsection 7.

10 MR. KOCH: It should be the next page, Bryan.

11 BY MR. KOCH:

12 Q The very last Subsection here which says,
13 The department shall inspect marijuana
14 establishments as necessary to enforce this
15 chapter or the regulations adopted pursuant
16 to this section.

17 A client such as mine, Nevada Organic Remedies, that
18 has a conditional license, before they are approved and
19 finalized, can you inspect their establishment?

20 A Yes. It's actually one of the requirements. They
21 can ask for a preliminary walk-through in which we would give
22 them advice on how to proceed and if they're going in the right
23 direction. If they choose not to do so, they don't have to.
24 It's not required.

25 And then prior to becoming operational, prior to

1 finalizing that file, the inspector and auditor assigned to
2 that facility would conduct a -- we call it a preopening
3 inspection. It's always required. You cannot become
4 operational without it, and at that point they would conduct a
5 full inspection as they would on any unannounced inspection
6 except there's no product on site at that time.

7 Q Did you conduct any inspections, did the department
8 conduct any inspections of any applicants when their
9 applications were submitted in September of 2018 of their
10 establishment?

11 A During the time that they submitted an application?

12 Q Right.

13 A I -- I don't believe so. If we did, it wasn't
14 associated with the application. It was just a routine
15 unannounced inspection.

16 Q There wasn't a requirement to have an inspection
17 conducted in connection with the application itself; right?

18 A No, it was not.

19 Q And would there be an inspection -- if the
20 application were denied, didn't score high enough, would there
21 be any reason to conduct an inspection?

22 A No.

23 Q And so the inspection referenced in paragraph 7,
24 Subsection 7 could only take place after at least a conditional
25 license was issued; is that right?

1 A Right. Correct.

2 Q Let's go back a little bit in that statute. We're
3 going to go up to Item 3, Subsection 3 of 453D.200. And
4 Item 3 says,

5 The Department may by motion or on
6 complaint, after investigation, notice of the
7 specific violation, and an opportunity for
8 hearing, pursuant to the provisions of 233B
9 of NRS, suspend, revoke, or fine a licensee
10 for the violation of this chapter or for a
11 violation of a regulation adopted by the
12 Department pursuant to this section.

13 The way that that's written it talks about a
14 licensee; is that right?

15 A Correct.

16 Q And can an entity have a -- can you conduct an
17 investigation of an entity that does not have a license? Can
18 the department do that?

19 A Only if they have a conditional license and they ask
20 for an inspection stating that they are ready to become
21 operational and we do a preopening inspection.

22 Q Okay. And so this investigation, notice of a
23 specific violation, do you anticipate that that process would
24 happen before or after at least a conditional license were
25 awarded?

1 A It would have to be after.

2 Q What about before or after the establishment becomes
3 operational in some fashion?

4 A It would likely be after the -- during the preopening
5 inspection is basically a pass or fail.

6 Q Okay. So Item 3 and Item 7 are both after the
7 conditional license has been awarded. That's what the
8 department [indiscernible] 4.

9 The Department may immediately suspend
10 the license of any marijuana establishment if
11 the marijuana establishment knowingly sells,
12 delivers, or otherwise transfers marijuana in
13 violation of this chapter.

14 It goes on, et cetera, from there. Again, to suspend
15 a license, I assume that an entity has to have a license?

16 A Yes, they would have to have received their final
17 license by that time.

18 Q Okay. So Item 4 under 453D.200 also would be a power
19 the department would have after licenses were issued and
20 finalized?

21 A Correct.

22 Q And what about 5?

23 To ensure the individual privacy is
24 protected, the department shall not require a
25 consumer to provide a retail marijuana store

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1 with identifying information other than
2 government-issued identification to determine
3 the consumer age --

4 Et cetera. Would you expect that provision relating
5 to the provision of information -- identifying information take
6 place before or after a license was finalized?

7 A That would have to be after the final license was
8 issued and they were operational.

9 Q I think we've established that all of these
10 subsections here -- 3, 4, 5 and 7 -- would all take place after
11 a license, either a conditional or more likely final were taken
12 place.

13 What about Number 6?

14 The department shall conduct a
15 background check of each prospective owner,
16 officer and board member of the marijuana
17 establishment license applicant.

18 Do you know if that background check had to take
19 place before or after a license was awarded?

20 A For a conditional license, I'm not sure if that was
21 part of the ID section of the application. I can't say, but I
22 know that it is required prior to issuing a final license.

23 Q All right. And do you believe that that's a
24 reasonable requirement to have a background check? Is that
25 right?

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1 A Yes, I do.

2 Q And an owner, officer, board member can't have a
3 felony, can they?

4 A They cannot have specific felonies. They're
5 restricted felonies.

6 Q Right. Excludable --

7 A Yes.

8 Q Excluded felonies?

9 A Yes. Uh-huh.

10 Q And that would come up in the background check
11 presumably?

12 A Yes.

13 Q Does the department have a process for conducting
14 background checks that you're aware of?

15 A Yes. Fingerprints go to DPS, Department of Public
16 Safety, for processing, and we get the report back from them.

17 Q And do you know what the authority for the department
18 to take fingerprints, where that comes from?

19 A I believe it's NRS, but I can't say for sure.

20 Q Do you know if it came from the initiative?

21 A I don't recall.

22 Q All right. Let's jump back up to the top of that
23 section, 453D.200, and we're just going to look at Item 1, and
24 this is one again we spent a lot of time on. This talks about,
25 The Department shall adopt all

1 regulations necessary or convenient to carry
2 out the provisions of this chapter.
3 Regulations must not prohibit the operation
4 of marijuana establishments, either expressly
5 or through regulations that make their
6 operation unreasonably impracticable.

7 So first of all, I understand based on your testimony
8 from Mr. Parker that you took part -- you're part of the group
9 that did endeavor to adopt regulations to carry out the
10 provisions of the chapter; is that right?

11 A Yes.

12 Q And that group was aware of the initiative; is that
13 right?

14 A Yes.

15 Q It was aware of NRS 453D, which encoded the
16 initiative; is that right?

17 A Yes.

18 Q And when the group was meeting, was there discussion
19 about regulations and whether they were compliant with 453D?

20 A Yes.

21 Q Let's suppose somebody in that group, Jorge comes in
22 and says, hey, I've got a great idea for regulation, proposes a
23 regulation and he says, I don't know if this complies with the
24 statute or not, but let's just throw it in there. Would the
25 group just say, okay, fine, let's just throw it in?

1 A No. We would express our concerns.

2 Q Would there be discussion about whether that section
3 or the proposed regulation complied with the law?

4 A Yes.

5 Q And so if somebody just arbitrarily came in and said,
6 hey, let's have every -- every marijuana establishment, let's
7 make their names all start with the letter N. Would that be
8 something that the department would have put into place just
9 because somebody came in and asked for that?

10 A No, we would not.

11 Q Okay. Do you think that would be kind of a silly
12 regulation?

13 A Yes.

14 Q All right. The other items that are listed here,
15 let's look at what it says here because I think Mr. Parker
16 asked you about a few of these things, and his question I think
17 was more about the fact that all these had to be a part of the
18 application, that these all need to be considered then.

19 So first of all, the regulation shall include, A,
20 procedures for the issuance, renewal, suspension and revocation
21 of a license to operate a marijuana establishment.

22 Which of those words listed there would come into
23 play before an application or concurrent with an application?

24 A The only one would be "issuance"?

25 Q The renewal, suspension, and revocation will be

1 afterward; is that right?

2 A Yes.

3 Q The qualifications for licensure that are directly
4 and demonstrably related, the operation of a marijuana
5 establishment, was that discussed by the department as part of
6 the regulation process?

7 A I believe so.

8 Q Okay. Were there any -- do you remember any
9 qualifications that were proposed that -- brought up by
10 somebody and somebody said, no, I don't think that relates to
11 the operation of a marijuana establishment?

12 A Not that I recall.

13 Q Okay. And to determine this qualification, do you
14 remember what the department considered in order to decide upon
15 potential qualifications?

16 A I know we relied heavily upon the medical
17 requirements. So that was used as a template.

18 Q Let's actually look at that. We'll come back to this
19 in a minute, and if we can, the medical regulations, if we
20 could go to -- or it's actually the statute, NRS 453A.328, the
21 criterium.

22 MR. KOCH: Bryan, do you have that? You can take the
23 other one off for now and just blow this one up.

24 BY MR. KOCH:

25 Q All right. So this was a medical marijuana

1 regularity -- or sorry, statute; is that right?

2 A Yes.

3 Q And if we look at the bottom of the statute, there's
4 a date. It says added by NRS-- to the NRS by 213, and in the
5 section there and then amended in 2017. So when the department
6 was considering regulations for adoption in January of 2018,
7 did the department had this statute that had been passed by the
8 legislature in 2013 and then amended in 2017?

9 A Yes. And if it had not yet been codified, then we
10 would still have the senate bills and assembly bills that
11 would've gone into that.

12 Q All right. So we look at the items there if we can
13 go up to the top. It states that,

14 In determining whether to issue a
15 medical marijuana establishment registration
16 certificate pursuant to NRS 453A.322, the
17 department shall in addition to the other
18 factors set forth in that section consider
19 the following criteria of merit.

20 Did the department, did you or anyone else in your
21 group look at what was listed here as criteria of merit?

22 A Yes. It appears that it's very similar.

23 Q Including Item 1, the financial resources, both
24 liquid and illiquid?

25 A Correct.

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1 Q The previous experience of the persons?

2 A Correct.

3 Q And here it talks about operating other businesses or
4 nonprofit organizations. Did anyone say, hey, I know the
5 legislature says criteria under merit, but I don't think so, so
6 let's get rid of it?

7 A No, we did not.

8 Q All right. So some of the direction was taken
9 apparently from the legislature; is that right?

10 A Yes.

11 Q Educational achievements in Number 3, that was a
12 criterium that the department believed would be part of the
13 process?

14 A Yes.

15 Q I think Number 4 is about compassionate use of
16 marijuana to treat medical conditions. That wouldn't be
17 necessarily directly related to recreational, would it?

18 A Correct.

19 Q Okay. And then 5 is also about medical use. Let's
20 go down a little bit more. We have likely impact of the
21 proposed medical marijuana establishment on the community and
22 which it is proposed if you locate it.

23 If you -- that word "community," and you were asked a
24 lot about it, and some people have some view of how why that
25 community is, some people have -- do you know if there's a

1 definition of community in the statute?

2 A There's a definition of community facility --

3 Q Right.

4 A -- but I don't think that the word community itself
5 is defined.

6 Q What's a community facility? Do you understand how
7 that's defined?

8 A Yeah. That would be like a place where the community
9 gathers of all age groups, so like a church, a playground, and
10 things of that nature.

11 Q Right. And that's in NRS 453D; correct?

12 A Yes, I believe so.

13 Q If it's .030, it's the definition section?

14 A You're better than I am at that.

15 Q All right. Well, we probably looked at it more than
16 we need to.

17 Community though itself is not defined; right?

18 A Not to my knowledge, no.

19 Q There's no radius for a community or anything like
20 that?

21 A No.

22 Q It doesn't say the community is the township in which
23 the establishment will be located?

24 A No, not that I'm aware of.

25 Q It doesn't have anything about the city blocks or

1 anything like that, does it?

2 A No.

3 Q Okay. So the department have to exercise some
4 discretion in deciding what the community would be or the
5 community impact would be?

6 A Correct.

7 Q All right. Item 7, and maybe we'll come back to this
8 but it says,

9 The adequacy of the size of the proposed
10 medical marijuana establishment to serve the
11 needs of the persons who are authorized to
12 engage in the medical use of marijuana.

13 What is a medical marijuana establishment?

14 A A medical marijuana establishment is any cultivator,
15 producer, dispensary or laboratory that's affiliated with the
16 growing, processing, dispense, selling or testing of medical
17 marijuana.

18 Q Okay. Is an establishment -- there's a lot of talk
19 about the adequacy of the size of the building. Do you know if
20 there's any regulation either here or in medical or in
21 recreational that specifically says the adequacy or the size of
22 the building is important?

23 A I don't know off the top of my head.

24 Q All right. Well, we'll come back to that then.

25 And then we have a few other items that are listed

1 here.

2 Integrated plan, in Number 8, for the care, quality
3 and safekeeping from seed to sale. That was something that was
4 considered in recreational; is that right?

5 A Yes.

6 Q The amount of taxes paid to the State of Nevada.
7 That was something that was considered as well?

8 A Yes.

9 Q And the 10, diversity on the basis of race, ethnicity
10 or gender of the applicant.

11 A Yes.

12 Q That was something that was incorporated in the
13 recreational license; is that right?

14 A Yes, it was.

15 Q And did the department come up with the diversity
16 component on its own, just decided, hey, this would be
17 something we want to include?

18 A No. We got the guidelines from the Equal Employment
19 Opportunity guidelines. We used those.

20 Q Okay. But what about the decision just to simply
21 consider diversity at all? Was that something that somebody
22 just said, hey, this would be a good idea, or where did that
23 come from?

24 A No, it came from -- I believe it was from one of the
25 bills that passed through legislation, but it was very clear

1 during all the hearings that and the drafting of 453D that it
2 was very important to legislation and the public that diversity
3 be included.

4 Q All right. Could it have been this actual section
5 where this was added as a criterium of merit?

6 A Yes.

7 Q In 2017?

8 A Yes.

9 Q Was that addition made after the initial medical
10 license requirements were drafted in earlier 2014?

11 A Yes.

12 Q And was there discussion about getting rid of
13 diversity because it may not be related to the operation of
14 medical -- or to a marijuana establishment?

15 A No, that was not discussed.

16 Q All right. And then it says, Item 11, lastly, Any
17 other criteria of merit that the department determines to be
18 relevant.

19 So any criteria that was discussed or considered, was
20 there discussion among the group about that criteria?

21 A Yes.

22 Q Was there ever disagreement about potential criteria?

23 A Possibly. I don't recall specifics. It was quite a
24 while ago.

25 Q Okay. Then let's go back if we could to NRS 453D.200

1 where we were looking a minute ago. And so those
2 qualifications for licensure in Subsection 1B that are directly
3 and demonstrably related to the operation of medical -- or with
4 marijuana establishment, we looked at that.

5 Item C requires the security of marijuana
6 establishments. Was that something that was considered as part
7 of the application process?

8 A Yes. We had sections about building security and
9 product security and inventory control.

10 Q What about D: Requirements to prevent the sale or
11 diversion of marijuana and marijuana products to persons under
12 21 years of age?

13 A Yes. That was under the verification section of the
14 application.

15 Q And these regulations were in place prior to the
16 applications being submitted; is that right?

17 A Yes.

18 Q And so an applicant would be aware of these
19 requirements and be expected to submit a plan that would
20 address these requirements?

21 A Yes.

22 Q What about Item E: Requirements for the packaging of
23 marijuana and marijuana products, including requirements for
24 child-resistant packaging? Was that part of it?

25 A Yes, that was in there.

1 Q Okay. And child-resistant packaging, is that
2 something that's regulated by the department?

3 A Yes, it is.

4 Q Even after a license is issued; is that right?

5 A Yes.

6 Q And so regulations that relate to child-resistant
7 packaging don't just apply to applications; they apply
8 throughout the operation of that business. Is that right?

9 A Correct.

10 Q Okay. What about Item F: Requirements for testing
11 and labeling of marijuana and products, including numerical
12 indication of potency? Is that something that the department
13 regulates?

14 A Yes, we do. The labels have to state the potency.

15 Q And that's --

16 A From the lab report.

17 Q After a licensee is operational, they need to put
18 those labels on?

19 A Correct.

20 Q And if they don't, they could be penalized for that?

21 A Correct.

22 Q Recordkeeping, Item G, that something -- is that --
23 was that part of the application, the recordkeeping
24 requirements?

25 A Yes. There was a section in policies and procedures

1 for recordkeeping?

2 Q Okay. And the restrictions on signage, marketing,
3 display and advertising, is that something that is regulated by
4 the department?

5 A Yes.

6 Q Was signage scored in the application? Do you know?

7 A There was a part in the building adequacy about
8 having a professional appearance.

9 Q All right. And so signage would have been a part of
10 that?

11 A Yes.

12 Q Procedure for the collection of taxes in Item I, fees
13 and penalties imposed by this chapter, was that something that
14 needed to be addressed in the application?

15 A Taxes paid was part of the application, and I believe
16 that they looked at if they owed taxes.

17 Q Okay. And then future taxes, did the applicant need
18 to provide a plan to pay future taxes?

19 A They did have to provide a budget, and certain taxes
20 were supposed to be listed in there, yes.

21 Q Okay. What about in J, Procedures and requirements
22 to enable the transfer of a license for a marijuana
23 establishment to another qualified person and to enable a
24 licensee to move the location of its establishment to another
25 suitable location? Did you expect or did you see I guess in

1 any application a proposal to transfer the license being
2 applied for?

3 A I didn't review the 2018 applications. I wasn't part
4 of the scoring team; however, in previous applications, I've
5 scored that's never been something that we saw or looked for.

6 Q And the relocation from one spot to another, another
7 suitable location, without be something you would expect to be
8 before or after a license were granted?

9 A After a license is granted, at least a conditional,
10 we wouldn't -- we wouldn't process change of location for a
11 facility that doesn't have a conditional or final license.

12 Q So if somebody got their application rejected or
13 didn't score high enough, you wouldn't worry about transfer of
14 licenses; right?

15 A Yeah. There would be nothing to move. Yeah.

16 Q Or transfers of location either?

17 A Correct.

18 Q All right. But if someone's operational and they
19 wanted to move, they'd have to get that approved by the
20 department; right?

21 A Yes, they do.

22 Q And the department has regulations about that?

23 A Yes, we do.

24 Q And those regulations are adapted in accordance with
25 this section; is that right?

1 A Yeah.

2 Q Okay. Just lastly then, let's go down to L:
3 Procedures to establish the fair market value of wholesale of
4 marijuana. Is that something that was part of the application?

5 A No. That's actually something determined by the
6 department that all operational facilities are held to.

7 Q All right. So this would be something that
8 operational facilities would have to look to based on
9 regulations after they're operational?

10 A Yes. Correct.

11 Q So if we looked at, and then N talks about the civil
12 penalties for failure to comply. Civil penalties -- are civil
13 penalties imposed on nonlicensees?

14 A No, it is not.

15 Q Okay. So it appears to me A through M on 453D.200,
16 Subsection 1, that there are a number of items there. Some of
17 them were part of the application process. Some of them were
18 regulations that would only apply after a licensee was actually
19 operational; is that right?

20 A Yes.

21 Q And I think as we established also they would also
22 apply to the subsequent Sections 2 -- well, actually 2 we
23 didn't talk about, 3, 4, 5, 6 and 7?

24 A Yes.

25 Q Right? Okay.

1 MR. KOCH: While we've got 200 up, if we could scroll
2 up to the first paragraph, Subsection 1.

3 BY MR. KOCH:

4 Q There's language there that says, The regulations in
5 the second to last line, shall not -- sorry. I'll just read
6 it:

7 The regulations must not prohibit the
8 operation of marijuana establishments, either
9 expressly or through regulations that make
10 their operation unreasonably impracticable.

11 Was there ever any discussion about regulations that
12 may be unreasonably impractical?

13 A Yes, there were several, and we got statements from
14 industry as well as public with their concerns.

15 Q Do you recall what any of those potential regulations
16 may have been?

17 A There was one specifically that stands out to me. We
18 had included that laboratories needed to test for Clostridium
19 botulinum. Then we discovered that that is a federally
20 regulated bacteria, and they can't legally obtain it because
21 they're federally illegal with marijuana. So there was a
22 contradiction there. So they were unable to do so legally.

23 Q Okay. Any others that you recall?

24 A Not to -- not that I can remember.

25 Q What about these inspections? You talked about

1 earlier that those were going to take place on a regular basis.
2 What if there is a proposal that an establishment be inspected
3 on a daily basis? Would there be a discussion about whether
4 that's practical or not?

5 A Yes. We would absolutely discuss that. That would
6 be impractical both for the facility and for our staffing.

7 Q Okay. And so a decision was made that a reasonable
8 periodic inspection would take place based upon what the
9 department could do and not to interfere with the businesses;
10 is that right?

11 A Correct.

12 Q And you believe that the regulations that were
13 considered and eventually adopted by the department were
14 overall reasonable?

15 A I do.

16 Q And those regulations were considered or sent to
17 the -- is it the Legislative Counsel Bureau? Is that --

18 A Yes. That's correct.

19 Q -- who you talked to, the LCB?

20 A Uh-huh.

21 Q Okay. And did the LCB have any comments on the
22 regulations that you're aware of?

23 A They made several minor revisions. I'm not aware of
24 any major revisions that were made where they completely
25 changed anything.

1 Q All right. And as you consider the regulations that
2 are in place today, do you believe that those regulations are
3 necessary for the department to carry out it's role regulating
4 and overseeing the marijuana industry?

5 A Yes, I do.

6 Q Do you believe that those regulations are suitable to
7 the circumstances of the industry as it is today?

8 A Yes, I do.

9 Q The ownership requirements, there were some questions
10 yesterday about regulations relating to a threshold of
11 ownership in order to qualify as an owner of the regulated
12 [indiscernible]. Are you aware of those regulations?

13 A I'm familiar with them, yes.

14 Q You're aware that there's a 5 percent threshold in
15 the Nevada administrative code for owners?

16 A Yes.

17 Q Was that something that was discussed among the group
18 as part of the process of adopting regulations?

19 A That discussion was more with upper management. I
20 know I was given the direction, but I don't believe I was
21 involved in the decision-making process.

22 Q Okay. Are you aware of any similar regulation in the
23 medical marijuana side?

24 A Yes. I believe it's the same.

25 MR. KOCH: Okay. If we could pull up NAC 453A.302.

1 THE COURT: -302?

2 MR. KOCH: -302, yes.

3 BY MR. KOCH:

4 Q NAC 453A.302 is titled Applicability of Requirements
5 of Chapter to Certain Owners of Establishments, and it appears
6 based upon the phrasing on the bottom that it was added March
7 28th, 2014, and effective April 1st, 2014. Do you know
8 when the initiative itself went to the voters, the initiative
9 for recreational went to the voters?

10 A I know it -- I believe 2016 is when it went to the
11 voters.

12 Q Okay. This section here about the 5 percent
13 ownership -- and I guess I didn't present it to you, but
14 Item 1 says,

15 Except as otherwise required in
16 Subsection 2, the requirements of this
17 chapter concerning owners of medical
18 marijuana establishments only apply to a
19 person with an aggregate ownership interest
20 of 5 percent or more in a medical marijuana
21 establishment.

22 Are you aware of that limitation as it relates to
23 medical?

24 A Yes.

25 Q Okay. Do you believe that that's a reasonable

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1 regulation with respect to ownership?

2 A Yes, I do.

3 Q Is there any reason that you think it's a necessary
4 regulation?

5 A There are publicly traded companies where there are
6 hundreds to thousands of people who have 0.01 percent interest
7 or somewhere around there that would be impossible to contact
8 everybody for background checks.

9 Also, I know that there was some discussion, when I
10 was given direction, I was informed of some discussion
11 regarding owners with less than 5 percent interest tended to be
12 hands-off and not physically in the facilities.

13 Q They wouldn't have control over the operation of the
14 facility; is that right?

15 A Correct.

16 Q And Item 2 here says,

17 If in the judgment of the department the
18 public interest will be served by requiring
19 any owner with an ownership interest of less
20 than 5 percent in a medical marijuana
21 establishment to comply with any provisions
22 of this chapter concerning owners of medical
23 marijuana establishments, department will
24 notify that owner, and he or she must comply
25 with those provisions.

JD Reporting, Inc.

1 Were you aware of that ability for the department to
2 essentially reach out and require less than 5 percent owners to
3 comply?

4 A Yes, I am.

5 Q Do you know if that's -- the department has ever sent
6 out a notice like that? Would you be privy to that?

7 A If an owner of less than 5 percent is physically
8 working in the facility, yes, we would require them to do that.

9 Q So if an owner is physically working in the facility,
10 they would need an agent card; right?

11 A Correct.

12 Q They would need to apply for that agent card?

13 A Yes.

14 Q Is that right?

15 And even if they owned .1 percent, they couldn't work
16 in the facility, couldn't be there unless they had an agent
17 card; right?

18 A Correct.

19 Q Each of the applicants in 2018 were licensed under
20 the medical program; correct?

21 A Yes.

22 Q And so this regulation, as you understood it, applied
23 to each of those applicants starting in 2014; is that right?

24 A Yes.

25 Q And did -- was there any discussion among the group

1 in discussing regulations for recreational to say, hey, we
2 should have different ownership requirements; we ought to just
3 do 10 percent or 20 percent as a threshold? Is anything like
4 that?

5 A No. We made our best effort to keep it the same and
6 consistent with medical on all possible levels to make it
7 easier for the operators.

8 Q And, in fact, if we put the language side by side,
9 and we won't do that, but I'll just represent to you if we look
10 at 453D.255, I believe, relating to 5 percent ownership under
11 NAC 453D.255, it has essentially the same language except for
12 medical is not there. Are you aware of that?

13 A Yes.

14 Q Okay. And that essentially that regulation of the
15 threshold was consistent with the previous medical and taken
16 over to recreational; is that right?

17 A Yes.

18 Q Did anyone ever tell you that we should regulate
19 recreational much differently than medical?

20 A No. In fact, I heard repeatedly the opposite.

21 Q You read the task force, the Governor's task force
22 report?

23 A Yes.

24 Q And did you read anything in there to the extent that
25 the task force proposed or recommended that recreational be

1 regulated much the same way as medical?

2 A Yes. That was consistent throughout.

3 Q And did anyone, was there any outcry from industry or
4 anybody else that we should regulate recreational differently?

5 A No, not that I'm aware of.

6 Q Okay. You were asked about buildings quite a bit.

7 A Yes.

8 Q Do you remember that discussion of building plans and
9 things like that?

10 Was there a magic number -- let say in financial. I
11 know in financial, that section of the application, there are
12 some thresholds there. If somebody had more than 3.5 million
13 in assets, they would get a certain number of points. If they
14 had a different range, they would get another number of points.

15 When it came to the size of the establishment, was
16 there a square footage that said, hey, if your facility is
17 bigger than 5,000 square feet you get a certain number of
18 points or any sort of cut off there?

19 A No.

20 Q So the square footage itself, was that specifically
21 relevant? Did you just look at the number?

22 A No.

23 Q When we talk about the size of the establishment,
24 what did that -- what is adequacy of size of the establishment?
25 What were the scorers looking at?

1 A They were looking at the ability for flow of the
2 people, the consumers visiting the facility, the staff working
3 in the facility and the flow of product through the facility
4 and the adequate space to store product in the facility.

5 MR. KOCH: Okay. And let's pull up NAC 453D.268.

6 EXHIBIT TECHNICIAN: Say that again.

7 MR. KOCH: NAC 453D.268.

8 BY MR. KOCH:

9 Q And while he's doing that, so if somebody had an
10 application that says, hey, we're going to have a 100,000
11 square-foot building and somebody else said, oh, we're just
12 going to have a 5,000 square-foot building, that hundred
13 thousand square-foot building does not automatically get more
14 points, does it?

15 A No, they would not. We would look at the way that
16 they laid out the facility and make sure that there was
17 adequate space for a typical operation.

18 Q Okay. So NAC 453D.268 talks about the submission of
19 an application by a person who holds medical marijuana
20 establishment registration certificate for marijuana
21 establishment of same type or different type. Okay. So this
22 regulation, are you familiar with this regulation?

23 A Yes.

24 MR. KOCH: Okay. Let's look at Item 6 if we can.

25 Keep going. I think that's -- I don't know why we do

1 our statutes this way. Number. Number.

2 BY MR. KOCH:

3 Q All right. Item Subsection 6 states,

4 As part of the application there should
5 be documentation concerning the size of the
6 proposed marijuana establishment, including,
7 without limitation, building and general
8 floor plans with supporting details.

9 The proposed marijuana establishment, is that the
10 same thing as a building structure?

11 A I suppose it could be.

12 Q Right. It could be. You could have a stand-alone
13 building that's housed as the establishment; right?

14 A Yes.

15 Q Can you have an establishment within a building that
16 also houses other businesses?

17 A Yes, as long as they're completely separated within
18 the building.

19 Q Right. So, for example, my client Nevada Organic
20 Remedies has an establishment on Eastern Avenue. I guess it's
21 Henderson Organic Remedies. Let's look at that one. I'm more
22 familiar with it. Establishment that's in the one of these
23 shopping centers there. It's in a shopping center. There's
24 other tenants and other stores around it. That's okay?

25 A Yes.

1 Q Okay. So they don't have to have a stand-alone
2 building?

3 A Correct.

4 Q All right. And then when it says -- goes on to say
5 the size of the proposed establishment, were you looking for my
6 client to submit the size of the entire building structure
7 within which the establishment would be housed?

8 A Just the portion that their physical establishment
9 would be consuming.

10 Q Okay. And it goes on to say, Including, without
11 limitation, building and general floor plans with supporting
12 details. Do you know if the word building is defined in the
13 statute or the regulation anywhere?

14 A No, I don't believe so.

15 Q Yeah, I don't think it is. I think there's actually,
16 well, very few places that it's listed there, but it's
17 certainly not defined as a structure.

18 What would be a building and general floor plan then
19 as you read this provision of the regulations?

20 A So the floor plan would be a portion of the building
21 plan. That's the aerial view. That's the most important part.
22 It shows the layout of all the rooms, the equipment, and you
23 can easily see the flow of the process through that floor plan.

24 Building plans would also potentially include you'd
25 have the elevator floor plans. You'd have the -- the finish

1 schedules, which would show the materials of the floors, walls,
2 ceilings, if they had base coating for cleanability, things of
3 that nature, plumbing lines, where they're getting their water
4 source from, sewage lines, things like that.

5 Q Was there a requirement -- let's say if an applicant
6 did not have an existing facility. There's empty lot, and they
7 say that's where we want to put it. Would they be required to
8 submit a plan to actually construct their facility within the
9 12 months?

10 A Yes.

11 Q And would these scorers look at the feasibility of
12 building that facility within 12 months?

13 A Yes. That was one of the criteria was if it was
14 reasonable within the time frame.

15 Q And so if my client again had proposed to put their
16 spot in one section of a building that houses many other
17 companies, do they need to submit an architectural drawing for
18 the entire building? Let's say they're in the mall. If my
19 client was to put his place in the mall, that's going to be the
20 location, do they need to submit architectural drawings of the
21 mall?

22 A No, they would not.

23 Q And if I said, well, my -- my location is going to be
24 in the mall, that's a really big building. Size is definitely
25 adequate. So would that get me extra points because the mall

1 is big?

2 A No, it would not.

3 Q It would just be the adequacy of the actual space
4 that I'm going to occupy; is that right?

5 A Correct.

6 Q Now, if we look at -- let's go to NAC 453D.446.

7 THE COURT: -446?

8 MR. KOCH: -446.

9 BY MR. KOCH:

10 Q So NAC 453D.446 says, Requirements for building used
11 as marijuana establishment or by dual licensee.

12 All right. So here we had a discussion more about
13 the building, and that seems to imply the talking about the
14 structure; is that right?

15 A Yes.

16 Q Okay. It says, Item 1,

17 A building used as a marijuana
18 establishment or by a dual licensee must
19 have, A, at least one toilet facility which
20 must contain a flushable toilet, mounted
21 toilet tissue and a hand sink with running
22 water which is capable of delivering hot
23 water --

24 With the temperatures described there, a bunch of
25 other things related to the rest room, which we probably don't

1 need to get into too much detail with.

2 But let's suppose somebody says, hey, I'm in a big
3 building. I'm in the mall again, and there's a rest room.
4 There's a toilet facility as it's called here down by
5 Dillard's, you know, a few hundred feet down there. That's
6 what I'm going to submit here as part of my plan. Would that
7 be adequate?

8 A No. It would need to be within their facility.

9 Q Okay. And it actually references the hand sink there
10 needs to be part of the -- in the toilet facility, but then
11 let's look at Subsection B, under 1:

12 Except for a marijuana distributor, the
13 building must have at least one hand-washing
14 sink not located in a toilet facility and
15 located away from any area in which edible
16 marijuana products are cooked or otherwise
17 prepared to prevent splash contamination.

18 We've talked probably more about hand-washing sinks
19 in this proceeding than I expected to, but here we go. You
20 talked yesterday about the need for a hand-washing sink.

21 A Yes.

22 Q There is a need for that; right?

23 A Yes.

24 Q And not just in the rest room for going -- after you
25 go to the bathroom, you wash your hands, but for other reasons

1 too; right?

2 A Correct.

3 Q And so if an applicant submitted their plan, they're
4 in a big building with lots of other tenants and they say, hey,
5 there's a sink outside by the food court in the mall, it's not
6 in a toilet, it's just out in the open, would that be adequate?

7 A No, it would not be.

8 Q It would have to be inside the establishment area
9 itself?

10 A Yes.

11 Q Okay. And there's a lot of requirements about
12 washing hands, aren't there?

13 A Yes, there are.

14 Q If we go to 453D.442, 453D.442 talks about
15 cleanliness and health of marijuana establishment agents, and
16 it says that each marijuana establishment must ensure that each
17 agent who's employed by or volunteers or provides labor in a
18 marijuana establishment does the following, and Item A is
19 cleans his or her hands or exposed portions of his or her arms
20 in hand-washing sink.

21 So there's a specific regulation about washing hands
22 and a hand-washing sink; right?

23 A Yes.

24 Q How you can't just do it in a drinking fountain, can
25 you?

1 A No, you cannot.

2 Q All right. It has to be a standalone sink?

3 A Yes.

4 Q There's been some implication that the sink needs to
5 be sitting in the middle of the retail area like a fountain in
6 the middle. Is that expected?

7 A No, it is not.

8 Q It just needs to be somewhere that's not in the
9 toilet facility; is that right?

10 A Correct. Ideally it would be conveniently located
11 for staff to wash their hands as needed.

12 Q Okay. And if we go on to look at these requirements
13 here, there's actually 11 items where if somebody needs to wash
14 their hands. I won't look at them all, but immediately upon
15 entrance into the establishment, immediately before working
16 with plants, before preparing concentrated marijuana,
17 et cetera, et cetera, coughing, sneezing. You talked about
18 that. So there are 11 different provisions for washing hands
19 and why somebody would need to do that; is that right?

20 A Correct.

21 Q And so having a hand-washing sink in a reasonable,
22 accessible place for all agents of the marijuana establishment
23 would be something that the department would be looking for?

24 A Yes. It would be required for compliance.

25 Q Is there any department think ever propose throwing

1 in a hand washing requirement just as a gotcha for people that
2 may not plan for hand-washing sinks properly?

3 A No, that's not the reason.

4 Q All right. There was a reason for that?

5 A Yes.

6 Q And then diversity. Mr. Parker asked you if you were
7 aware of any establishments that were 100 percent minority
8 owned that received a license in this recreational period. Did
9 you say -- did you have any knowledge about that?

10 A I said I didn't know of -- no, I think he asked how
11 many. I don't know the number. I am aware of one that's
12 all-female owned, but that's the only one that comes to my head
13 at the moment. I don't -- I don't -- I wasn't really involved
14 in that process.

15 Q Okay. And was there ever any discussion among the
16 group in considering regulations of simply saying, well, let's
17 just give a -- if somebody is 100 percent minority owned, let's
18 just give them a license because they're -- they've got
19 diversity?

20 A No. That would not automatically make them a
21 qualified applicant.

22 Q And when the applications were scored with respect to
23 let's say the floor plan, the establishment, the plan that's
24 there, did applicant's who had more diversity, were they scored
25 differently for those floor plans?

1 A No. That information wouldn't have been available to
2 the scorer because the floor plans were in the nonidentified
3 section whereas diversity was in the identified section.

4 Q Okay. Even in the identified section were you aware
5 of any different rubrics or frameworks for scoring diverse
6 applicants versus perhaps what we'll call nondiverse
7 applicants?

8 A The only section where it came into effect was the
9 diversity section itself.

10 Q Okay.

11 A No other sections were impacted by diversity.

12 Q And was there ever any discussion to do that, to say
13 let's change the financial thresholds for applicants that have
14 a diversity of ownership?

15 A No, there was not.

16 Q It was just one of many requirements?

17 A Yes.

18 Q They still have to comply with the rest of the
19 requirements?

20 A Correct.

21 Q And now, you know, you've been asked a lot of
22 questions. You've been able to sit back and think about this.
23 As you look back at the process, do you believe that the
24 department conducted the process of adopting regulations and
25 the application and scoring process in a manner that you

1 thought was reasonable under the circumstances?

2 A I believe so, yes.

3 Q Do you think it's perfect?

4 A No. I -- that's hard to say.

5 Q Okay.

6 A There's always room for improvement.

7 Q If you are running this application process again in
8 a couple years, do you think the department would do it exactly
9 the same way as it did in 2018?

10 A We would probably make some revisions.

11 Q Okay. And learn from the process in 2018 and
12 hopefully make it better the next time around?

13 A Absolutely.

14 Q And do you believe that in your consideration and
15 conversations with other department members as part of your
16 process that they use their good-faith judgment and discretion
17 in carrying out their functions in this process?

18 A Yes, I do believe that.

19 Q Do you believe that the process was impartial in the
20 scoring of the applications?

21 A Yes, I believe so.

22 Q You said you did not have any conversations with any
23 of the evaluators after the applications are submitted, did
24 you?

25 A No, I did not.

1 Q Those evaluators though, you did have a chance to
2 communicate with them prior to that time; is that right?

3 A Yes, I did.

4 Q Did you believe them to be competent?

5 A Yes, I do.

6 Q Did they believe -- appear to you to be reasonably
7 intelligent individuals?

8 A Yes, very much.

9 Q And some of those items that were talked about, the
10 floor plans and some of those things, some of those could be
11 kind of beyond the scope of a normal layperson. Did you
12 believe those individuals had experience to be able to properly
13 consider those characteristics of the application?

14 A Yes, I do.

15 Q All right. Did you see any partiality in the
16 application scoring process where someone was graded
17 differently than someone else simply because of who they were?

18 A Not that I'm aware of, but again I wasn't involved in
19 the scoring process.

20 Q All right. Thank you. I have no further questions.

21 THE COURT: Anyone else?

22 All right. Mr. Gentile --

23 MR. GENTILE: Your Honor, can I get --

24 THE COURT: -- I assume you now have questions.

25 MR. GENTILE: Yes. I now have questions. They were

1 opened up.

2 THE COURT: That's Rule 1.

3 MR. GENTILE: Can I get a five-minute break before we
4 start?

5 THE COURT: Yes, you may have a biological break.

6 I just told my assistant it looked like we would go
7 until 12:45 to break so Mr. Gentile can then walk across the
8 street to the Phoenix building to see Department 24, and then
9 we'll resume when he gets back hopefully around --

10 MR. GENTILE: Who knows.

11 THE COURT: Oh, my gosh.

12 MR. GENTILE: Well, in reality we are oh for about 20
13 in terms of predicting witnesses, like in this case, and I
14 don't even know what they're going to ask me over there.

15 THE COURT: Okay.

16 UNIDENTIFIED SPEAKER: He's not asking the questions.

17 THE COURT: No, he's answering the questions. So
18 maybe he will use the pretext or the advice we give to people:
19 Yes or no is good, and keep your answers short.

20 UNIDENTIFIED SPEAKER: Maybe.

21 THE COURT: But I don't know.

22 Ma'am, we're going to take a short break so they can
23 all use the rest room.

24 Maybe 10 minutes, guys?

25 (Proceedings recessed at 11:07 a.m., until 11:17 a.m.)

1 THE COURT: Are we ready?

2 (No audible response)

3 THE COURT: Okay. You're still under oath.

4 THE WITNESS: Yes.

5 THE COURT: Mr. Gentile --

6 MR. GENTILE: Ms. --

7 THE COURT: -- your examination.

8 RECROSS-EXAMINATION

9 BY MR. GENTILE:

10 Q Ms. Cronkrighty -- Cronkhite, is your middle name
11 spelled N-i-c-h-o?

12 A No.

13 Q It is not.

14 A It is N-i-c-h-o-l-e.

15 Q Oh, okay. Well, that makes sense. Okay.

16 You ever been to San Luis Obispo?

17 A Yes.

18 Q Okay. I want to call your attention to Exhibit 96,
19 which you've testified about. You created this document if I
20 understand your testimony.

21 A Oh, that's not on my --

22 Q Is that on your screen?

23 A No. But, yes, I see the document you're referring
24 to.

25 Q Well, I want to -- let's get you the hard --

1 THE COURT: Hold on a second. Jill is coming.

2 (Pause in the proceedings.)

3 THE COURT: It's okay. Jill is coming, and she knows
4 what to do.

5 (Pause in the proceedings.)

6 THE COURT: Better?

7 THE WITNESS: Yes. Thank you.

8 THE COURT: All right. The technology is back
9 working.

10 THE WITNESS: Yes.

11 BY MR. GENTILE:

12 Q Okay. Exhibit 96, it's dated May 2nd of last year.
13 Am I right?

14 A Yes.

15 Q Okay. And with regard to this document, it appears
16 that you are communicating with somebody about the sale of
17 marijuana to minors --

18 A Yes.

19 Q -- having occurred; am I correct?

20 A Yes.

21 Q And it appears as though it is three separate events
22 where marijuana was sold to minors?

23 A It appears that way. I don't recall if they were all
24 related to that.

25 Q Well, it's the only thing that is mentioned in this,

1 in the body of this letter. Am I correct?

2 A Correct.

3 Q All right. Now, do you consider yourself to be a law
4 enforcement officer?

5 A No, I do not.

6 Q Okay. Have you any experience with the criminal
7 justice system?

8 A Work experience, no, I do not.

9 Q You say "work experience"?

10 A No, I don't have any experience with the criminal
11 justice --

12 Q At all?

13 A I don't believe so.

14 Q Ever?

15 A I don't understand your question.

16 Q Ever? Ever means all the time you've been on the
17 planet.

18 A I don't understand it what you mean by do I have any
19 experience with them.

20 Q With them --

21 A I do work with people involving criminal justice, but
22 I personally do not work in criminal justice. No.

23 Q Okay. And you have no experience with the criminal
24 justice system outside of work?

25 A Correct.

1 Q Okay. With regard to these episodes, how did they
2 come to your attention?

3 A They were incident reports submitted by the facility
4 themselves.

5 Q Okay. And what did you do in response to the
6 reports?

7 A We accepted them --

8 Q No. I don't want to hear we. We is a -- when I use
9 the word you, I'm using it in the second person singular. Do
10 you understand?

11 A Yes.

12 Q All right. What did you do in response to receiving
13 these incident reports?

14 A I did not personally receive the incident reports.
15 They go to a separate email address. The administrative
16 assistant intakes them. I assigned them to people to
17 investigate. I was then directed to hold off on that. I had a
18 discussion with Jorge Pupo, and then I gave the direction to
19 the assigned people investigating to send acknowledgment
20 letters or look through them and see if there was room for
21 improvement.

22 Q Okay. You said you received a directive not to
23 assign these cases for investigation. From whom did you
24 receive that directive?

25 A Jorge Pupo.

1 Q All right. At the time that you -- now, are these
2 the only three times that you -- that it has come to your
3 attention that marijuana was sold to a minor by a dispensary in
4 Nevada?

5 A I can't say for certain. It may have occurred since
6 then.

7 Q Okay. Let's think about what you can't -- I want to
8 know if you remember even one other time that it came to your
9 attention that marijuana was being sold by a dispensary to a
10 minor.

11 A I believe it may have occurred another time.

12 Q What other time?

13 A I don't know for certain --

14 Q But then you're speculating. Am I right?

15 A I would have to check my files.

16 Q Okay. As of right now, on the stand, without
17 refreshing memory, you can't recall any other events?

18 A I can --

19 Q Such as these?

20 A I believe there may have been one.

21 Q Yeah, you're guessing. You believe. I'm not asking
22 you to believe. I'm not asking you to speculate. Here's what
23 the question I'm asking you to answer: Is it correct that as
24 of this moment you cannot remember another one?

25 A No.

1 Q That's not correct?

2 A No.

3 Q What is correct?

4 A I would say it's more likely that we have received
5 them than we haven't.

6 THE COURT: So wait. Let me --

7 THE WITNESS: I would have to check my files.

8 THE COURT: Let me, just so I can keep this on the
9 right playing field. Mr. Gentile is asking if you have a
10 specific recollection as you sit here. If you don't have a
11 specific recollection, you can tell him, no, and then
12 Mr. Shevorski will be happy to refresh your recollection with
13 any specifics that might help you remember, but Mr. Gentile is
14 just trying to get your memory as you sit here, and he doesn't
15 really mean to be argumentative. That's just the way he is.

16 THE WITNESS: No, I do not remember a specific
17 occurrence at this time.

18 BY MR. GENTILE:

19 Q Okay. You are aware, are you not, that the sale of
20 marijuana to anybody is a federal offense? Am I right?

21 A Yes.

22 Q Are you aware as to whether someone who knows of a
23 crime being committed has a duty to report it to law
24 enforcement?

25 A I'm not sure. I -- that sounds fair.

1 Q It "sounds fair"?

2 A That sounds right.

3 Q Sounds right. All right. You received an incident
4 report, and you were going to assign it for investigation, but
5 you did not. Am I right?

6 A I did assign it for investigation.

7 Q I thought you told me that -- I thought you said
8 under oath on the record to everybody in this courtroom that
9 you were told not to assign it?

10 A I did assign them, and then I was told to have them
11 just send acknowledgment letters.

12 Q I see. So with regard to the assignment of the only
13 three sales to minors that you can remember, what was it that
14 you were asking the investigators to do that ultimately you
15 changed?

16 A I was asking them to look into how it occurred and
17 what they're going to do going forward to prevent it from
18 occurring. The only thing that really changed is the facility
19 was not issued a statement of deficiency, and it was not on the
20 open investigation log, otherwise it was still followed
21 through.

22 Q Would it be correct to assume that had this been
23 assigned for investigation, and that investigation being
24 carried out, that you would learn from that investigation who
25 the specific person was that sold marijuana to a minor?

1 A We already had that information from the incident
2 report.

3 Q Okay. When you received that information, now, I
4 take it was it one person that sold it in three different
5 places, or was it different people that sold it in each of
6 these places?

7 A I believe it was different people.

8 Q Okay. You understand that oops is not a defense to a
9 criminal violation?

10 A Yes.

11 MR. KOCH: Objection. Argumentative.

12 THE COURT: Overruled.

13 BY MR. GENTILE:

14 Q And when you learned who the people were who sold
15 marijuana to a minor, you reported them to the Las Vegas
16 Metropolitan Police Department?

17 A I did not personally report them, no.

18 Q Did you direct that they be reported to the Las Vegas
19 Metropolitan Police Department?

20 A I don't recall if they had been reported or not.
21 It -- I don't remember.

22 Q That doesn't answer my question. Did you direct
23 someone to report them to law enforcement?

24 A I don't remember.

25 Q You don't remember if you -- what was the name of the

1 three people that sold marijuana to a minor?

2 A I don't remember.

3 MS. SHELL: Objection. Relevance.

4 THE COURT: Overruled.

5 THE WITNESS: I don't remember three specific names
6 from over a year ago.

7 BY MR. GENTILE:

8 Q Okay. How about one name? Can you remember one?

9 A No, I do not.

10 Q No, not even one?

11 A No.

12 Q Okay. And you can't remember whether you called it
13 to the attention of the Henderson Police Department. Am I
14 right?

15 A I personally did not. I do not know if I directed
16 the facilities to do so.

17 Q Well, let me ask you this. Do you have in place a
18 procedure in your Department of Taxation Marijuana Unit for
19 reporting crimes that are committed by dispensaries to law
20 enforcement?

21 A I'm not aware.

22 Q So you don't know of any procedure. Am I right?

23 A Correct.

24 Q Hang on.

25 Do you have any idea --

1 Now, you have a health background. Do you have any
2 idea the kind of damage that marijuana can do to a teenager?

3 A I believe that information is not fully researched at
4 this time.

5 Q Okay. So is your answer that there's no proof that
6 any damage can occur to a brain under 23 years old by using
7 marijuana?

8 A I don't have that information off the top of my head.
9 I know there's been suggestions that it can impact brain
10 development, but I can't say for certain that it's proven fact
11 at this time, but there -- there are suggested risks, and we do
12 have warnings in place. Yes.

13 Q And you have those warnings in place because there's
14 a health concern.

15 A There's a concern, yes.

16 Q Right. And you don't want to see that occur; right?

17 A Correct.

18 Q And you don't want to see people sell marijuana to
19 minors?

20 A Correct.

21 Q But you did not, to the best of your memory, report
22 any of these three sellers to law enforcement in the
23 jurisdiction --

24 MS. SHELL: Objection. Asked and answered.

25 BY MR. GENTILE:

1 Q -- in which --

2 THE COURT: Overruled.

3 BY MR. GENTILE:

4 Q -- in the jurisdiction in which they sold it?

5 A I don't recall if they were reported to law
6 enforcement or not. I did not personally report them.

7 Q All right. And as far as you know, nobody did.
8 Isn't that fair to say?

9 A They may have been.

10 Q Yeah, you're speculating. I said as far as you know,
11 not as far as you speculate, not what you wish would have
12 happened, as far as you know, none of these people were
13 reported to law enforcement for prosecution?

14 MS. SHELL: Objection. Argumentative.

15 THE COURT: Overruled.

16 THE WITNESS: Not that I can remember at this time.

17 BY MR. GENTILE:

18 Q Do you know what immunity is? Not in the health
19 sense but in the legal sense?

20 THE COURT: Because she does have a degree with
21 epidemiology. So --

22 THE WITNESS: In the legal sense I'm not as familiar.

23 BY MR. GENTILE:

24 Q As far as you know, does the Department of Taxation
25 Marijuana Unit, and if you picked up medical, I am withdrawing

1 it, okay. As far as you know, does the Department of Taxation
2 Marijuana Enforcement Unit have the power to grant immunity for
3 a criminal offense?

4 MR. SHEVORSKI: Objection. Legal conclusion.

5 THE COURT: Overruled.

6 If you know.

7 THE WITNESS: I don't know.

8 BY MR. GENTILE:

9 Q Now, you do have a relationship with the Attorney
10 General's office. Am I right?

11 A Yes.

12 Q Okay. And the Attorney General of the State of
13 Nevada is a law enforcement officer. Am I right?

14 A I -- I don't know.

15 Q He is the chief law enforcement officer of the State
16 of Nevada. Do you understand that?

17 A Yes.

18 Q Do understand that they prosecute criminal cases?

19 A Yes.

20 Q You do?

21 A If you say so, that sounds right.

22 THE COURT: You don't have to take it as true because
23 he said it. If you don't know, you can say I don't know.

24 THE WITNESS: I don't know. I don't really deal with
25 the Attorney General's office personally.

1 / / /

2 BY MR. GENTILE:

3 Q Ever?

4 A That's not part of my position. No.

5 Q So during the course of the framing of the
6 regulations that you participated in, you didn't deal with the
7 Attorney General's office?

8 A We dealt with Robert Rybicki [phonetic].

9 Q I didn't ask you about we. Understand when I say you
10 I mean the first -- the second person singular. Okay?

11 A I worked with Robert Rybicki, the Deputy Attorney
12 General. That is the only person I worked with.

13 Q Okay. Did you report to the attorney general, your
14 department's lawyer, the chief law enforcement officer of the
15 State of Nevada, that you had information that identified the
16 person who sold marijuana to a minor?

17 A No. I --

18 MR. SHEVORSKI: Objection. Vague.

19 THE COURT: Overruled.

20 THE WITNESS: No. I communicated that with Jorge
21 Pupo.

22 BY MR. GENTILE:

23 Q Okay. And Jorge Pupo said stop investigating, just
24 send the letter?

25 A Yes. And take corrective actions. Make sure

1 corrective actions were taken. Yes.

2 Q Corrective action in the sense of compliance,
3 administrative compliance; right?

4 A Yes.

5 Q Did he say anything at all to you about reporting the
6 person who sold the marijuana to a minor to law enforcement?

7 A Not that I recall.

8 Q Did you give any thought whatsoever to the fact,
9 forget about that a federal crime had been committed, did you
10 give any thought at all to the fact that a State crime under
11 Chapter 453, felony, had been committed?

12 A Yes, I thought about it.

13 Q And you chose then not to report it to law
14 enforcement?

15 A I don't remember if it had been reported or not.

16 Q You know you did not report it?

17 A I did not report it.

18 Q And to the best of your memory, you can't tell me
19 that anybody reported it. Am I right?

20 A I can't say. Correct.

21 Q Okay. And you have no experience with the criminal
22 justice system in your entire life?

23 A I would need you to be more specific with the
24 question.

25 Q What, about your life?

1 A I mean, I -- I communicate with law enforcement
2 sometimes, yes. I don't know what you mean.

3 Q Have you ever been convicted of shoplifting?

4 A Yes.

5 MR. GENTILE: Thank you.

6 Nothing further.

7 THE COURT: Anybody else?

8 MR. GENTILE: Oh, wait, there is something further.

9 BY MR. GENTILE:

10 Q When you applied for your job, did you disclose to
11 your employer that you had been convicted of shoplifting?

12 A My case was dismissed. So -- and it was over 10
13 years old.

14 Q So you didn't report it?

15 A It wasn't required.

16 MR. GENTILE: Thank you.

17 THE COURT: Anyone else?

18 Mr. Rulis.

19 MR. GENTILE: Wait a minute.

20 UNIDENTIFIED SPEAKER: Seriously.

21 MR. GENTILE: Well, I've got to correct this.

22 BY MR. GENTILE:

23 Q When did you apply for your job?

24 A Like -- 2015.

25 Q Just to refresh your memory, your shoplifting was in

1 2008. It wasn't over 10 years old.

2 A My case was dismissed.

3 MR. GENTILE: Thank you.

4 Nothing further.

5 THE COURT: All right. Mr. Rulis.

6 (Pause in the proceedings.)

7 RECROSS-EXAMINATION

8 BY MR. RULIS:

9 Q All right. Ms. Cronkhite, I'm going to take you back
10 to some of the questions that Mr. Shevorski was asking you
11 before.

12 A Okay.

13 Q And he had asked you about in NRS 453D there was no
14 definition of the word approved. Do you remember that
15 question?

16 A I believe so.

17 Q Okay. Now, at the end of the application period
18 here, 2018, the department did tell applicants that their
19 applications were approved; right?

20 A At the end of when? I'm sorry.

21 Q So at the end of the application period in 2018? I
22 believe --

23 A Yes.

24 Q -- I believe the date was December 5th of 2018.

25 A That sounds correct.

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1 Q And now the department told certain applicants that
2 their applications were approved; right?

3 A Yes.

4 Q And that's -- I would say approved is actually the
5 word the department used; right?

6 A I believe so, yes.

7 Q That's -- I mean, if we want to -- I'll just show it
8 to you just so we can confirm it.

9 MR. RULIS: Shane, can you pull up Exhibit 131.

10 BY MR. RULIS:

11 Q So this is actually a letter that went from the
12 department to Clear River LLC. You know that Clear River LLC
13 is one of the applicants that had their application approved?

14 A Okay. Yes.

15 Q Okay. So if you go down in that first paragraph
16 there, it's actually the end of the second line, the beginning
17 of the third line, they actually say, This is to inform you of
18 the intent to conditionally approve, in all caps, your
19 application. So that's the department using the words that are
20 in the actual statute saying they're approving an application;
21 right?

22 A Conditionally approving, yes.

23 Q Still, you're approving it. I mean, it says, Approve
24 your application, does it not?

25 A Yes.

1 Q So to the extent that approve is defined or not,
2 that's the word that the department is using; right?

3 A Yes.

4 Q Now, Mr. Shevorski was also asking you questions
5 about the City of Henderson and a moratorium that they may have
6 had. Was there a requirement in NRS 453D that the department
7 allocate licenses to the City of Henderson?

8 A I don't --

9 MR. SHEVORSKI: Objection. Vague.

10 THE WITNESS: -- recall.

11 THE COURT: Overruled.

12 THE WITNESS: I don't recall. It doesn't specify
13 specific jurisdictions, but it does discuss populations.

14 BY MR. RULIS:

15 Q Right. It discusses populations, but it doesn't talk
16 about local jurisdictions, does it? It talks about counties?

17 A I believe so, yes.

18 Q Right. So to the extent that the city -- or excuse
19 me, the department is allocating to particular local
20 jurisdictions, that's not part of NRS 453D; right?

21 A I guess not, no.

22 Q So to the extent that they're talking about -- that
23 Mr. Shevorski was talking about there may have been a
24 moratorium in the City of Henderson, the department wasn't
25 required to allocate to the City of Henderson; right?

1 A No.

2 Q So he also talked to you about putting in false
3 addresses in Douglas County, and he said that, I think -- and
4 I'm going to paraphrase because I can't specifically quote, but
5 that applicants couldn't put in a false address in Douglas
6 County because of the moratorium there. Do you remember that,
7 those questions?

8 A Yes.

9 Q But an applicant could put in a false address for
10 jurisdictions like the City of Las Vegas; right? Because there
11 was no moratorium in the City of Las Vegas, was there?

12 A I think the point of what he was saying was that they
13 would have had to use a false address because nothing would
14 have been legally approved.

15 Q And that's not my question.

16 A I'm sorry. I don't understand.

17 Q There was no moratorium in the City of Las Vegas, was
18 there?

19 A No, there was not.

20 Q So there was no reason why they couldn't use a real
21 address; right?

22 A Correct.

23 Q Same with unincorporated Clark County, there's no
24 moratorium -- there was no moratorium there, was there?

25 A Correct.

1 Q So there was no restriction on finding an actual
2 physical location for the proposed dispensary, was there?

3 A Correct.

4 Q Now, Mr. Koch was asking you questions about
5 NRS 453A, and you understood that NRS 453A is different than
6 NRS 453D; right?

7 A Yes, I do.

8 MR. SHEVORSKI: Objection. Vague.

9 THE COURT: Overruled.

10 BY MR. RULIS:

11 Q And I believe you even said there were discussions
12 within the department that those were different statutes;
13 right? Different statutory schemes?

14 A Yes, I believe so.

15 Q And that just because something was in 453A didn't
16 mean that it complied with the requirements for 453D; right?

17 A Correct.

18 Q So just because something is included in NRS 453A
19 doesn't necessarily mean that it complies with the requirements
20 of NRS 453D?

21 A Correct.

22 Q So, for example, one of the questions that Mr. Koch
23 was asking you about was in the list of items talked about in
24 NRS 453A was diversity.

25 A Yes.

1 Q Diversity is nowhere in NRS 453D, is it?

2 A I don't believe so.

3 Q But even though it's not in NRS 453D, the department
4 decided to go ahead and include that because it was part of NRS
5 453A?

6 A Yes, and legislation was very clear that they wanted
7 it included.

8 Q Well, but again we get back to you understand with
9 the ballot initiative that can't be changed for three years;
10 right?

11 A Correct.

12 Q And so if there's legislature that's changing
13 NRS 453A, that doesn't apply to NRS 453D; right?

14 A Correct.

15 Q Now, one of the other things that Mr. Koch was asking
16 you about is changes of location, and you talked about changes
17 of location of licensees.

18 A Yes.

19 Q Is the department processing changes of location or
20 conditional licensees?

21 A Yes, we can for a conditional license, yes.

22 Q Well, you can.

23 A Yes.

24 Q Are you?

25 A Yes, we will. Yes. We do.

1 Q That's -- have you had conditional licensees that
2 have applied for a change of location already?

3 A For this current round, I'm not aware, but in the
4 past, yes, we have.

5 Q Okay. Well, that's -- and that's -- thank you for
6 clarifying. I want to be specific, and I'm talking about this
7 particular round because now you understand that there are
8 certain conditional licensees that have addresses on their
9 application that were for a UPS store?

10 A I've heard that, yes.

11 Q Okay. So do you -- are you aware that any of the
12 applicants that listed a UPS store, have they applied for a
13 change of location from that UPS store to open up a new
14 location?

15 A I'm not aware. I'm not involved with location
16 changes very much.

17 Q Now, you also talked about floor plans, and here's
18 one question that I have, is to the extent that floor plans
19 were submitted to the department as part of the applications,
20 was it the department's expectation that if an applicant was
21 granted a conditional license that the dispensary they were
22 going to build was compliant with the floor plan that was
23 submitted to the department as part of their application?

24 A Yes.

25 Q And if they are not building their dispensary in

1 compliance with the floor plan that was submitted to the
2 department, what is the department doing about that?

3 A They are to submit a facility modification request to
4 the department. We process and review and either approve or
5 make recommendations for modification.

6 Q So if they're not being held to the floor plans that
7 were submitted as part of the application, what's the point of
8 grading those floor plans?

9 A I can't answer that question.

10 Q Now, you also mentioned part of the -- and I might
11 need a little clarification here, but you talked about the
12 building plans and the training that you gave to the Manpower
13 graders as far as building plans go. One of the things you
14 talked about was they were supposed to evaluate the flow of the
15 building. Is that --

16 A Yes.

17 Q Is that accurate?

18 A Yes.

19 Q So where in the grading criteria is the word flow
20 mentioned?

21 A I would have to look at the grading criteria to see
22 where it's discussed.

23 Q Let's do that. If you take a look at Exhibit 9, and
24 it may be easier for me to get you the physical document so you
25 can flip through it.

1 MR. RULIS: And --

2 THE COURT: You may.

3 MR. RULIS: Thank you, Your Honor.

4 (Pause in the proceedings.)

5 THE COURT: Are you going to help her clean up the
6 area?

7 MR. RULIS: I'm going to try.

8 THE COURT: Thank you.

9 (Pause in the proceedings.)

10 BY MR. RULIS:

11 Q So did you have a chance to flip through there?

12 A Yes.

13 Q So I was looking at it. I don't see the word flow in
14 there anywhere; do you?

15 A It doesn't specifically say the word flow; however,
16 on page 3 it says,

17 Have a single public entrance and
18 demonstrate strict security measures to deter
19 and prevent theft and unauthorized entrance.
20 That's where I was talking about the flow of
21 product and the flow of people.

22 It also says,

23 Is of suitable size, construction and
24 location to facilitate cleaning, maintenance
25 and proper operation. The adequate space for

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1 orderly placement of equipment and materials
2 to prevent misuse.

3 So to prevent misuse and to maintain operations and
4 facilitate cleaning, that to me is what I meant by flow.

5 Q Okay. So when you're talking about flow, what you're
6 really talking about is one part of one of the subparts of the
7 building plans section; right?

8 A Yes.

9 Q Because that's -- I mean, that's -- on page 3, that's
10 one of the parts that is also included with I think the next
11 Section which is adequate lighting --

12 A Yeah.

13 Q -- et cetera, and that all adds up to 10 points?

14 A Yes.

15 Q But that's separate from the prior section which
16 talks about things like work tasks, required resources, the
17 stuff we were talking about yesterday when Mr. Gilbert said the
18 basic idea was that the building could be completed within 12
19 months; right?

20 A Yes.

21 Q So have you ever been to the MM Development facility,
22 the one on Sunset, the medicine facility?

23 A It's possible, but I don't recall being there.

24 Q Okay. So you wouldn't know if there were any flow
25 issues with that particular facility?

1 A No, I wouldn't.

2 Q And Mr. Koch was also asking you about hand sinks. I
3 agree with him we've talked more about hand sinks than is
4 probably necessary. I'll limit my questions on it, and
5 that's -- under that NAC, I didn't see anything in there, and I
6 think you said this yesterday, but I want to confirm, there's
7 nothing that requires a hand sink to be in or on the retail
8 floor; right?

9 A No. And we would never require that. No.

10 Q Okay. So to the extent that flow is part of the
11 grading, the scoring that was used here for floor plans, the
12 Manpower graders are grading on flow based on floor plans that
13 are submitted, but what you're telling me is they get points
14 for flow, but it doesn't really matter because they can go out
15 and build a different facility anyway; right?

16 A I suppose that that would be accurate.

17 Q So essentially they get points for a floor plan
18 that's submitted, and then they go out and change that floor
19 plan, but they got the points anyway. They got the license
20 anyway. So it doesn't really matter. It doesn't affect their
21 score; does it?

22 A No. But we would have to review and approve those
23 revisions to the floor plans.

24 Q Right. But you wouldn't go back -- what you're
25 telling me is it wouldn't change their score; would it?

1 A No, it would not.

2 Q So their score is based on aspirational floor plans,
3 but not actual plans?

4 A Correct.

5 MR. RULIS: Nothing further, Your Honor.

6 THE COURT: Anything further?

7 MR. SHEVORSKI: Very briefly.

8 THE COURT: As I see our next witness is here.

9 MR. SHEVORSKI: Understood, Your Honor. I got it
10 yesterday, and I understand now.

11 THE COURT: Okay.

12 MR. SHEVORSKI: We're moving.

13 FURTHER REDIRECT EXAMINATION

14 BY MR. SHEVORSKI:

15 Q My friend Mr. Rulis talked to you and showed you a
16 letter where the word approve was. That was issued -- that's
17 the 90-day letter?

18 A Yes.

19 Q Okay. And we talked about NRS 453D.210 until we're
20 blue in the face.

21 A Yes.

22 Q Subpart B of 4A says, Issue appropriate license if
23 the application is approved. Is the word appropriate defined
24 anywhere?

25 A No, I don't believe so.

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1 Q So you would -- reading those together, approved and
2 appropriate, it's up for the department to determine that;
3 correct?

4 A Yes.

5 Q And the department determines procedures for issuance
6 of licenses?

7 A Yes.

8 MR. SHEVORSKI: No further questions.

9 THE COURT: Anyone else?

10 (No audible response)

11 THE COURT: Thank you, Miss. We appreciate your
12 time. Have a very nice afternoon. Drive safely.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: Our next witness.

15 Who's my --

16 MR. GUTIERREZ: Your Honor, we'll be calling Deonne
17 Contine.

18 THE COURT: Ms. Contine, if you'd come forward,
19 please. You are being called out of order because something
20 happened, and I'm not entirely sure, and we don't have one of
21 the plaintiff's witnesses. So we're up to you.

22 THE CLERK: Please raise your right hand.

23 **DEONNE CONTINE**

24 [having been called as a witness and being first duly sworn,
25 testified as follows:]

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1 THE CLERK: Thank you. Please be seated. Please
2 state and spell your name for the record.

3 THE WITNESS: My name is Deonne. It's D-e-o-n-n-e.
4 Contine, C-o-n-t-i-n-e.

5 THE CLERK: Thank you.

6 THE COURT: Thank you. And there is a pitcher of
7 water there. If you get hungry, we've been asked to work
8 through the lunch hour so Mr. Gentile can make it to a
9 1:00 o'clock hearing across the street. There's M&Ms if you
10 need some. If you need a break, let us know.

11 There's a bunch of exhibits. Counsel will hope to
12 help you through them, whether it's by the video next to you or
13 one of the binders. And the statute book, in case you need it,
14 is sitting on the bar between you and I.

15 THE WITNESS: Okay. Thank you.

16 THE COURT: Uh-huh.

17 MR. GUTIERREZ: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. GUTIERREZ:

20 Q Good morning, Ms. Contine.

21 A I need to get my glasses out just in case.

22 All right. Go ahead.

23 Q Okay. Good morning. Ms. Contine, what's your -- my
24 name is Joe Gutierrez. I represent Essence and Thrive in this
25 case. Tell us, what's your current position with the State of

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1 Nevada?

2 A I'm the director of the Nevada Department of
3 Administration, which is the department that has most of the
4 internal agencies of state government. So there's 11 agencies
5 within the department.

6 Q How long have you been in that position?

7 A Since February 25th of 2019.

8 Q And what are your duties as a director of Department
9 of Administration?

10 A I oversee the HR, IT, state purchasing, public works,
11 the grant office, the state library, fleet services, risk
12 management, the hearings and appeals division. So I'm the kind
13 of point person for the governor and the governor's staff with
14 respect to those agencies.

15 Q And what was your previous position with the State of
16 Nevada?

17 A I've had several previous positions with the State.
18 My most recent previous position was director of the Nevada
19 Department of Taxation. I was also a deputy director at the
20 Nevada Department of Taxation, and I also was a senior deputy
21 Attorney General where I represented the Department of Taxation
22 and other state agencies and other state clients.

23 Q What was the time frame that you were employed as
24 executive director of the Department of Taxation?

25 A I was appointed in November of 2014, and I left in

1 January of 2018.

2 Q And what were your duties as executive director of
3 the department tax?

4 A Basically I had -- when I was initially appointed the
5 director, it was during the legislation that became known as
6 the commerce tax. So I participated in the legislative process
7 with respect to that and then implemented the commerce tax.

8 And then I implemented question 2 to some degree
9 before I left.

10 And then overall was responsible for the collection
11 and distribution of the state's revenue, about \$6 billion of
12 state and local taxation revenue and including all the systems
13 that went into that, processing people that, you know, people
14 filing returns, people being audited, people being, you know,
15 having revenue issues, a local government piece, and so I was
16 over pretty much all of that.

17 Q And who do you report to as executive director?

18 A Now?

19 Q No. As the executive director of the Department of
20 Tax.

21 A So the way that it's set up is that there's
22 governor's staff, and they all have liaisons to state agencies.
23 So my liaison is kind of -- has always generally been the chief
24 of staff or the general counsel.

25 Q And who was that in 2017 or 2018?

1 A The chief of staff was Mike Willden [phonetic], and
2 the general counsel was -- at that time I was the liaison with
3 the chief of staff. Towards the end I -- you know, towards as
4 the administration came -- was coming to an end, there were
5 various people who served at general counsel. I can't remember
6 who was general counsel -- oh, Katie Reynolds was general
7 counsel at the end. I think Joe Reynolds was there for a
8 period of time Mishawn [phonetic] Martin. But Mike was
9 consistent through the -- pretty much the end of the
10 administration.

11 Q Can you just give us a brief overview of your
12 educational background after high school.

13 A Sure. I actually worked for 10 years in the San
14 Francisco Bay area as a legal secretary. After working for
15 about seven years, I decided to go to college. I went to
16 junior college in Redwood City, California. I transferred to
17 UC Berkeley where I obtained my undergrad degree in 1999.

18 I'm from Nevada. I moved back here in 2000 for a
19 temporary job, which ended up being a more permanent situation,
20 and I ended up going to Boyd for law school. And after law
21 school, I clerked here in the Eighth JD for Judge Adair.

22 And then after about a year I moved to Northern
23 Nevada in 2007, and that's when I started working for the
24 Attorney General.

25 Q And are you a licensed attorney in the State of

1 Nevada?

2 A Yeah. Yes, I am.

3 Q And tell us about your experience with the attorney
4 general's office. What type of work were you doing?

5 A When I first started at the attorney general's
6 office, my main client was the State health plan. So I -- I
7 sat with the board, the agency on day-to-day issues, and I
8 participated in litigation that the board -- that the program
9 was involved in at that time.

10 And then I also represented real estate related
11 commissions, so real estate division, appraisal division and
12 common interest community commission as board counsel. I sat
13 with the board when they heard disciplinary actions.

14 And I did -- and I had other just kind of semi, you
15 know, projects that were -- I wasn't the official person, or I
16 just did work for them for a while. I represented the state
17 treasurer for a period, business and industry. Any state
18 agency client that needed some help, I would help out on if I
19 had time, and sometimes you just go in and do projects for --
20 to help your other -- to help your colleagues. So I did a few
21 of those.

22 I wrote Attorney General -- I drafted Attorney
23 General opinions and provided day-to-day advice.

24 Q Did you have experience when you were at the attorney
25 general's office in giving advice on the adoption of

1 regulations?

2 A Not too much, but as I would sit with the board, the
3 boards, the various boards or -- there would all -- there could
4 be adoption hearings for regulations so, but the AG's office
5 doesn't have -- when I was at the AG's office, we didn't spend
6 a lot of time working on regs with the agency. If the agencies
7 needed help, they would come to us, and we would help them.

8 Q Tell us about your experience as you got into working
9 with the department in adopting regulations.

10 A Okay. I'm sorry. The -- when I was the lawyer, or
11 when I became --

12 Q As you got into working with the Department of Tax.

13 A So when I became the deputy director, that was one of
14 my areas that -- so I worked with staff to oversee any
15 regulatory changes that needed to come about. And then when
16 the commerce tax was enacted in the 2015 legislation, it was a
17 brand-new tax scheme. So it needed a whole set of regulations.
18 So I shepherded that process and then worked on the regulations
19 to implement the various programs in marijuana.

20 Q What are the purpose of regulations?

21 A To interpret the provisions of statute and to provide
22 some, in some cases to provide process that's not in the
23 statute, to clarify concepts sometimes if the term's not clear
24 or -- that's it.

25 Q Okay. I'll let you drink your water. You look like

1 you were trying to do that for a while.

2 Ms. Contine, can you walk us through the steps in how
3 regulations are adopted by the department.

4 A Sure. So I'll go way back and start kind of a big
5 macroview review, and you can just tell me if you don't want
6 this information. I'm not quite sure what you want. So --

7 So under 233B is the regulatory process, the
8 administrative procedures act for adopting regulations.

9 There's three types of regulations: Emergency,
10 temporary and permanent.

11 Temporary regulations can only be adopted during
12 the -- so temporary regulations are for adoption during
13 legislative sessions because there's a process for legislative
14 review on permanent regulation. So when the legislature is in,
15 there is no legislative review of regulations. So from July
16 1st of the even-numbered year through June 30th of the
17 odd-numbered year, that's the temporary regulation period.
18 From July 1st of the odd-numbered year through June 30th of
19 the even-numbered year, that's the permanent regulation
20 process.

21 And emergency regulations are essentially emergency
22 is not defined in the statute. It's often been said that
23 emergency is what the governor says is an emergency because the
24 governor has to sign off on emergency regs, and those can be
25 made at any time, and they're good for 120 days.

1 So the temporary regulations expire. I can't
2 remember the time frame, but they expire. If you make a
3 temporary regulation, they expire after a time period; however,
4 when you go into the permanent regulation process, you can
5 essentially shortcut a little bit of the permanent process by
6 just if there were no changes and you just wanted to make the
7 temporary regulations permanent.

8 The permanent regulatory process is a little bit more
9 involved, and it takes a lot more time, and so by statute
10 you're required to have one public workshop. It's supposed to
11 be 15 day's notice. You can or cannot have draft language for
12 review.

13 You take public comment. There's no specific period
14 of public comment, but you would work to have public comment at
15 the hearing. You notice the meeting, and then you can accept
16 public comment after that.

17 Then the regulations -- so generally the way it
18 works, you have language, you go to workshop, and then you --
19 after you've cleaned up the language, taken public comment,
20 considered input from different groups, people, you know, and
21 what they have to say about the regulations, think about it a
22 little bit more, do some analysis, maybe get some legal review.
23 You also have to perform -- prepare a small business impact
24 statement and generally discuss how it's going to affect
25 businesses.

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1 And then -- and then the language will go to the
2 Legislative Counsel Bureau, the legal division, and they --
3 they review the language for statutory intent and to make sure
4 the process has been followed up to that point.

5 Then they put it into the fancy format that you would
6 see if a regulation was adopted, and they send it back to the
7 agency. That's a process too along the way. So sometimes
8 you'll have some communication with the legislative counsel,
9 and they'll give you feedback or say like I don't think you can
10 do this under this statute, or I don't know if this is the
11 intent. Did you consider this or look at this? So there's
12 some kind of back and forth along the way sometimes.

13 Once the language comes back to the agency, the
14 agency can -- well, once the agency receives the language from
15 LCB and only when they receive the language from LCB can they
16 notice it for adoption, and you have to give 30 days for an
17 adoption hearing.

18 And then if it's adopted, either depending on whether
19 the law says you adopt by a board or, you know, sometimes
20 directors have authority to adopt, but if there's a board
21 involved, it would go before the board. The board or
22 commission would adopt the regulations, and then it goes back
23 to the legislature to be reviewed by the legislative
24 commission.

25 The legislative commission is -- I think it's a

1 permanent commission within the legislative structure that --
2 by permanent I mean not an interim. It meets all year round.
3 They review regulations and give a final approval, and they
4 also have a subcommittee for regulations. So I think they can
5 delegate some of that work to the subcommittee.

6 And once the legislative commission reviews the
7 regulations, then it goes to essentially the Secretary of State
8 for filing, and then they become.

9 Q Great. And I want to back up where you said there's
10 a back and forth between the department and LCB --

11 A Yes.

12 Q -- to look for statutory intent.

13 A Yes. Well, they do a review to make sure that the
14 regulations that you're making are within the legal provisions,
15 so whether that be the statute or initiative.

16 Q And when they make that review, do they put like a
17 number, like an I next to the regulation when they send it
18 back? Is there some sort of symbol that shows they did a
19 review?

20 A Yeah. So there's -- if you look at how the
21 regulation has been through the -- I don't know all the -- I
22 don't know all the letters that go in to their numbering system
23 because it's their numbering system. So it'll be LCB file
24 number, and then you'll have various numbers, and then
25 sometimes it'll be just the agency's version. And as it goes

1 through that position -- I'm sorry. As it goes through that
2 process, it will indicate in some way that it had been sent
3 back, and that's the language that's been reviewed by the
4 Legislative Counsel.

5 Q Who were you working with at the Legislative Counsel
6 Bureau for the adoption of the permanent regulations for 453D?

7 A I think Asher Killian [phonetic] or maybe Bryan
8 Fernley [phonetic] and maybe even Brenda Erdose [phonetic].

9 Q Asher Killian. I know that name was mentioned by
10 Kara earlier. Who's that?

11 A He's a -- he's a lawyer at the Legislative Counsel.
12 He's -- he -- I think he's drafted most of the regulations
13 related to the marijuana program.

14 And Bryan Fernley is a tax -- well, he sits with the
15 revenue and taxation committees at the legislature. He's -- so
16 it might have been one or both of them and occasionally maybe
17 Brenda Erdose, who is the director.

18 Q And is Asher the person who actually drafted the
19 regulations, or was there somebody within the department who
20 does that?

21 A No --

22 Q And I'm focusing on --

23 A The agencies -- the agencies submit their draft
24 language, and then the LCB reviews it and changes it and puts
25 in, you know, makes -- you know, does its review, and then

1 there's certain drafting conventions that they are confined to.
2 So they make some of those changes.

3 I mean, sometimes an agency will get back a
4 regulation, and there will be something in the regulation that
5 wasn't in the original regulation, and then you say well,
6 what's the point of this? And then it turns out that it was a
7 drafting error -- or drafting decision made by LCB that it
8 made, you know, that they're trying to -- they're thinking of
9 this regulation in the context of all regulations.

10 Q How are those discussions, those back-and-forth
11 discussions on intent done between the department and LCB? Is
12 it over the phone? Are they made in person? How was that
13 done?

14 A Over the course of my career, both.

15 Q Okay. And the steps that you just outlined for us,
16 those are the steps that were taken when the regulations for
17 the recreational marijuana process were adopted?

18 A Yes.

19 Q Okay. Now, when you're adopting regulations, can you
20 tell us a difference when you're dealing with adopting
21 regulations that are focusing on the ballot initiative versus a
22 legislative amendment?

23 A It's basically the same process. There might be a
24 little bit more legislative intent if you're looking at a
25 statute that was enacted by the legislature, but it may not

1 surprise you to know that sometimes there's no legislative
2 intent. So it's kind of a similar process.

3 Q And when you're adopting regulations that need to
4 comport with the ballot initiative, is it your understanding
5 that there can't be any modification or amendments to those, to
6 that statute?

7 A Well, in the case -- in this case, there's no --
8 there was no ability to make the change to what was Question
9 2 for three years.

10 Q Okay. And that was followed by the department as the
11 department adopted regulations; is that correct?

12 A Well, we weren't -- at the department we weren't
13 making changes to the legislation. I mean, we -- the
14 department didn't ask for any changes to the statute.

15 Q I guess, okay, my question is, in adopting the
16 regulations, is it your understanding that the regulations need
17 to comport with the statute under Ballot Question 2?

18 A Yes.

19 Q Okay. Now, what was your involvement with the 2018
20 process for adopting the regulations for the recreational
21 marijuana process?

22 A So starting at the beginning or starting in 2016?

23 Q Start at the beginning, in the beginning when what
24 were you tasked with in adopting those regulations, and what
25 was your involvement?

1 A So I think the first time that I became involved in
2 kind of what might happen at the State was in the summer of
3 2016 thinking that possibility -- that there was a possibility
4 that the initiative would pass and trying to kind of get in
5 front of what was likely to be a pretty quick process.

6 I went to Denver with on like a fact-finding group,
7 with a group of, you know, regulators and legislators and other
8 people in the state that were interested in the process, just
9 kind of understanding what they're doing and trying to learn as
10 best as I could, as we could about what might be coming our
11 way.

12 And then in one of the concepts that Denver -- or
13 that Colorado had used for legalization was to create this task
14 force. So after the initiative passed, then recommending that
15 we use -- recommending to the governor that we use this, a
16 similar type of process.

17 And then also, you know, when the governor -- there
18 was some discussions between November and January about the
19 revenue picture and what, you know, what that expectation was.
20 So in January, the governor issued the -- you know, did the
21 state of the state where he included revenue from marijuana
22 starting on July 1st and talked about an additional tax, and
23 so that was really kind of the policy. You know, that was the
24 level up for me that meant we're going to go forward and do
25 this now essentially. So starting in -- so basically starting

1 to review the initiative, looking at the language, deciding,
2 kind of comparing it to medical, deciding what we could use and
3 what we couldn't use as we moved forward.

4 Also at this same period of time -- so this is the
5 January, February. This is the early 2017 time period. So the
6 legislation -- the legislature's in session. The work -- the
7 task force is formed. We're working on temporary regulations
8 essentially to get the program going, and I can --

9 Do you want me to briefly talk about each of those,
10 or --

11 Q Yes. Well, we'll walk through those, but back up
12 really quick to your trip to Colorado. When was that? Was
13 that --

14 A June of -- I think it was June or July of 2016.

15 Q And that was in preparation in case the ballot
16 initiative passed?

17 A Yes.

18 Q And who -- when you went to Colorado, was one of your
19 purposes to see how Colorado's system in adopting regulations
20 was implemented, what they looked at and how to improve on
21 that?

22 A Yes. I mean, one of -- it was just to -- I mean,
23 honestly, we knew nothing at that time. So just kind of how
24 to -- so basically what happened was the regulators in Colorado
25 kind of put together a team of people to speak to us. So

1 somebody from taxation, somebody from the regulatory, a
2 legislator. They took us on tours of facilities. You know,
3 just a general fact-finding, like what's going on here? What's
4 working? What's not working? I think one of the things that
5 we discussed specifically at that time was when they went from
6 medical to rec and how they -- how they set that up with, like,
7 separate -- you had to have a separate facility or a separate
8 entrance and what issues came about because of that. So just
9 kind of understanding the transition and how they worked
10 through those issues and some of the things that -- that they
11 have done along the way.

12 Q How long was that trip?

13 A A couple days, two, three days.

14 Q And who was on the trip with you?

15 A Well, with me, there was somebody else from my
16 office. I mean, and then there was a -- do you want a -- I
17 could try to tell you. I think Nelson Araujo, who was an
18 assemblyman, was there. John Ritter was on that trip.

19 I can't remember anybody else.

20 Q Okay.

21 A I mean, but it was a -- it was a -- oh, I think Joe
22 Pollock -- he was from the Department of Public and Behavioral
23 Health -- was on the trip.

24 I'm sure there was a couple of other legislators.

25 Patty Farley. She was a legislator at the time.

1 She's not now. She was on the trip.

2 And Amanda Connor.

3 So it was a broad group of people that went on the
4 trip.

5 Q Okay. And going back to January 2017, the ballot
6 initiative passes, and now the governor has tasked you with
7 moving forward with not permanent -- I'm sorry, temporary, then
8 permanent regulation; is that correct?

9 A Correct. I mean, he tasked me with implementing the
10 program, and then I kind of developed I guess the strategy to
11 do that in the confines of the regulatory structure that we
12 had, and then also in an attempt to have a lot of transparency
13 and to get a lot of input from people by using the task force
14 process.

15 Q So the task force was adopted because that's how
16 Colorado had -- that was one of the things you saw from
17 Colorado that worked for them; is that correct?

18 A I think, yeah. I mean, I recommended that the
19 governor do it because I thought it would give a level of
20 transparency. It would allow a place for people that, you
21 know, wanted to see the program go forward go forward, but
22 also, you know, with all the public meetings people could
23 indicate their concerns, and just it was a place where
24 everybody could be at the table.

25 Q And what was your position with the governor's task

1 force?

2 A I was the chair of the task force.

3 Q What were your duties as chair of the task force?

4 A I guess my main duty was to run the task force
5 meetings.

6 Q Go ahead.

7 A I mean, yeah. Well, I ran the meetings. We
8 developed the agenda, you know, checked in on the process
9 making sure that all of the working groups were assigned, that
10 the working groups were actually working, you know, being --
11 overseeing that process. I mean, I -- we ended up hiring a
12 contractor that helped facilitate. So just making sure that
13 they were doing their -- the things that they were supposed to
14 be doing during the process as well so that when we came to the
15 end we would have the report, a good draft of the report that
16 could be reviewed and sent to the governor.

17 Q And what was -- what was the purpose of the task
18 force? Was one of the purposes to ensure that any regulations
19 adopted were in compliance with the ballot initiative?

20 A I think it was more to be a basis for the
21 regulations. So some of the discussion that occurred within
22 the task force was -- and the various working groups were, you
23 know, what worked in the medical program, what didn't work in
24 the medical program, what were some concerns that people still
25 had or issues that they would like to see addressed during that

1 process that we could potentially address in regulation. So it
2 was a basis and a starting point for conversation.

3 MR. GUTIERREZ: Okay. And if you could pull up
4 exhibit -- Proposed Exhibit 5049. Move to admit. March 3rd,
5 2017, minutes from the governor's task force.

6 THE CLERK: Mr. Gutierrez, here's the hard copy for
7 the --

8 THE COURT: And you can either look at it on the
9 monitors which work okay but are really small, or at the hard
10 copy if you'd like it from counsel.

11 THE CLERK: That's proposed.

12 MR. GUTIERREZ: We move to admit it, Your Honor.

13 THE COURT: Any objection to Exhibit 5049?

14 MR. SHEVORSKI: No objection.

15 UNIDENTIFIED SPEAKER: No objection.

16 THE COURT: Be admitted. Thank you.

17 (Defense Exhibit Number 5049 admitted)

18 MR. GUTIERREZ: And, Bryan, can we pull that up.

19 BY MR. GUTIERREZ:

20 Q Ms. Contine, what we have are March 3rd, 2017,
21 minutes from the governor's task force. I think your name is
22 right under the members present. Do you see that?

23 A Yes.

24 Q Okay. I want to walk through this with you. You
25 called the meeting that day. Who's Daniel Stewart? And is --

1 A Yeah. So Daniel Stewart at the time was general
2 counsel to the governor.

3 Q Okay. So was he the person that you were working
4 with in adopting the temporary regulations or the permanent
5 regulations? Who -- what was his role?

6 A I actually think his role was really pretty limited
7 in that day. He was just there. I think this was the first
8 meeting kind of welcome everybody and indicate kind of where
9 the governor was coming from, so to be a presence from the
10 governor's office.

11 If there would have been -- so he -- he left -- if
12 there would've been any issues, I probably would have dealt
13 with Mike Willden, and then Mike would have dealt with Daniel
14 Stewart, or, I mean, I could have been in meetings with Daniel,
15 but I don't remember specifically.

16 Q Okay. If you could turn to page 2, and I'm going to
17 focus on the bottom where it says, Madam Chair identified the
18 role of the task force. Do you see that?

19 A Yes.

20 Q Okay. What was the second role that the task force
21 was supposed to implement?

22 A Offer suggestions and proposals for legislative and
23 regulatory actions to be taken for the effective and efficient
24 implementation of Question 2.

25 Q Did you believe the task force accomplished that

1 goal?

2 A Yes.

3 Q And can you explain that. What -- how did the task
4 force go through with ensuring that Question 2 was going to be
5 complied with when adopting regulations and making
6 recommendations for regulations?

7 A So if you want more than, like, process, just let me
8 know.

9 Q Definitely.

10 A But first was setting up the process, you know, what
11 are the working groups, identifying -- identifying the
12 categories of what needed to be addressed, kind of going
13 through each one of those, assigning working group members to
14 those working groups, facilitating some of that discussion and,
15 you know, looking at the initiative, looking at how the
16 initiative was again like how -- what we could use from their
17 medical program and what we could use from other jurisdictions
18 and kind of having discussions of programs across the board and
19 how -- how we might implement Question 2.

20 One of the -- one of the things that I think might be
21 important and relevant is that there was some discussion
22 initially that somebody that opposed marijuana legalization
23 would be on the task force, and I asked that that not happen
24 because I kind of felt like we need to have feedback from
25 people that, you know, care about public health and safety, and

1 we made every effort to make sure that those types of people
2 were included, but having somebody that opposed legalization as
3 a task force member I thought wouldn't be in conjunction with
4 implementing this program.

5 I mean, the voters had decided, and so it was just --
6 so that was one issue where, like, looking at the initiative
7 and that it had passed and what it meant and how we needed to
8 go forward, you know, I was concerned if we had somebody that
9 was -- that was vocally opposed to the initiative and was
10 actually a task force member that that would not allow us to
11 get the work done that we needed to get done.

12 So it was basically like looking at the initiative,
13 looking, reviewing some of the regulations, reviewing kind
14 of -- and, you know, there were industry members on the various
15 task force working groups, looking at how the process had
16 worked for them within the medical, what were some challenges,
17 what were some regulatory challenges, could they be addressed
18 under this -- under Question 2 as we moved forward, you know,
19 and those types of kind of back-and-forth discussions that
20 occurred during that process.

21 Q So having someone on the task force that would oppose
22 Question 2 wouldn't be beneficial if you're trying to implement
23 Question 2 effectively; is that correct?

24 A Right. And it wouldn't be true to, I mean, the task
25 of this body was to help kind of deal with issues after

1 legalization had been decided by the voters, and so to have
2 somebody that was -- that was vocally opposed to it, you know,
3 I was just concerned that we'd get bogged down in overall
4 discussion on whether marijuana should be legal or not and not
5 how we would go about regulating it and providing the, you
6 know, the structure for businesses to operate, the state to
7 collect its revenue and to protect public health and safety.

8 Q And can you go to the next page, page 3. On the top
9 you introduce the staff that's facilitating the task force. Do
10 you see that under --

11 A Yes.

12 Q And I want to walk through who some of these people
13 are. Who's Shelley Hughes?

14 A She's the chief deputy of the department.

15 Q What was her role with assisting you with the task
16 force?

17 A She was the second -- she would, you know, she was
18 the second in command of the department. So she would -- in my
19 absence she would be in charge, or she would, you know, she --
20 we basically worked hand in hand on some things.

21 Q And she worked in helping with the adoption of the
22 regulations?

23 A Some, yeah, but more would be the position of the
24 deputy director of marijuana.

25 Q And who was that?

1 A Well, so at that time it was Anna Thornley
2 [phonetic]. And then -- and then -- do you want me to just go
3 through --

4 Q Yes, please.

5 A Anna left I think mid -- she left before the session
6 was over. So she left pretty early on. She was only with the
7 department for a couple months.

8 So that says Pauline Oliver, but it should say
9 Paulina. And she's the deputy director of compliance.
10 Compliance is revenue and audit. So she's responsible for
11 making sure the people that don't voluntarily comply with tax
12 provisions are taken care of.

13 Jorge Pupo was the tax manager of revenue at the
14 time. He's now the deputy director of the marijuana program.

15 Stephanie Clappstein [phonetic] was the public
16 information officer for the Department of Taxation. So she
17 handled all press inquiries and public facing questions, and I
18 think she developed the website, interacted with people in that
19 regard.

20 Tina was my assistant or is the -- she's the
21 executive assistant for the director.

22 And Kelly, Jesse and Mike Kratz [phonetic] were
23 consultants with QuantumMark, and that was the -- that was the
24 company that we used to help facilitate the process of the task
25 force.

1 Q What was the role of QuantumMark in this process?

2 A So they prepared agendas. They attended all of the
3 task force meetings, all of the working group meetings. They
4 prepared the minutes. They, you know, would prepare the
5 initial draft of the minutes, and they would be reviewed by
6 staff and -- or actually, you know what, I'm not sure about
7 that now that I say that.

8 Tina might have done the initial draft of the
9 minutes.

10 And then they -- they gathered -- so basically we had
11 a worksheet. So you'd have a working group meeting. There was
12 a worksheet that they developed, that they helped develop that
13 kind of walked through the recommendation from the working
14 group and indicated the discussion that occurred, if there was
15 any disagreements, you know, generally recorded in summary the,
16 you know, the proceedings that were happening, and then -- and
17 then they would prepare that document for the task force. And
18 a task force member who was on the working group or maybe
19 somebody who wasn't on the task force would use that document
20 as the presentation of the recommendation from the working
21 group to the task force.

22 Q Okay.

23 A So they facilitated all of the -- all of the process
24 of that.

25 Q Okay. Great. And the next section, it says,

1 Discussion and approval of guiding principles under Section 3.

2 Do you see that? We're on page 3.

3 A Oh, yeah.

4 Q Okay. Where did these guiding principles come from?

5 A So I think, if I remember right, and I'm trying to go
6 on my memory -- I think a lot of the principles came from the
7 executive order setting up the task force. So they were kind
8 of the governor's principles, and I think many of them were
9 borrowed from the Colorado process.

10 Q Do you know if Colorado's marijuana -- recreational
11 marijuana laws were passed through ballot initiative?

12 A Yes, they were.

13 Q Number 4 on the task force says, Propose efficient
14 and effective regulation that is clear and reasonable and not
15 unduly burdensome. What does that mean?

16 A I'm sorry. Can I go back to the last question?

17 Q Yes. Go ahead.

18 A I'm not a hundred percent sure if the legalization,
19 but under Colorado law, every tax has to go through an
20 initiative process. So that's what makes me think that the
21 marijuana and the taxation were probably together, and they had
22 to -- so they had to go to initiative, but I -- so that's my
23 explanation.

24 Q Okay. No, that's all fine. In Colorado, the
25 Department of Taxation runs recreational marijuana; is that --

1 A The department of -- so they have a department of
2 revenue. Within the department of revenue they have marijuana
3 enforcement. Nevada doesn't have a department of revenue. We
4 have just taxation, and then there's tax collections from other
5 various other agencies in Nevada as well.

6 Q Okay. Great. And my question, my prior question was
7 on Number 4 under the guiding principles proposing efficient
8 and effective regulation that is clear and reasonable and not
9 unduly burdensome. What does that mean to you?

10 A So basically making sure that we have, you know, a
11 strict enforcement, a tightly controlled market that's -- that
12 promotes a stable market but also allows businesses to operate
13 and isn't -- isn't so restrictive that it is unreasonable to
14 think that a licensee or establishment would be able to comply
15 with the -- with the rules.

16 And I think that language is partially from
17 Question 2 because I --

18 Q Go ahead.

19 A You know, I think there was some concern in the
20 initiative that if they didn't have some language like that,
21 they might get a governor and/or a regulator that didn't like
22 the concept of marijuana and might try to regulate it out of
23 existence. So I think there was -- it was being mindful of we
24 have, you know, we need, you know, there's public health and
25 safety concerns, but there's also industry operational

1 concerns, and then there was the revenue concern after the
2 money was put in the budget.

3 Q That's an important point. So what you said is that
4 you're mindful of not regulating the companies out of business.
5 Is that fair to say?

6 A Yes.

7 Q And that's where the unduly burdensome language comes
8 in as far as this task force guideline?

9 A Yes.

10 Q Okay. The next one, Number 5, says, the beginning, A
11 discussion between the state and local governments regarding
12 the cost of carrying out Question 2. Tell us about that.

13 A So in Question 2, there is a provision that says the
14 revenue generated from the 15 percent wholesale tax would go to
15 support the Department of Taxation and local governments in
16 carrying out the provisions of Question 2, and so there was
17 discussion about what local government responsibilities would
18 be and what money essentially from that 15 percent tax the
19 local governments would be entitled to.

20 Q And did the local governments have a say in some of
21 the task force recommendations?

22 A Yes.

23 Q Number 7 talks about taking action that is faithful
24 to the text of Question 2?

25 A Right.

1 Q Explain that for us.

2 A So just making sure that we're complying with
3 Question 2. I mean, some of it is fleshed out a little bit
4 more in the provisions above, you know, but, you know, read the
5 language of the -- or read the language of the initiative, and
6 then work off of that in terms of regulation.

7 Q And go to page 6 and specifically on your discussion
8 of future meeting dates and timelines, do you see that, where
9 it talks about Senator Segerblom?

10 A Uh-huh. Yes.

11 Q Recommending that -- it gives -- there's a May
12 30th, 2017, deadline. Do you see that?

13 A Yes.

14 Q What was the -- were there deadlines that you were
15 working underneath during this time frame when adopting some of
16 the regulations or getting -- I'm sorry. Strike that.
17 Deadlines and getting task force recommendations back to the
18 governor?

19 A There -- you know, we were trying to get the work
20 done within a few months; however, what I -- what he's
21 referring to there is the -- the process was going on during
22 the legislative session, and he wanted -- if there was going to
23 be legislation, that he wanted, you know, he wanted people to
24 be mindful. I mean, the session ends the first Monday in June.
25 So he was trying to suggest that any legislative changes would

1 need to be made, you know, would need to be put forth by then.

2 And, I mean, with all due respect to Senator
3 Segerblom, I don't know that he really quite understand --
4 quite understood with respect to Question 2 that there wouldn't
5 be a legislative change, but his concern, I believe just based
6 on his testimony in public and in private, is that he wanted
7 there to be an early start. So he was working on a bill that
8 if the -- if the executive branch wasn't going to do an early
9 start, that he wanted to have a separate bill that would
10 require an early start.

11 Q And --

12 A Because he thought that would -- or I think there was
13 some discussion as to whether that would be, you know, because
14 Question 2 said by January 1st, 2018. So then the question
15 was could you have a separate legislation that said before
16 then, before it would be up and operational before then.

17 Q And were you put in charge of the early start program
18 and helping getting the regulations for that --

19 A Yeah.

20 Q -- off the ground?

21 A Yes.

22 Q Okay. And tell us about that. How were those
23 temporary regulations developed?

24 A So basically the temporary regulation process isn't
25 as restrictive, but you do have a draft of the regulations, and

1 I, you know, we drafted those internally with some, you know,
2 if we needed -- if we had legal questions, we would ask the
3 attorney general's office or others. They were workshops so
4 that you still have to have a workshop, and they were still
5 adopted by the Nevada Tax Commission, but they don't have to
6 go -- they don't have to do that intermediate review by the
7 legislature.

8 There is a provision, however, that after the
9 regulations were adopted by the agency that the legislative
10 commission has 45 days where they can pull the regulations in
11 to a ledge [phonetic] commission process review. So because of
12 that, I had internal discussions with legislative counsel about
13 the regulations and whether they -- whether the legislative
14 counsel was comfortable, you know, recommending to their bosses
15 that the -- those regulations not be pulled into legislative
16 review.

17 Q Okay. And can you -- how did the medical marijuana
18 regulations help shape what eventually became the permanent
19 regulations under NAC 453D?

20 A Well, they were part of -- so the permanent
21 regulations looked at what -- so the permanent regulations
22 looked at the work of the task force in some ways and also and
23 as that related to the medical. So what is -- what was working
24 in medical? Again, what wasn't, you know, what are some --
25 given the language of the initiative, what's different in the

1 language of initiative in the initiative, you know, and how do
2 we have to plan for that because there were some key
3 differences, provisions that were new that had to be regulated
4 that weren't regulated in -- in the medical program.

5 So basically looking at the language of the
6 initiative, deciding what is the basis that we can start with
7 at least initially and then what can we build off from that as
8 we move forward. So and that involved all those discussions
9 that went into the working group, the regulatory process both
10 in the temporary process, which is the workshop and the
11 adoption hearings and then the permanent process that started
12 after July 1st.

13 Q And let's turn to what's previously been admitted as
14 Exhibit 2009, which is the governor's task force final report?

15 MR. GUTIERREZ: And may I approach?

16 THE COURT: You may.

17 THE CLERK: Mr. Gutierrez, 2009 is at the very bottom
18 of the cart. It should say 2000 onward.

19 BY MR. GUTIERREZ:

20 Q Ms. Contine, I've handed you the final report for the
21 governor's task force dated May 30th, 2017. Do you see that?

22 A Yes.

23 Q Okay. Turn to page 1 of the document.

24 MR. GUTIERREZ: Where it says, Letter from the
25 chairs, May 30th, 2017, Bryan.

1 Do you have that, Bryan?

2 THE WITNESS: Yeah.

3 MR. GUTIERREZ: Okay.

4 EXHIBIT TECHNICIAN: Letter of the chair?

5 MR. GUTIERREZ: Yes. Do you have the actual page,
6 Bryan? Page 1?

7 EXHIBIT TECHNICIAN: What's the Bates stamp number on
8 the bottom right?

9 MR. GUTIERREZ: I don't have it on mine.

10 There we go. Okay.

11 BY MR. GUTIERREZ:

12 Q Is that the document you have in front of you,
13 Ms. Contine, that's on the screen?

14 A Yes.

15 Q Okay. Now, this is a letter from you and Chuck
16 Calloway to the governor; is that correct?

17 A Yes.

18 Q And what's the purpose of this letter? Just to
19 summarize the reports?

20 A Yeah, summarize the report, talk about the work that
21 everybody does, did and recognize that process and that work
22 that was involved.

23 Q And what was Chuck Calloway's role with the task
24 force?

25 A Chuck Calloway was the vice chair.

1 Q Okay. And now let's go to page 3, and, specifically
2 right where it says, The act directs the Nevada Department of
3 Taxation. Do you see that paragraph?

4 A Yes.

5 Q It says, The act directs the department -- the Nevada
6 Department of Taxation should adopt all regulations necessary
7 or convenient to carry out the provisions of this act. What
8 was your understanding as to what that meant, Necessary or
9 convenient to carry out the provisions of the act?

10 A Well, it means that the act had some specific
11 provisions where the department was required to make
12 regulations so that it would be necessary to make regulations
13 on those.

14 And then convenient is whatever other regulations
15 that needed to be made, and this is broad language in almost
16 every agency statute.

17 Q Explain that for me. What do you --

18 A So if you have -- so the -- the -- the statute that
19 creates an agency or a board will almost always have the
20 provision that says the agency or the department or whatever it
21 is, the board may make all regulations necessary or convenient
22 to carry out the provisions of this statute. So it's across
23 the board you look in. In many statutes that have to deal with
24 the creation of state agencies you'll see that provision.

25 Q Okay.

1 A So it basically means that they make the regulations
2 to interpret and operate or give process or somehow interpret
3 or in some way the provisions of that chapter so that people
4 know what they have to do or what the expectations are.

5 Q Okay. Great.

6 THE COURT: Is this a good place to break for lunch?

7 MR. GUTIERREZ: Yes, it would be, Your Honor.

8 THE COURT: All right. So we're going to break
9 until --

10 I just looked at the minutes from what Judge Crockett
11 used to set your hearing, Mr. Gentile. I don't think an hour
12 is going to be long enough.

13 MR. GENTILE: I really don't know. I know that the
14 issue deals with alter ego.

15 THE COURT: Yeah.

16 MR. RULIS: And, you know, I don't know the answer.

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1 THE COURT: Okay. So we're going to shoot for you
2 being gone until 2:00 o'clock.


3 So we'll be back here at 2:00 o'clock, which gives us
4 an hour and 15 minutes, which is our usual lunch break time.
5 So I apologize for the late lunch.

6 But good luck.

7 (Proceedings recessed at 12:43 p.m., until 2:08 p.m.)

8 -oOo-

9 ATTEST: I do hereby certify that I have truly and correctly
10 transcribed the audio/video proceedings in the above-entitled
11 case.

12 
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14 Dana L. Williams
15 Transcriber
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IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 33 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |

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| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAINST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |

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| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
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| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
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| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
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| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
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| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
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| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
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| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
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| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
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| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
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| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
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| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

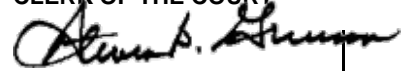
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITON FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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DISTRICT COURT
CLARK COUNTY, NEVADA
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SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

EVIDENTIARY HEARING - DAY 12

WEDNESDAY, JULY 10, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL CRISTALLI, ESQ.
ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
NATHANIEL RULIS, ESQ.
ADAM BULT, ESQ.
MAXIMILIEN FETAZ, ESQ.
THEODORE PARKER, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
THERESA HAAR, ESQ.
BRIGID HIGGINS, ESQ.
MOOREA KATZ, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
JOSEPH GUTIERREZ, ESQ.

1 LAS VEGAS, NEVADA, WEDNESDAY, JULY 10, 2019, 1:02 P.M.

2 (Court was called to order)

3 THE COURT: Good afternoon, counsel. Who's our
4 first witness today? Who's our first witness today? Mr.
5 Parker, thank you for being on time.

6 MR. PARKER: Of course, Your Honor. Of course.

7 THE COURT: Or I could say, next witness.

8 MR. KEMP: Judge, as I understand, the State's going
9 to put on three witness today --

10 THE COURT: Okay.

11 MR. KEMP: -- an IT guy, Ms. Cronkhite, and Mr.
12 Hernandez.

13 THE COURT: So we're calling some witnesses out of
14 order for the State?

15 MR. SHEVORSKI: Well, that's my question, Your
16 Honor, is I'm not sure what the plaintiffs -- where they're at
17 in terms are they resting, are we calling out of order?

18 MR. KEMP: Judge, we're not resting, because I'm
19 still debating with Mr. Koch as to whether we need Mr.
20 Groesbeck, and I'm trying to get Mr. Groesbeck here on Friday.
21 I don't have a firm commitment yet. I'd like to keep trying,
22 and if we do get Mr. Groesbeck here, I plan on asking him five
23 minutes' worth of questions. So I'm not going to rest until
24 [inaudible].

25 THE COURT: Okay. So we're calling some witnesses

1 out of order.

2 MR. SHEVORSKI: Well, I know that's what Mr. Kemp is
3 saying. I want to -- if I could inquire what Mr. Gentile is
4 doing.

5 MR. GENTILE: Your Honor, as of this point we're
6 going to rest.

7 THE COURT: Okay.

8 MR. GENTILE: We have an expert witness --

9 THE COURT: Well, I'm not resting in parts.

10 MR. GENTILE: I'm sorry?

11 THE COURT: Just so we're clear. I'm not resting in
12 parts.

13 MR. GENTILE: Well, then we don't rest.

14 THE COURT: Okay. So they don't rest yet, because
15 we just heard what Mr. Kemp said. It doesn't really matter
16 what everybody else is thinking. I've got one of the group
17 who's not done yet.

18 MR. SHEVORSKI: Very good, Your Honor.

19 THE COURT: But I think Mr. Parker's decided he's
20 not calling Mr. Hawkins, but if he changes his mind we'll have
21 that, as well.

22 MR. SHEVORSKI: All right. So let's not waste the
23 Court's time.

24 THE COURT: We're not calling a gaming enforcement
25 expert, or gaming expert.

1 MR. GENTILE: Your Honor, we are not calling a
2 gaming enforcement expert. We still may have -- as long as
3 we're not resting, depending upon availability, we still may
4 have a Drug Enforcement Administration expert.

5 THE COURT: Anderson and Groesbeck are the two that
6 I have still on the plaintiffs' list. I understand there's an
7 issue with Mr. Hawkins. Does anybody know who Anderson is?

8 MR. KEMP: Anderson would be the former director.

9 MR. SHEVORSKI: Former director, Your Honor.

10 MR. KEMP: Yeah. He's not on my list, Your Honor.

11 THE COURT: So I can cross him off?

12 MR. SHEVORSKI: The State isn't calling Anderson.

13 THE COURT: So we're going to call some witnesses
14 out of order, Mr. Shevorski.

15 MR. SHEVORSKI: Very good, Your Honor.

16 THE COURT: Do you want to tell me a name.

17 MR. SHEVORSKI: Sure. Charles Davidson, Your Honor.

18 THE COURT: Mr. Davidson is outside?

19 MR. SHEVORSKI: He's here.

20 THE COURT: Sir, if you'd come up, please.

21 CHARLES ROY DAVIDSON, DEFENDANT STATE'S WITNESS, SWORN

22 THE CLERK: Please be seated. Please state and
23 spell your name for the record.

24 THE WITNESS: Charles Roy Davidson, C-H-A-R-L-E-S,
25 and Roy is R-O-W -- or R-O-Y. Excuse me.

1 THE COURT: This is a test.

2 THE WITNESS: Yes. I don't normally spell that
3 part. And then Davidson's like son of David only backwards.

4 THE COURT: All right. So, sir, there are a bunch
5 of binders that you see. They're not just behind you, they're
6 also on a cart. If counsel needs you to touch one, they will
7 let you know and help you find the correct one.

8 THE WITNESS: Okay.

9 THE COURT: There's also a pitcher with some water
10 in it next to you. If it runs out, please let us know. And
11 Ramsey's going to make sure that the M&M dispensers get
12 refilled, because while he was on vacation the cleaning people
13 cleaned them out. So he's going to get you some M&M's just in
14 case you need them.

15 THE WITNESS: Thanks.

16 THE COURT: Mr. Shevorski, you may continue.

17 MR. SHEVORSKI: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. SHEVORSKI:

20 Q Mr. Davidson, thank you for being here. And we've
21 met before. My name is Steve Shevorski. I'm with the Office
22 of the Attorney General. I appreciate your time today. Could
23 you please give me some background on your education and work
24 experience.

25 A I have a Bachelor's degree in information

1 technology. I'm a Microsoft-certified systems engineer, and I
2 have some other assorted certificates and whatnot for IT. I
3 have been working on computers since approximately '78, and
4 been with the State for 12 years.

5 Q And where did you get your Bachelor's degree?

6 A Dixie State University.

7 Q And that's in Utah?

8 A Yes, sir.

9 Q Okay. Any education after that?

10 A No, except for classes to keep current. Other than
11 that, no.

12 Q Classes to keep current. In what field were those
13 classes?

14 A Well, they're all for IT. Specifically for UNIX
15 systems administration and some coding, keeping up on some of
16 the scripting languages.

17 Q And you're using an acronym, IT. And what does that
18 acronym mean to you?

19 A Information technology.

20 Q And that would encompass computers that --

21 A Computers, operating systems, and scripting
22 languages to control operating systems.

23 Q Would that also encompass how information is stored
24 -- information technology -- information that's stored
25 electronically?

1 A Yes. That includes the security for the file-level
2 security.

3 Q Would that include -- have you ever heard the term
4 "server" in connection with information technology?

5 A Yes. That's mostly what I work on.

6 Q Okay.

7 THE COURT: I was going to ask you if you did punch
8 cards back in the beginning, but we'll skip that.

9 THE WITNESS: Yes.

10 THE COURT: Okay. Keep going.

11 MR. SHEVORSKI: I'm not even sure I know what a
12 punch card is, Your Honor.

13 THE COURT: Yeah. It's before your time. For those
14 of us who learned computers in the '70s they were highly
15 programmable.

16 MR. SHEVORSKI: Is that right?

17 THE COURT: Yes.

18 MR. SHEVORSKI: My goodness. I lost my train of
19 thought.

20 BY MR. SHEVORSKI:

21 Q Let me turn -- are there such things as virtual
22 servers?

23 A Yes. The State does mostly virtual servers. We do
24 have a few physicals, but most of them are virtualization.
25 That saves money on the hardware.

1 Q What is a virtual server?

2 A It allows you to have a server that can move around

3 -- or a virtual server is considered software that appears to

4 be hardware, and it moves across the different hardware

5 platforms as needed for either resources or for redundancy.

6 Q And how, if at all, does a virtual server interact

7 with a physical server?

8 A Almost the exact same way. They connect in through

9 the network. The server itself does not know the difference

10 between a virtual and if it's hard.

11 Q Have a kind of symbiotic relationship?

12 A Yes.

13 Q Was that yes? I'm sorry, I couldn't hear over --

14 A That is correct.

15 Q Okay. Are you familiar with how the State maintains

16 Listservs that it may send out to various constituents?

17 A Yes. That is my -- that is what funds my position.

18 Q And what is your current -- do you have a title?

19 A ITP4.

20 Q And what department do you work in of the State

21 Government?

22 A It's now the Department of Administration, Division

23 of -- or Enterprise IT Services.

24 Q The acronym is EITS, I think it is?

25 A EITS, yes.

1 Q Of course. It's a government, so it has to have an
2 acronym. And just so we're clear, how long have you worked at
3 EITS?

4 A Twelve years.

5 Q Okay. So the entire time for the State you worked
6 at EITS?

7 A Correct.

8 Q And your entire career has basically been in
9 information technology?

10 A No. For the past three decades it has been. Prior
11 to that, no.

12 Q Okay. Fair enough. And you mentioned your
13 familiarity with Listserv. Are you familiar with how they're
14 stored by the State electronically?

15 A Yes. It is stored on a -- currently it's stored on
16 a Windows 2016 server.

17 Q So can you explain, if at all, how they're stored --
18 the relationship between the virtual server and the physical
19 server in terms of storage of the Listserv information.

20 A The Listserv stores its information on a virtual
21 hard drive. The virtual hard drive is actually residing on a
22 massive storage device, which then the storage is broken out
23 and allocated to each virtual server. To the server it
24 appears as if it's on a single hard drive. It's actually
25 stored on multiple hard drives on that mass device.

1 Q And you're familiar with that storage process as
2 part of your professional duties for EITS?

3 A Yes. I don't usually mess with it too much, because
4 I go through -- when I'm building a server I use the virtual
5 environment to build with. I don't actually have to go out
6 and mess with the hardware itself.

7 Q Very good. And does EITS maintain those virtual and
8 physical servers in the ordinary course of its business?

9 A Yes, it does.

10 Q Were you asked to pull Listserv information for the
11 Listserv described as State MME?

12 A Yes, I was.

13 MR. SHEVORSKI: Your Honor, I have a proposed
14 exhibit.

15 THE COURT: Okay. What's its number?

16 MR. SHEVORSKI: 2021.

17 THE COURT: Thank you.

18 MR. SHEVORSKI: May I approach the witness, Your
19 Honor?

20 THE COURT: You may.

21 Anybody objecting to 2021?

22 MR. KEMP: No objection, Your Honor.

23 THE COURT: No objection?

24 MR. KEMP: No objection.

25 THE COURT: Be admitted.

1 (Defendants' Exhibit 2021 admitted)

2 BY MR. SHEVORSKI:

3 Q Mr. Davidson, please have a look at Exhibit 2021,
4 and let me know when you're through.

5 A Through.

6 Q And have you reviewed it?

7 A I've gone through it, yes.

8 Q Yes. Okay. Have you seen these documents before?

9 A Yes.

10 Q And let's go through -- since they're already in
11 evidence, let's just go through that first page. What is that
12 first page, do you know?

13 A That is the landing page for the Listserv.

14 Q Okay. And the next page?

15 A The login page for the Listserv to gain access.

16 Q And the page after that?

17 A This is the screen shot of the menu system for
18 pulling reports, subscriber reports.

19 Q And the next page, sir?

20 A This is where you define what you want to have
21 pulled in that particular subscriber report.

22 Q And the page after that?

23 A That is the export of the subscriber report.

24 Q When you say, export, is it a subscriber report for
25 any particular Listserv?

1 A This particular one is for the State MME.

2 Q And looking at the subscriber report, there are a
3 number of headings. It says, "Email" at the top, "Name,"
4 "Mail Status," "Restrictions," and "Subscription Date." Do
5 you see where those are indicated?

6 A Yes.

7 MR. PARKER: Your Honor, can we have a Bate number,
8 please.

9 THE COURT: Can you give us a Bate label.

10 MR. SHEVORSKI: Yes, certainly. The subscriber list
11 starts at DOT044706. And for some reason -- so it looks like
12 they're out of order. But the one I have, it ends at 44720.
13 Never mind, Your Honor.

14 THE WITNESS: No, that'll be the last page.

15 MR. SHEVORSKI: Yeah, 720.

16 THE COURT: You've had too long a break.

17 MR. SHEVORSKI: Huh?

18 THE COURT: You've had too long a break from the
19 hearing.

20 MR. SHEVORSKI: I have, Your Honor. The muscles
21 aren't working.

22 BY MR. SHEVORSKI:

23 Q So what is indicated by these various headings? Can
24 you describe that information.

25 A This is a list of all the subscribers for this

1 particular list on the Listserv. The email is the actual
2 email address inputted into the Listserv to send whatever the
3 owner or editors want to the subscriber. So that would be the
4 list of the subscriber's email address. The name is the list
5 of the subscriber as inputted into the Listserv. Mail status
6 is whether or not they will be getting email. The post
7 restrictions is what they are allowed to do. In this case
8 they are allowed to re-post back to the person who sent the
9 message. Subscription date is the date that they were added
10 to that particular list or they joined that list.

11 Q And how is the subscription date entered? Is it
12 automatically, or is it manually?

13 A It's all automatically by the application itself.

14 MR. SHEVORSKI: I have another proposed exhibit,
15 Your Honor.

16 THE COURT: Okay. Sir, do you know how many
17 different Listservs there are for the MME group?

18 THE WITNESS: The MME group just has -- well,
19 there's -- MME is one list. The Listserv itself houses
20 approximately more than 500 lists that are handled by the
21 State, and they cover just about everything.

22 THE COURT: Right. But for the marijuana group, the
23 Marijuana Enforcement Division how many different Listservs
24 are there?

25 THE WITNESS: It looked like there was about five

1 marijuana lists. There is only one Listserv, that's the
2 actual server itself that pushes out the different lists of
3 things.

4 THE COURT: So how is a determination made as to
5 which list or group of emails or notifications a particular
6 subscriber will receive?

7 THE WITNESS: Those lists that they subscribe to
8 they will get messages from. I'm probably not answering your
9 question.

10 THE COURT: Well, let me ask the question
11 differently. So on the application for someone to join a
12 Listserv are there checkboxes in the State's system for them
13 to identify what their areas of interest are for the Listserv?

14 THE WITNESS: No. They need to -- if they're coming
15 into the Listserv itself, just the landing screen, there will
16 be about 250 lists that are -- that will be visible. Those
17 are publicly available lists.

18 THE COURT: Uh-huh.

19 THE WITNESS: There are lists that are not publicly
20 available. If they wish to subscribe to a particular list,
21 they can click on that and subscribe to it. If they are going
22 through via a Website, then that will allow them to subscribe
23 to whatever list that Website is posting on.

24 THE COURT: Okay. Let me ask the question
25 differently, because I think you were talking at this level

1 and I'm down on the ground for this --

2 THE WITNESS: I'm sorry.

3 THE COURT: It's okay. That's why you're here.

4 It's my understanding from the prior testimony, because

5 today's Day 12, that there is a separate list for medical

6 marijuana and another Listserv for recreational marijuana.

7 Can you confirm that for me?

8 THE WITNESS: Yes.

9 THE COURT: How did somebody sign up for one or the

10 other of the two Listservs?

11 THE WITNESS: I'd actually have to look at the

12 individual list to see how their subscriptions are being done.

13 Like the State MME, the subscribers are put in through the tax

14 organization. So they evidently were getting them -- getting

15 the name somewhere and inputting it into the list.

16 THE COURT: And you don't know where that came from?

17 THE WITNESS: No, I do not.

18 THE COURT: Okay. Do you know if there were more

19 than two lists for the marijuana group?

20 THE WITNESS: Yes. I can --

21 THE COURT: How many do you think there are?

22 THE WITNESS: I think there's five, maybe six.

23 THE COURT: Okay.

24 THE WITNESS: I can pull it up if you want.

25 THE COURT: No. I'm just trying to get your best

1 information.

2 Thank you, Mr. Shevorski. I was trying to cut to
3 the chase.

4 MR. SHEVORSKI: Appreciate that, Your Honor. May I
5 approach the witness, Your Honor?

6 THE COURT: You may.

7 BY MR. SHEVORSKI:

8 Q Mr. Davidson, you've just been handed what's marked
9 as Proposed Exhibit 2022. Can you please take a moment to
10 review it, and let me know when you're through.

11 A I've done a quick overview. I hope that's good
12 enough.

13 Q Do you recognize what's been marked as State's
14 Proposed 2022?

15 A I recognize the first page, and I assume that the
16 other pages are the attachments.

17 Q Were you asked to go into the archive for the State
18 MME Listserv to retrieve information?

19 A Yes.

20 Q Does what's been marked as Proposed Exhibit 2022
21 appear to be a true and correct copy of the information that
22 you obtained from the archive?

23 A Yes.

24 MR. SHEVORSKI: Okay.

25 THE COURT: Any objection to 2022?

1 MR. KEMP: No, Your Honor.
2 MR. CRISTALLI: No objection.
3 THE COURT: Be admitted.
4 (State's Exhibit 2022 admitted)
5 BY MR. SHEVORSKI:
6 Q What is the -- who are the recipients of the email
7 on the front page?
8 A That would be the subscribers on the list at the
9 date that that was sent out.
10 Q On the date that it was sent out. And that would be
11 July 30th, 2018?
12 A Correct.
13 MR. SHEVORSKI: No further questions, Your Honor.
14 MR. PARKER: Your Honor, can we have again the Bates
15 numbers for this exhibit.
16 THE COURT: The end for this particular exhibit?
17 MR. PARKER: Yes, Your Honor, 2022.
18 THE COURT: The one that I have in my hand goes all
19 the way to DOT044756.
20 MR. PARKER: It starts at?
21 THE COURT: The first page starts at DOT044721. I
22 did not determine if they are sequential and if there are any
23 gaps.
24 MR. PARKER: What was the last page?
25 THE COURT: 44756.

1 MR. PARKER: Thank you, Your Honor.

2 THE COURT: So do any of the defendants in
3 intervention wish to inquire? Okay. Mr. Kemp, you're up.

4 CROSS-EXAMINATION

5 BY MR. KEMP:

6 Q Good afternoon, Mr. Davidson.

7 A Greetings.

8 Q Following up with a question that Your Honor had, as
9 I understand it this is the State MME list.

10 A Correct.

11 Q Which is Exhibit 2021; right? Right?

12 A Yes. And 2022. They both refer to the same list.

13 Q And there's five or six other marijuana-related
14 lists out there?

15 A Correct.

16 Q And so, for example, there's the medical marijuana
17 list?

18 A Correct.

19 Q There's the public list? There's a list that anyone
20 in the public can sign up?

21 A Probably.

22 Q Okay. Do you know what the other three are -- or
23 four?

24 A Let's see. One was dispensary, one was something
25 about growers, I think. If you want, I can pull it up.

1 Q It really doesn't matter. But the only people that
2 were sent the information on Exhibit 2022 were the people on
3 the State MME list, correct, not the other five lists?

4 A I did not pull any archives from the other lists.
5 So they may have been sent something, but I don't know.

6 Q So you're only here today to say that you sent
7 something -- or the State sent something to the State MME
8 list?

9 A Correct.

10 Q And as we sit here today do you know one way or the
11 other whether or not there was a similar transmittal to the
12 other five lists?

13 A I do not know offhand. I can pull that information,
14 though.

15 Q Okay. And were you the one that actually sent the
16 email that we have here as Exhibit Number 2022?

17 A No, I was not.

18 Q All right. The State could have easily sent to all
19 five lists if they wanted to; right?

20 A Correct.

21 Q And that would have been a more expansive type of
22 notification, because there's people on one list that aren't
23 on another?

24 A Very possible.

25 MR. KOCH: Objection, Your Honor. Foundation.

1 THE COURT: Overruled.

2 BY MR. KEMP:

3 Q And did you have any part in the decision making as
4 to using just the State MME list, as opposed to the other four
5 or five lists?

6 A No.

7 Q Okay. And do you know one way or the other whether
8 the original submittals that we see here in 2022, and by that
9 I mean the application subparts, do you know whether or not
10 they were posted in four or five different locations?

11 A I do not know.

12 Q Okay. And do you know one way or the other whether
13 or not when you sent -- or I guess Mr. Plaskon technically
14 sent the email on July 30th; right?

15 A Yes.

16 Q Okay. Do you know one way or the other whether or
17 not he also posted it in some or all of the areas where it had
18 been posted previously?

19 A I would not know that.

20 Q Okay. Now, do you know who Ms. Tia Dietz is?

21 A No, sir.

22 MR. KEMP: Okay. Shane, can you pop up Tia's email
23 for me on the application.

24 THE COURT: What exhibit number is it from?

25 MR. SHEVORSKI: It's Exhibit 21.

1 MR. KEMP: 21, Your Honor.

2 THE COURT: Thank you.

3 MR. KEMP: It's an admitted exhibit.

4 THE COURT: And, sir, this is on your screen. If
5 you need him to enlarge part of it, please let them know.

6 BY MR. KEMP:

7 Q And if I told you Tia Dietz was listed as the
8 contact for LivFree on the LivFree marijuana application
9 that'd be news to you?

10 A Yeah. I don't know. I'm not responsible for
11 knowing who or who doesn't get added to the subscriber list of
12 the lists.

13 Q Okay. So if I went through Exhibit 2021, which is
14 the State MME list, and I did not find Tia Dietz's email or
15 her name, would it be fair to assume that she did not get the
16 email that was sent to the people on this list?

17 MR. KOCH: Objection. Personal knowledge.

18 THE COURT: Overruled. You can answer.

19 THE WITNESS: Okay. Thanks.

20 BY MR. KEMP:

21 Q If she's not on the list and her email isn't on the
22 list, she didn't get this 2022 email; right?

23 THE COURT: Unless someone forwarded it to her.

24 THE WITNESS: Unless she has been dropped after that
25 fact or after that date.

1 BY MR. KEMP:

2 Q Okay. But assuming that to be the case, assuming

3 that she was never on the list she didn't get the email?

4 A That is correct.

5 Q All right. As far as you know, was anything done to

6 try to contact people that may not be on the State MME list?

7 A That would be the responsibility of the owner of the

8 list.

9 Q Okay. But as far as you know, was anything done --

10 A I'm not the owner, so I wouldn't know anything about

11 that.

12 Q All right. Now, with regards to the State MME list

13 I assume it changes over time, because people join it or drop

14 out?

15 A Correct.

16 Q And does the State call the list on a periodic

17 basis?

18 A That would be the responsibility of the owner of the

19 list. I wouldn't do the calling.

20 Q Who is the owner of the list?

21 A I'd have to look at that up, actually.

22 Q Would that be Mr. Plaskon's responsibility or DOT?

23 A He would definitely be one of the owners. There

24 could be multiple owners for any list. I mean, it's not just

25 assigned to the Department, but there's individuals that are

1 listed as owners --

2 Q Okay.

3 A -- and they can send and modify the --

4 Q Is there an automatic notification procedure or

5 anything of the sort when you get a bounceback, an email

6 bounceback?

7 A If the email -- if the email bounces back, then the

8 owner will receive a email to that effect, providing that

9 email server was set to that.

10 Q The owner referring to the State employee?

11 A Correct.

12 Q Okay. So if there were bouncebacks Mr. -- assuming

13 Mr. Plaskon was that employee, he would get an email from who?

14 A From the Listserv itself. It's all automatic.

15 Q It's all automatic. Okay. And as we sit here today

16 do you know whether or not there were bounceback emails with

17 regards -- or notifications with regards to Exhibit Number

18 2022?

19 A There is no report that tells me that information.

20 Q Okay. Well, the earliest email date I see on 2021

21 is sometime in 2014, more specifically September 10th, 2014;

22 yes?

23 A Correct.

24 Q And this email from Mr. Plaskon -- you know, I

25 apologize I've been butchering his name, from Kyle [sic],

1 okay. You know him as Kyle? Do you even know who this person
2 is?

3 A No.

4 Q Okay. All right. That email date is July 30th,
5 2018, which is about three and a half years after the first
6 email was given; right?

7 A Okay.

8 Q Yes?

9 A I'll accept that, yes.

10 Q Okay. Now, during that three-and-a-half-year period
11 do you know if people unsubscribed or they changed their email
12 or anything of the sort?

13 A No. That information's not available in the
14 reports.

15 Q Okay. Would you agree with me that there's the
16 potential that in three and a half years people would change
17 their emails?

18 MR. KOCH: Objection. Speculation.

19 THE COURT: Overruled. You can answer.

20 THE WITNESS: Yes.

21 BY MR. KEMP:

22 Q And, in fact, three and a half years is quite a long
23 period. If you had hundreds of people on the email list, you
24 would expect quite a few of them to unsubscribe or change
25 their emails; right?

1 A Depending on the list, yes.

2 Q Okay. And so what was done to determine that these

3 people who had actually subscribed at one point actually got

4 the email, if anything, that you know of?

5 A There is no way to determine that --

6 Q Okay.

7 A -- with this product.

8 MR. KEMP: All right. No further questions.

9 THE COURT: Anyone else from the plaintiffs or those

10 who are participating wish to examine?

11 Mr. Parker.

12 MR. PARKER: Yes, Your Honor. May I check with the

13 clerk for a second, Your Honor?

14 THE COURT: You can.

15 (Pause in the proceedings)

16 MR. PARKER: Your Honor, may I approach the witness?

17 THE COURT: You may.

18 CROSS-EXAMINATION

19 BY MR. PARKER:

20 Q I only have a few questions for you, Mr. Davidson.

21 Looking at Exhibit 307, is that the first?

22 A Yes.

23 Q If you could go to page DOT-NVWELL10.

24 A I am there.

25 Q And the second box says "Applying entity

1 information." Do you see that? First one right above the top
2 box says, "General information," right? But below that box it
3 says, "Applying entity information." Do you see that?

4 A Correct. I see it, yes.

5 Q All right. And then you see the third line down
6 says, "telephone number," and to the right of that it says,
7 "email address." Do you see that email address?

8 A Yes, sir.

9 Q And what is that email address?

10 A frank@frankhawkins.com.

11 Q Do you see that email address listed in any of the
12 Listservs that have been presented to you?

13 THE COURT: 2021 and 2022?

14 MR. PARKER: Yes, Your Honor.

15 THE COURT: Okay.

16 THE WITNESS: That would take a little while to find
17 out.

18 BY MR. PARKER:

19 Q All right. Let me ask this question. If that email
20 address is not either of those or any of those Listservs,
21 would you agree with me that in all likelihood that email
22 address did not receive notification via those Listservs?

23 MR. KOCH: Objection. Speculation.

24 THE COURT: Overruled.

25 THE WITNESS: The email address could have received

1 information and then been deleted afterwards, or the person
2 could have unsubscribed. If there were bounce notices coming
3 back, the email could have been removed. I would not know
4 that --

5 BY MR. PARKER:

6 Q Okay.

7 A -- if they were on the list then. As of now if
8 they're not on that list then, they were not on the list at
9 that time.

10 Q Which meant that they would not have received notice
11 via that Listserv if they were not on that list; is that
12 correct?

13 A That is correct.

14 Q All right. And the reason why I didn't ask about
15 bouncebacks was because I believe Mr. Kemp asked those
16 questions of you previously.

17 A Bouncebacks only apply if the email server is
18 configured to send bouncebacks. Some email servers do not
19 send those bouncebacks, in which case the name will not be
20 removed from the server.

21 Q Do you know whether or not -- the way you had these
22 Listservs set up whether or not the State would receive
23 notification of bouncebacks?

24 A Yes, it would.

25 Q Okay. So --

1 A Providing the recipient's email server send them
2 back. That's what I'm trying to qualify.

3 Q And how would that information be confirmed in terms
4 of bouncebacks?

5 A The bounceback would actually come to the Listserv,
6 the Listserv would then send an email message to the owners
7 that this particular email address had received bounces.
8 After three bounces it will be removed from the list.

9 Q In your search of the State's archives did you
10 determine whether or not there were any bouncebacks?

11 A There is nothing in the archives concerning
12 bouncebacks. Listserv does not track that information. It is
13 sent out, and that's the last time we would know that there
14 was a bounce.

15 Q So sitting here today you don't know whether or not
16 there were bouncebacks reflected by the Listservs?

17 A That is correct.

18 Q Thank you. Is it also true, sir, that the
19 notifications were simply a notification, and if you wanted
20 the additional information you had to download that
21 information?

22 A For this particular email that there was in here the
23 information would have come with an email.

24 Q How about in terms of an application? Would the
25 application be a part of the notification, or would you have

1 to download the application?

2 A You do not have to download the application.

3 Q And how do you know this?

4 A Well, maybe I should qualify. Are you talking about

5 download the application of the Listserv or download the

6 attached documents?

7 Q Attached documents.

8 A The documents would have come with the email.

9 Q Okay. And would they be in a link, or would it be

10 shown on the screen when you pulled up the email?

11 A When you pull up your email it will list the

12 attachments. And it looked like there was two attachments.

13 Q Okay. And then you'd have to download the

14 attachments?

15 A They should have already been downloaded with the

16 email itself. So if you want to -- if you double clicked on

17 it you would have seen the whole email, but it would have been

18 in your email client.

19 Q Okay. You indicated that there were -- there's one

20 server and four, five, or six lists; is that correct?

21 A Of the marijuana lists; correct.

22 Q Right. Is there only one list related to the

23 recreational marijuana?

24 A I do not know that.

25 Q How would you figure that out?

1 A Whoever is the owner of the lists would be the one
2 who knows which -- how many lists they actually added. I
3 mean, if they named it recreational marijuana, then it would
4 be under the R's instead of the M's. And so I could search
5 for the marijuana and see what came up, but I wouldn't know
6 exactly how many lists are offhand.

7 Q Okay. And in the manner in which the lists were set
8 up, was that directed by the Marijuana Enforcement Division?
9 How did you determine how the list should be created?

10 A We have a form online that's only accessible to
11 State employees. They fill it out, and then we generate the
12 list for them. And then from there on out it is their list to
13 manage. I manage the server itself, not the individual lists.

14 Q So when four or five or six lists were created were
15 you directed by the Marijuana Enforcement Division to set up
16 all four, five, or six lists?

17 A I would have gotten four or five or six requests,
18 yes.

19 Q Okay. And was there any effort taken to determine
20 if all subscribers for each list -- if all subscribers were
21 actually populated for all lists?

22 A That would not be done by me. That would be done by
23 the owner of the individual lists.

24 Q Okay. And is there a way for you to check to
25 determine whether or not a subscriber on one list would also

1 be on the four or five or six other lists?

2 A The only way to do so would be for me to search for
3 that person on each individual list.

4 Q And finally, were you given any direction prior to
5 coming here today to determine whether or not any particular
6 applicants were on any of the four, five, or six lists?

7 A I don't have any clue of any of the applicants.

8 Q And so as a result, you cannot tell the Court today
9 whether or not Frank Hawkins was on the list?

10 A That is correct.

11 MR. PARKER: No further questions, Your Honor.

12 THE COURT: Any of my other -- yes, Mr. Cristalli.

13 MR. CRISTALLI: Thank you, Your Honor.

14 (Pause in the proceedings)

15 MR. CRISTALLI: Your Honor, the State has agreed to
16 stipulate to Plaintiffs' 135.

17 THE COURT: 135?

18 MR. CRISTALLI: Yes, Your Honor.

19 THE COURT: Be admitted.

20 (Plaintiffs' Exhibit 135 admitted)

21 CROSS-EXAMINATION

22 BY MR. CRISTALLI:

23 Q Mr. Davidson, can you pull -- or do you have
24 Exhibit 135 in front of you?

25 A I believe so. It's on the screen.

1 Q You can see it on the screen. And specifically --
2 THE COURT: How many pages is 135?
3 MR. CRISTALLI: It goes from DOT044539 to DOT044551.
4 THE COURT: Sir, in case you'd like to look at a
5 hard copy, the clerk has handed it to me to hand to you.
6 Please don't remove the sticky.
7 THE WITNESS: Right.
8 MR. CRISTALLI: Specifically, if we could turn to,
9 Shane, DOT044546.
10 BY MR. CRISTALLI:
11 Q And let me know when you get there, Mr. Davidson.
12 A I'm there.
13 Q Okay. And about a quarter of the way down the page
14 it has an email, chad@pisoslv.com. Do you see that?
15 A Yes.
16 Q Okay. And next to chad@pisoslv.com the next line
17 appears that you could have an identifiable name, but in that
18 line item it says, "No name available." Correct?
19 A Correct.
20 Q Okay. And then going forward to the date, it
21 appears it says April 10th, 2018. Correct?
22 A Correct.
23 Q Okay. Obviously April 10th, 2018, is prior to the
24 July 31st, 2018, notification; correct?
25 A Correct.

1 Q Okay. Now if we can go to DOT044550, the third
2 entry down. Do you have that?

3 A Yes.

4 Q And you see it says chadc@pisoslv.com. Correct?

5 A Correct.

6 Q And it has an identified person as Chad Christensen;
7 correct?

8 A Correct.

9 Q That would be a point of contact, I would assume;
10 right?

11 A I would assume so, but I don't know who entered the
12 information, so I have no idea. You could put any name you
13 want into the name category, and it would have no effect on
14 the email.

15 Q And that's January 30th, 2019; correct?

16 A Correct.

17 Q And that is after the July 31st, 2018, notification;
18 correct?

19 A Correct.

20 Q And that email address is different than the
21 previous email address that we just identified as
22 chad@pisoslv.com; correct?

23 A Correct.

24 Q Okay. And there's nothing in that first entry that
25 we looked at to indicate whether or not that particular email

1 was read and received or received and read; correct?

2 A That is correct.

3 Q And there's nothing in that entry that indicates
4 whether or not there was a bounceback on that particular email
5 in the document that you reviewed?

6 A That is correct. There is no bounceback listed in
7 the report, but the name is still on the list. So it's
8 assumed that the email didn't bounce, because otherwise the
9 name would have automatically been removed from the list.

10 Q And if Mr. Christensen wasn't receiving emails at
11 chad@pisoslv.com, but rather at chadc@pisoslasvegas.com, then
12 he in all likelihood would not have received that first email;
13 correct?

14 MR. KOCH: Objection. Speculation.

15 THE COURT: Overruled.

16 BY MR. CRISTALLI:

17 Q If he was not receiving emails at --

18 A Yeah, if he was not receiving it as Chad, then that
19 is correct.

20 Q Would you be able to go back and verify whether or
21 not that particular email received notification of July 31st,
22 2018, notification and whether or not there was a received and
23 read response to that?

24 A The Listserv does not track that information.

25 Q Can we go to State's 2022, I think you have in front

1 of you, as well.

2 A Got it.

3 Q And the second page of State's 2022, specifically
4 DOT044722, that is the official announcement that was dated
5 July 31st, 2018; correct?

6 A Correct.

7 Q Okay. And then there was an application attached to
8 that; right?

9 A Correct.

10 Q Okay. Mr. Davidson, were you responsible for
11 uploading the application for the 2018 recreational marijuana
12 licenses on the Department of Taxation Website?

13 A No, I was not.

14 Q Do you know who was responsible for that?

15 A No, I do not.

16 Q Do you know that there was -- do you know whether or
17 not -- after this official announcement whether or not there
18 was a change to the application that was on the Department of
19 Taxation Marijuana Division Website that would have included
20 the application with the changes as it relates to this
21 particular announcement?

22 A I would not know that.

23 Q And you don't know whether or not that particular --
24 the particular application that was attached to this
25 notification was uploaded to the Department of Taxation

1 Marijuana Division Website prior to the application period?

2 A I would not know that. I have no knowledge of the
3 Taxation's Website and how it's run or maintained.

4 MR. CRISTALLI: No further questions, Your Honor.

5 THE COURT: Any of -- Mr. Fetaz.

6 MR. FETAZ: Just one quick.

7 CROSS-EXAMINATION

8 BY MR. FETAZ:

9 Q Mr. Davidson, what does the IT Department do when an
10 error is indicated when someone is trying to subscribe?

11 A The error would go to the owners unless they have --
12 unless it's enough of an error that they forgot to tell the
13 Listserv which list they were trying to subscribe to. You can
14 subscribe to the Listserv via email; and if you do so, you
15 need to send it to that list, then you'll be added to the
16 list. But if they sent it to just the Listserv itself, that
17 would be an error, because they did not specify the list.

18 Q And do you know when the owner would receive that if
19 there's a certain protocol that the owner would follow in
20 attempting to cure that error?

21 A It varies upon the list. The error would bounce --
22 well, if it's to the list itself and there was a problem, it
23 would bounce to the owner of the list. If the person
24 subscribing tried to subscribe to a nonexistent list or they
25 misspelled it, then that error would come to my attention.

1 And I very seldom get any of those.

2 Q Understood. I don't know if this obvious question
3 has been asked, but turning to Exhibit 135, in the fifth
4 column there there are the subscription dates. So it can be
5 assumed that if anyone has subscribed after the July 30, 2018,
6 date, which was the date Exhibit 2022 was sent, they wouldn't
7 have received that email?

8 MR. KOCH: Objection. Speculation.

9 THE COURT: Overruled.

10 THE WITNESS: If they subscribed after that email
11 was sent out, they would not have received that email. They
12 would have to log into the Listserv and then go into the
13 archive to find it. Anyone who is a subscriber to a specific
14 list is allowed to review the archives of that list.

15 BY MR. FETAZ:

16 Q And how would one review those archives?

17 A Just log into the Listserv.

18 Q Turning to Exhibit 135 again at DOT044550. And
19 you'll see an email address near the middle top of the list
20 there, dave@nevcann.com. A little bit farther down.

21 A Okay.

22 Q Can you go all the way across. You'll see that
23 their subscription date was the 30th of January 2019. Do you
24 see that?

25 A I see that.

1 Q And I'll represent to you that NEVCANN is a
2 plaintiff in this lawsuit, and if this is the subscription
3 date for dave@nevcann, it's your understanding that he would
4 not have received the July 30, 2018, email?

5 MR. KOCH: Objection. Speculation.

6 THE COURT: Overruled.

7 THE WITNESS: This particular email address would
8 not have received it.

9 MR. FETAZ: Thank you.

10 THE COURT: Any more questions, Mr. Fetaz?

11 Mr. Shevorski.

12 MR. SHEVORSKI: Not from the State, Your Honor.

13 THE COURT: Mr. Koch.

14 DIRECT EXAMINATION

15 BY MR. KOCH:

16 Q While we're on that subject, that individual at --
17 that person at NEVCANN, the fifth column listed a subscription
18 date in January of '19. What if that person were on the list,
19 maybe they subscribed in 2016, took their name off the list,
20 then added back on in 2019? What would be the indication
21 that subscription --

22 A It would be the latest date when they signed up.
23 They would not --

24 Q Would it be possible that someone would be on the
25 list, take themselves off the list, put themselves on, and

1 there's only one date listed?

2 A That is correct.

3 Q Possible that they were on the list in 2018?

4 A That is always possible.

5 Q Okay. Generally you said that the State has how
6 many Listservs that it uses?

7 A Over 500.

8 THE COURT: The State or the marijuana group?

9 BY MR. KOCH:

10 Q The State.

11 A The State itself has over 500 lists.

12 Q That's a pretty standard way for State agencies to
13 communicate; is that right?

14 A Correct.

15 Q Do you believe that using Listservs is an efficient
16 way for state agencies to communicate with a large group of
17 people?

18 A It has been so far.

19 Q Is it more efficient, in your opinion, than sending
20 out individual emails to people wherever they may be on a
21 manual list?

22 A Very much more efficient.

23 Q So it's a fairly standard way of communicating; is
24 that right?

25 A Correct.

1 Q Do you think it's a reasonable way of communicating
2 with a large group of people?

3 MR. CRISTALLI: Objection. Calls for speculation.

4 THE COURT: Overruled. You can answer.

5 THE WITNESS: Yes, it is a reasonable and
6 inexpensive method.

7 BY MR. KOCH:

8 Q In your opinion or your experience would it be a
9 better way to communicate than say putting a notice in a
10 newspaper, perhaps, of information that wants to get out
11 there?

12 A For those people who are interested in a specific
13 topic it is. That's where this particular product excels, is
14 in focusing on specific topics.

15 Q All right. The subscription date that's listed
16 there, that subscription, is that -- an individual has to list
17 themselves to be able to be subscribed; is that right?

18 A Or they can be added to the list through the owner.
19 The owner can do a bulk insert or a single insert as they so
20 desire.

21 Q Do you have any knowledge as far as who was required
22 to be listed on the marijuana Listservs that we've been
23 talking about for a particular applicant or establishment?

24 A I do not know that information.

25 Q And you don't know whether one or more individuals

1 would be required to be listed for that applicant; is that
2 right?

3 A I wouldn't know.

4 Q And do you know if the State would go out and
5 affirmatively seek out individuals and ask them to be added to
6 the Listserv in order to receive information?

7 A My department would not.

8 Q Okay. And so it would be up to that applicant or
9 the officers or owners of that applicant or establishment to
10 put themselves on; is that right?

11 A That is correct.

12 Q And I want to clarify the questions that you were
13 just asked. It sounded like, from what you said, if someone
14 was not on the list in June or July of 2018, but then they
15 added themselves let's say in August of 2018, they could then
16 go back and search and find everything that was sent out from
17 that Listserv prior to their subscription; is that right?

18 A Yes. The archives contain everything from that list
19 from when it was conceived in 2014.

20 MR. KOCH: All right. Thank you.

21 THE COURT: Anyone further? Mr. Kemp.

22 RE CROSS EXAMINATION

23 BY MR. KEMP:

24 Q Mr. Koch asked you if it would be reasonable to use
25 the email. Do you remember those questions?

1 A I'm sorry?

2 Q It would be reasonable to notify people by using the
3 email to the Listserv. Do you remember his questions that he
4 read?

5 A Yes.

6 Q Okay. In this case the official announcement that
7 originally came out was posted. Do you understand that one
8 way or the other? It wasn't email. There was a post.

9 A Okay.

10 Q Okay. Do you think it would be more reasonable to
11 both post it and to email it to the Listserv? If you gave the
12 original notice by posting, should you not continue that
13 mechanism?

14 A In my opinion, the more methodologies that you would
15 use the more likely you would be to reach your recipient or
16 your audience.

17 Q The more types of notice --

18 A But that is just -- I'm not a marketing person, so I
19 don't really --

20 Q So the more types of notice the better?

21 A That would be my opinion.

22 Q And that would also apply, I think we've already
23 covered, you could send it to all six of the marijuana
24 Listservs not just the one. That would have been more
25 reasonable or reasonable --

1 A You could cover more -- if the other lists had
2 different people, you would end up covering a larger amount of
3 recipients.

4 Q It's just a push the button for the State's point of
5 view; right?

6 A Kind of, yeah. You'd just send an email to it.

7 Q It doesn't cost any more?

8 A No, it does not.

9 Q Okay. In some of the questions you were focusing on
10 the attachment, and I think you said that they should have
11 used the attachment that was sent out by the email, as opposed
12 to something that was on the Website. Do you recall that
13 testimony?

14 A No.

15 Q Okay. Well, if you take a look at 2022 -- you have
16 it there --

17 A Okay.

18 Q -- doesn't the official announcement specifically
19 say that they should go to the State's Website and download
20 the latest version of this submission? That's what it says.
21 It doesn't say, use the one that's attached. It says, go to
22 the Website and download the latest version.

23 MR. KOCH: Objection. Document speaks for itself,
24 and personal knowledge.

25 THE COURT: Overruled. You can answer.

1 BY MR. KEMP:

2 Q Right?

3 A Okay. It does say that in the email.

4 Q Okay. And if the State Website -- in fact, until
5 this hearing started the State Website had the old version.
6 Whose responsibility is that to ensure that the State Website
7 had the latest version, this July 30th or 31st version?

8 A That would depend on which particular page on the
9 Website it is and who maintains that particular page. EITS
10 might be housing it, but we don't actually maintain the
11 content. That's handled by the individuals.

12 Q So assuming for the sake of argument that the State
13 kept the old application on the Website and the official
14 announcement that was emailed to some but not all people on
15 July 30th, 2016, said to download the one on the Website, can
16 you see how people would potentially be confused as to which
17 was the appropriate attachment to use?

18 MR. SHEVORSKI: Objection. Speculation.

19 THE COURT: Overruled.

20 THE WITNESS: I can see where people could be
21 confused on almost anything, actually.

22 BY MR. KEMP:

23 Q Well, they would be confused by virtue of the fact
24 that the State didn't update the application on the Website.
25 That's not their fault, is it? That's not the applicant's

1 fault, is it?

2 MR. KOCH: Objection. Argumentative.

3 THE COURT: Overruled.

4 BY MR. KEMP:

5 Q If the State tells you to download an application in
6 an email and then that application it says to download is not
7 the one -- the new one it just emailed out, that's not the
8 applicant's fault, is it?

9 A I would assume not.

10 Q Okay. It's the State's fault, isn't it?

11 MR. KOCH: Objection. Argumentative.

12 THE COURT: Overruled.

13 THE WITNESS: I would assume so.

14 MR. KEMP: Okay. Thank you.

15 THE COURT: Anybody else? Mr. Cristalli.

16 MR. CRISTALLI: Just a quick followup, Your Honor.

17 RECROSS-EXAMINATION

18 BY MR. CRISTALLI:

19 Q Mr. Davidson, with regard to Plaintiffs' Exhibit
20 135, you don't know whether or not -- I can ask you -- you
21 don't need to have it in front of you -- you don't know
22 whether or not that that particular list on that Listserv is
23 accurate, do you?

24 A I do not.

25 Q In fact, we've identified at least one entry where

1 it said Chad versus Chad C, and that appears to be different
2 emails; correct?

3 A Correct.

4 Q No way to verify whether or not Chad actually
5 received that particular email correspondence; correct?

6 A There is no way to verify whether or not he received
7 the email. The Chad email, however, is valid. Whether it's
8 his email or someone else's I do not know.

9 Q And this particular Listserv goes back to 2014;
10 correct?

11 A Correct.

12 Q The application for -- well, the notification for
13 the 2018 application that came out was July 30 or 31st of
14 2018; correct?

15 A Correct.

16 Q The State has notification as to who the applicants
17 would be with regard to the 2018 application process, would
18 they not?

19 MR. SHEVORSKI: Objection. Speculation.

20 THE WITNESS: That's not my --

21 THE COURT: Sustained. Can you rephrase the
22 question.

23 THE WITNESS: -- department. It would be --
24 Taxation would know that, I assume, or whoever was in charge
25 of the list.

1 THE COURT: Was that the first one?
2 MR. SHEVORSKI: That was the first one, Your Honor.
3 MR. CRISTALLI: No further questions, Your Honor.
4 THE COURT: Anyone else?
5 All right. Thank you, sir. I appreciate your time.
6 Have a very nice day. Can you hand me back the one document
7 that has the sticky on it.
8 THE WITNESS: Let me find it. Okay. Here it is.
9 THE COURT: Thank you.
10 THE WITNESS: Thank you.
11 THE COURT: Dulce, here's yours.
12 Next witness.
13 MR. SHEVORSKI: Thank you, Your Honor. The State
14 calls Ms. Kara Cronkhite.
15 THE COURT: Ms. Cronkhite, if you'll come forward,
16 please.
17 KARALIN CRONKHITE, DEFENDANT STATE'S WITNESS, SWORN
18 THE CLERK: Please be seated. Please state and
19 spell your name for the record.
20 THE WITNESS: Karalin Cronkhite, K-A-R-A-L-I-N
21 C-R-O-N-K-H-I-T-E.
22 THE COURT: And, ma'am, there's water in the pitcher
23 next to you, there are M&M's in the dispenser behind you, and
24 there are a ton of exhibits counsel may ask you to look at.
25 THE WITNESS: Thanks, Your Honor.

1 THE COURT: All right. You may proceed, Mr.
2 Shevorski.

3 MR. SHEVORSKI: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. SHEVORSKI:

6 Q Good afternoon, Ms. Cronkhite. Thank you for being
7 here. I'm with the Attorney General's Office. I'm going to
8 try to get you out of here today. I can't make any promises,
9 though.

10 Can you tell us a little bit about your background
11 starting with your education.

12 A Yeah. I have a Bachelor's degree in food science
13 and nutrition from California Polytechnic State University in
14 San Luis Obispo, California. And I have a Master's degree in
15 public health with a concentration in epidemiology and
16 biostatistics from UNLV. I am a registered Environmental
17 Health Specialist with the National Environmental Health
18 Association.

19 Q The MPH, what does that mean? What are your -- the
20 specialty that you received your MPH in, epidemiology, what is
21 that?

22 A Epidemiology, I like to tell people to think of the
23 word "epidemic," like disease outbreaks. It's a scientific-
24 based study where you look at parasites, bacteria, fungi, you
25 know, any pathogens, chronic diseases, as well, like diabetes,

1 and you look at how they affect populations, how they spread,
2 things like that.

3 Q And the other thing you mentioned started with an S.
4 What was that, statistics?

5 A Biostatistics.

6 Q Biostatistics. What is that?

7 A It's definitely not my passion. It's the study of
8 -- the statistics of basically like diseases is really where
9 my focus was. So if there was -- you would look at certain
10 populations and how that disease affects that population and
11 the statistics associated with that disease in that area
12 really.

13 Q Okay. And any further education besides the BS the
14 MPH? And I think you also mentioned you had a certificate?

15 A Yeah, my REHS, Registered Environmental Health
16 Specialist, and I have several others. I'm a certified
17 professional in food safety with the National Environmental
18 Health Association. I'm a certified proctor for ServSafe to
19 certify people as food protection managers, and a few other
20 similar ones. I think I'm even a certified pool operator,
21 because I inspected pools at one point.

22 Q Swimming pools?

23 A Yeah. There's been a few.

24 Q Very good. And how do you obtain those certificates
25 as --

1 A For the registered environmental health specialist,
2 for example, that's the most difficult one, you have to have a
3 Bachelor's degree or equivalent in a scientific field and two
4 years of work experience in environmental or public health
5 just to be considered eligible to sit for the exam. And then
6 you have to pass the exam. I think the passing score is over
7 70 or something like that.

8 Q Okay. And are there classes you have to take to
9 obtain that certificate, or is it an exam?

10 A It's an exam.

11 Q Okay.

12 A There are classes offered. You're not required.
13 But it's an exam, but you have to have that Bachelor's degree
14 education to be eligible to register for the exam.

15 Q And you passed that exam?

16 A Yes.

17 Q Okay. And when did you obtain that certificate?

18 A That was probably around 2011, I would say. And
19 then I have to take continuing education courses to maintain
20 it. So we call them CEUs. They're credits you have to
21 maintain. I think it's 24 credits -- 24 hours of learning
22 every two years to maintain that certification.

23 Q And what were the other certificates?

24 A Certified Professional in Food Safety. That's also
25 through the National Environmental Health Association.

1 Q And how do you obtain that one?

2 A That's an exam that you have to take. I don't

3 remember the prerequisites for sitting for the exam.

4 Q Did you pass that exam?

5 A I did.

6 Q Okay. All right. What other certificates do you

7 hold?

8 A I'm a Certified Proctor for ServSafe, which is a

9 certification program to get people certified as food

10 protection managers.

11 Q Is that an exam, or how do you obtain that

12 certificate?

13 A That is an exam.

14 Q Okay. Did you pass that exam?

15 A Yes.

16 Q Any other certificates?

17 A Nothing coming to mind. I know there's more, but --

18 Q Other than the pool?

19 A Yeah.

20 Q Now. let's talk a little bit about your work

21 experience. Did you work at a place called the Ecolab?

22 A Yes.

23 Q And what is that?

24 A Ecolab is a huge company worldwide. They do a lot

25 of things, but the division I worked for was an Ecolab with

1 the Chemicals Division. I was a food safety sanitarian where
2 I conducted third-party food safety audits for grocery
3 accounts throughout Southern Nevada and Southern Utah and
4 across the country as needed.

5 Q And did you have a title for that job?

6 A Yes. I was a Food Safety Sanatarian.

7 Q And how long did you work there?

8 A Probably about 18 months, a year and a half.

9 Q Also worked at the Mirage?

10 A Yes. At the Mirage I was the food safety manager --
11 food safety and sanitation manager, sorry.

12 Q And what were your duties, if any, at the Mirage?

13 A My role was -- I was responsible for all of the food
14 and beverage outlets inside of the Mirage. I had to make sure
15 that they maintained the standard from the local Health
16 Department, the FDA, USDA, OSHA. I also applied for permits
17 with the Southern Nevada Health District, whether it was for a
18 temporary event or we were doing a facility modification or
19 providing plans to them, any applications, I was in charge of
20 those, as well. And I accompanied the health inspector
21 anytime they were on property.

22 Q And how long approximately did you work for the
23 Mirage?

24 A I think it was just under two years. Maybe about a
25 year and a half, two years.

1 Q Then did you go on to work for the Southern Nevada
2 Health Service?

3 A Yeah, I was with the Southern Nevada Health
4 District. There I was an Environmental Health Specialist II.

5 Q And what duties, if any, did you have for the
6 Southern Nevada Health Service?

7 A I conducted health inspections for mostly food
8 establishments. That'd be anything from processing centers,
9 bakeries, warehouses, festivals, anything that makes and/or
10 sells food or beverages. There was a short period of time
11 where I inspected pools, which is why I have the one
12 certificate.

13 Q And what goes into an inspection that you d -- you'd
14 go out to a facility and what do you do?

15 A I mean, it's a lot, but if I -- just to summarize
16 briefly, you go in and you make sure that all of their
17 practices, the way that they're storing products, preparing,
18 handling, receiving products is in a manner that's going to
19 protect public health and not pose any, you know, unnecessary
20 risks to the public. Mitigating any risks of becoming ill
21 from consuming those products.

22 Q Okay. Did you eventually go to work for the State
23 of Nevada in terms of the Department of Public Health?

24 A Yes. I went to the Department of Public and
25 Behavioral Health, and at that time we were the medical

1 marijuana program.

2 Q Do you know approximately what year you started?

3 A I started in 2015.

4 Q And when you started in 2015 what title did you
5 have?

6 A Medical Marijuana Program Supervisor.

7 Q Okay. And what duties, if any, did you have with
8 respect to that title?

9 A I was responsible for supervising all of the
10 marijuana inspectors, the marijuana auditors, a few
11 administrative staff, and writing policies, like internal
12 policies for staff and also policies and procedures for
13 industry to follow, as well. I assisted with any revision of
14 the regulations and the decision-making processes with
15 management.

16 Q Okay. And that was in 2015?

17 A Yeah.

18 Q Okay. And you mentioned inspectors. Who are the
19 inspectors?

20 A The marijuana inspectors go out and conduct what I
21 would compare to a health inspection, but for a marijuana
22 facility. They inspect the cultivators that grow the
23 marijuana, the producers that extract the marijuana and turn
24 it into different products such as edibles or vape pens, the
25 dispensaries that sell the marijuana, and also the

1 laboratories that test the marijuana.

2 Q Any other people that you supervised?

3 A At that time, no.

4 Q Okay. In 2016 did you still work for the Department
5 of Public Health?

6 A Yeah.

7 Q Okay. And eventually -- are you aware of an
8 initiative that the voters approved in 2016 commonly called
9 Question 2?

10 A Yeah. Ballot Question 2 initiative.

11 Q Ballot Question 2?

12 A Uh-huh.

13 Q Did you eventually move over to the Department of
14 Taxation --

15 A Yes.

16 Q -- sometime after Ballot Question 2 was approved by
17 the voters?

18 A Yeah. After the initiative passed, everyone from
19 the medical marijuana program moved over to the Department of
20 Taxation Marijuana Enforcement Division.

21 Q Okay. What duties, if any, did you have upon
22 arriving with the Department of Taxation?

23 A My duties remained mostly the same. However, we
24 grew at that time, so we had a lot more staff. So I
25 transitioned out of supervising the auditors. That became the

1 role of the Chief Compliance Audit Investigator, and so I
2 assisted him with the supervision of the auditors until he
3 became comfortable in that role.

4 Q What is an auditor in the context we're talking
5 about here?

6 A So an auditor accompanies the inspectors when they
7 go out on their visits, we call them routine inspections of
8 the facilities. The auditors are looking more at inventory
9 control, facility security, building safety, things like that,
10 not the public health side, but the security of the product
11 and the security of the building.

12 Q And you were supervising them?

13 A I was.

14 Q Okay. And how long did that go on?

15 A That I supervised them?

16 Q Yes, ma'am.

17 A From 2015 until we started phasing that out in late
18 2017. And then Damon Hernandez started taking over that role.

19 Q Okay. And do you have a brother?

20 A I do have a brother.

21 Q Does he work in the marijuana industry?

22 A Yes, he does.

23 Q Okay. Do you know what company he worked for -- has
24 he worked for multiple companies or just one?

25 A Just one. However, they've had several changes in

1 ownership and names. It's currently titled Exhale.

2 Q Did Exhale apply for a retail marijuana license in
3 2018?

4 A Yes, they did.

5 Q Did they succeed?

6 A No, they did not.

7 Q Okay. Did your brother ever contact you about the
8 application process?

9 A No, he did not.

10 Q Okay. Were you aware that there was a Governor's
11 Task Force with respect to Question 2?

12 A Yes.

13 Q And we're still talking about the Question 2 in the
14 context of the 2016 election cycle. Is that fair?

15 A Yeah.

16 Q Did you work on the Governor's Task Force?

17 A Yes. I was assigned to the retail operations
18 working group.

19 Q And what did the retail operations group -- working
20 group do?

21 A We came up with recommendations for the retail
22 stores for the regulations. So we talked about advertising,
23 labeling, receiving product, delivery, all sorts of things,
24 anything that a retail store might do.

25 Q And you talked about them. Did you come up with any

1 recommendations that you can recall?

2 A We did come up with several recommendations. I
3 don't remember specifically what they were, several regarding
4 warning labels, several with advertising. I don't remember
5 off the top of my head. I know there were some with delivery,
6 as well.

7 Q Delivery of marijuana?

8 A Correct.

9 Q And how long, if at all, did you work on the
10 Governor's Task Force?

11 A I believe we stated meeting in March of 2017, and we
12 met for 10 weeks. So I believe they were 10 consecutive
13 weeks, but I'm not positive.

14 Q Any of those weeks that you missed or sick or went
15 on vacation?

16 A There was one where I was on vacation, but I called
17 in anyway. So I don't believe I missed any, but it's
18 possible.

19 Q Okay.

20 A And then I did sit in on other meetings just to
21 listen for other working groups, but I wasn't involved in the
22 processes.

23 Q Were you involved at all in the training of --
24 strike that. Have you ever heard of a name Manpower --

25 A Yeah.

1 Q -- in the context of retail marijuana?

2 A Yeah.

3 Q Okay. And were you involved at all in the hiring of
4 any person from Manpower in the context of scoring retail
5 marijuana applications?

6 A No.

7 Q Okay. Were you involved in the training of any
8 person who eventually was hired from Manpower?

9 A Yes.

10 Q Okay. Did you share those training duties with
11 anyone, or were you working by yourself?

12 A Yes. I shared the training duties with David
13 Witkowski as part of the non-ID section.

14 Q When you say non-ID what do you mean by that?

15 A That was the part of the application that was non-
16 identified, where the scorer is not aware of who they're
17 scoring. They don't have any names of owners, the facility
18 name, any identifying information whatsoever.

19 Q Did you provide any training with respect to the
20 adequacies of the size of the proposed marijuana
21 establishment?

22 A Yes, I did.

23 Q And what training did you provide?

24 A I basically went through the application form, the
25 evaluator guidelines and old applications as examples, went

1 through them line by line explaining to the scorers what they
2 should be looking for, where they might find that information,
3 why it's important, and examples of poor, you know, responses.
4 They might see average responses, they might see excellent
5 responses or they should expect to see, and what would be
6 ideal versus what would be just considered adequate.

7 Q And in using those examples can you describe, if you
8 recall, what you tried to describe as or trained on what an
9 excellent response would be.

10 A Yes. It was different for every category, but if
11 the category was zero to 10 points an excellent response would
12 fall into the 8- to 10-point range. Adequate I think was the
13 middle one, which was the average that was 4 to 7, and
14 inadequate would be zero to 3.

15 Q Okay. Did you train Manpower personnel to be
16 looking for any particular materials that the applicant may
17 submit with respect to that category we're talking right now,
18 the adequacy of the size?

19 A Yes. They are all trained to look at the entire
20 non-ID portion of the application for every single section no
21 matter what. Just because it says it's supposed to be in
22 Tab 3 or Tab 7, wherever, doesn't necessarily mean that's
23 where they'll find that information. So I was very clear that
24 even if they added at the very end of the application where it
25 shouldn't have been, to still consider that they may have to

1 revise their score or go back and look for other things. They
2 were to look at the floor plan, which is the aerial view, the
3 layout of the equipment, very heavy focus on the flow of the
4 consumers that are coming in the store, the staff that's
5 walking through the store and the flow of the product, as
6 well, to ensure that, you know, you don't have -- for example,
7 you don't want a consumer going to use the restroom in the
8 back of the store down by the receiving area, something like
9 that. You'd want to make sure that the flow makes sense for
10 the operation. We'd look at -- I told them how to look for
11 hand-washing sinks, where they should be located ideally,
12 single entrance, cameras, security cameras not only inside but
13 also the perimeter, lighting, plumbing. So not just the floor
14 plan, but the building plan in itself as a whole, any
15 documents that were provided.

16 They might have provided finish schedules, which
17 would say the material of the floor, as well as ceilings,
18 plumbing to make sure sewage lines aren't going over where
19 product's stored, things like that. There is a lot of
20 information that went into that section, and the timeline --
21 the proposed timeline to complete that, as well as resources
22 that would be required to meet that timeline.

23 Q If the building was already built, there wouldn't
24 necessarily be a timeline; correct?

25 A Not necessarily. I would say it depends. Because

1 it depends on if they're going to make modifications to that
2 facility.

3 Q Okay. Did you train Manpower personnel how to
4 evaluate a building that is already built for adequacy?

5 A Yes. So the difference for that would be where you
6 have a building that's not already built you need to look at
7 did they consider pouring the concrete, do they have power, do
8 they have water to the building, are they, you know, building
9 from nothing, or do they have a skeleton that -- you know, or
10 foundation to pour, things like that. With an existing
11 building you don't need quite as much detail in that aspect,
12 because you would think it already possibly has those things.
13 However, you would still want to know that the power's still
14 functioning, they don't have to wait to have it turned back
15 on. You'd still want to know that they still have water to
16 the building, that they're not going to be tearing down walls
17 to facilitate better flow. There's a lot of information
18 that's still goes into it. Any improvement, modification, if,
19 you know, those are the things that they would still be
20 looking for in an existing building.

21 Q Okay. And if a building is in existence and has not
22 been shut down by the health inspector, does that mean that
23 it's an excellent building?

24 A Are you referring to a building that's operational
25 as a marijuana facility?

1 Q Correct.

2 A Can you restate the question again.

3 Q Certainly. A building that's in operation as a
4 marijuana facility and hasn't been shut down, it's in
5 compliance with the regulations, does that necessarily mean
6 that it's an excellent building or entitled to an excellent
7 score?

8 A No. I could actually say there's a lot of current
9 buildings that are not in my opinion excellent. However --
10 no. Just because a building is compliant with the
11 regulations, that just means they're meeting the minimum
12 standards. That doesn't mean that they're excellent above and
13 beyond our ideal facility, couldn't score better. It just
14 means that they're meeting the bare minimum requirements.

15 Q Did you provide training with respect to care,
16 quality, and safekeeping?

17 A Yes.

18 Q What training, if any, did you provide?

19 A The same as the other section, going through line by
20 line with the evaluator guidelines telling them what they
21 mean, what to look for, what's important, good and bad
22 examples that I've been familiar with, things like that.

23 Q Okay. What training, if any, did you provide with
24 respect to testing?

25 A For laboratory testing, that section, it was -- I

1 believe that section involved what the products get tested
2 for, what products get tested, you know, if there -- I told
3 them to keep an eye out for if they're only mentioning batches
4 or lots and they're never mentioning productions runs being
5 tested. The responsibility of product being sold is on the
6 dispensary, on the retail store, that even though the
7 facilities they receive it from need to be the ones testing
8 it, they're responsible for ensuring that has been tested
9 prior to sale and receipt, handling of the product, storage of
10 the product. I'm trying to remember off the top of my head
11 what else was in that section, but it was a very detailed
12 section about when and how to test the product and how to
13 store it in a facility to prevent any additional
14 contamination.

15 Q What training, if any, did you provide with respect
16 to the transportation plan?

17 A For the transportation plan section same thing. I
18 went through it line by line. But it was really we're looking
19 to make sure that they have existing procedures in place,
20 existing policies in place, not we will plan to do this, we
21 will do this. It's what are you doing. So you can't have --
22 you know, no unmarked -- or no marked vehicles. It has to be
23 non-identifiable as a marijuana delivery vehicle. They have
24 to have a means of communication. I told them to keep an eye
25 out for things like, we will have a means of communication.

1 Okay, well, we're asking for your plan, what means of
2 communication are you providing is the type of stuff I told
3 them to look out for. A plan for receipt, a plan for, you
4 know, how many drivers are in the car, if there's theft or an
5 accident how they're going to report that incident to law
6 enforcement and the Department. I'm sure there was other
7 information in that section.

8 Q That's your best testimony as you sit here today?

9 A Yeah.

10 Q Okay. What training, if any, did you provide with
11 respect to building security?

12 A Building security was about the security of the
13 physical structure itself. So we have guidelines in our
14 regulations for bare minimum requirements, 19-inch monitor for
15 example, an alarm, backup battery in case the power goes out,
16 things like that. So in the application they needed to at
17 least meet the bare minimum requirements, but I told them to
18 keep an eye out for people going above and beyond, that would
19 be more ideal. The minimum requirement for battery backup
20 would be five minutes, that's bare minimum, maybe average.
21 But if someone responds that they do 10 minutes, 30 minutes,
22 3 hours, 8 hours, we've seen a lot, that would be going above
23 and beyond. Also armed guards, mantraps, things like that,
24 those would be ideal, not necessarily required, but ideal.

25 Q What's a mantrap?

1 A A mantrap is where when you walk in the front door
2 or through the front door but into the secondary area there's
3 a spot where the door you just entered through locks, and this
4 door won't open until that one's shut and someone opens it for
5 you. So you're trapped in that area until you're physically
6 permitted to pass through. It's just an added level of
7 security so that you don't get, you know, 10 people running
8 through the door and robbing you.

9 Q That's basically for what I want to know, because
10 I'd never heard of it before. Have you ever heard the phrase
11 "product security"?

12 A Product security?

13 Q Product security, yes.

14 A Uh-huh.

15 Q And what is that?

16 A Product security is security of the physical
17 inventory that's onsite. So that would be these of metric,
18 for example, having an inventory control system that would
19 track your product from seed to sale and just knowing where
20 your product is physically at all times. If it's stored
21 behind lockable counters, we require that the locks be at
22 least meeting UL standards, University Laboratory standards,
23 and the flow of product. So another thing to consider in that
24 section is where they're storing the product during business
25 hours, if they're keeping it all in their vault at all times.

1 What tends to happen is people are constantly going in and out
2 of the vaults, and it creates a security risk. If they're --
3 you know, if you have a bank teller situation where it's glass
4 and they have a pass-through window that, would be better
5 than, you know, the swinging door where they can just jump
6 over the counter. So there's acceptable, and there's ideal,
7 and so I went over with them examples of what they might see
8 in the applications.

9 Q And that was the training you provided to the
10 Manpower personnel?

11 A Yeah.

12 Q Okay. What about inventory control? Did you
13 provide any training with respect to inventory control?

14 A Yes. So inventory control section in the
15 application was about their physical system that they have, a
16 software system that can account for the inventory. Some
17 facilities just use metric and manual, enter manually. Some
18 facilities have a POS system that has an interface with
19 metric.

20 Q And what does POS mean?

21 A Point of sale. I had to think about that. Point of
22 sale system. So usually a lot of them will interface. I let
23 the scorers know that there are a lot of common companies for
24 those systems they might see. We don't have a preference one
25 over the other, but just to be familiar with words they might

1 see. But we wanted their actual plan, how to use it, not
2 just, we use metric.

3 Q Okay. And how does that fit in with operating
4 procedures for electronic verification?

5 A So electronic verification is the age verification
6 device. So in that I talked to the scorers about how every
7 retail store has to have an age verification device, some sort
8 of scanning device that would scan a government-issued valid
9 ID to verify that the individual's over 21 years of age and
10 eligible to purchase marijuana in the State. So, you know,
11 I'd let them know like, we'll get a scanner, is a poor
12 response. This is the scanner we will be using, this is how
13 it works, and here's our policy for our staff to reference
14 when scanning an ID, that would be more ideal.

15 Q Did you provide any training with respect to
16 proposed impact on the community?

17 A Yes.

18 Q And what training, if any, did you provide?

19 A The community impact entailed a lot of different
20 information. It not only covered the benefits to the
21 community, but also mitigating nuisances, potential negative
22 impacts to the community. So, you know, if they say they'll
23 let staff volunteer during working hours at, you know, some
24 wherever that'd be great. If they want to encourage -- I
25 don't know. There are a lot of different things they could

1 have gone with for community impact, shopping local, hiring
2 local. For mitigating nuisance side of things, you know, if
3 they're opening and handling and processing marijuana in any
4 way, repackaging it common in some retail stores, then odor
5 mitigation would be an issue I'd want to see discussed.
6 Security. No matter where they are there's a risk of theft,
7 which we've seen not just employee theft but, you know,
8 outside sources, and so we'd want to see their security plan
9 for boosting security in the neighborhood, not just causing a
10 risk. Yeah. But there were all -- there was a lot of
11 information.

12 I think that section also included providing
13 educational materials to the consumers that were in there
14 purchasing products. So in that we wouldn't want to just see,
15 we will provide educational materials. I would want to see
16 the actual educational materials that they'll be providing.
17 That would be the differentiation between acceptable and
18 ideal. But there was -- there's a lot more information in
19 that section I can't think of right now.

20 Q Some applicants submitted a property address, many
21 did not. How did lack of a property address factor into the
22 training for the community impact?

23 A It was irrelevant. The property address wasn't
24 looked at for that part. I don't know if it was looked at at
25 all actually. So it doesn't really matter where you're

1 located. A good plan is a good plan. So it doesn't really
2 matter to the State what community you're benefiting, what
3 local jurisdiction is getting this benefit, what street corner
4 is getting a benefit from that. What matters to us is that
5 you're making an effort to benefit the community that you're
6 in. If that helps. So it was irrelevant to the scoring
7 process.

8 MR. SHEVORSKI: Pass the witness, Your Honor.

9 THE COURT: Anyone at the defense table who's an
10 intervenor wish to examine Ms. Cronkhite? No?

11 All right. Mr. Kemp, you're up.

12 MR. KEMP: Your Honor, I think Mr. Parker wants to
13 go first.

14 THE COURT: Mr. Parker, you wanted to step ahead of
15 Mr. Kemp?

16 MR. PARKER: I do.

17 THE COURT: All right.

18 MR. PARKER: I would like to.

19 CROSS-EXAMINATION

20 BY MR. PARKER:

21 Q And as I get set up, Ms. Cronkhite, the last thing I
22 think you said was --

23 (Pause in the proceedings)

24 BY MR. PARKER:

25 Q The last thing I believe you said was, it does not

1 matter, the location, it's just what community is going to be
2 benefitted; is that correct?

3 A Correct.

4 Q How do you know what community will be benefitted if
5 you don't know the location?

6 A It doesn't matter.

7 Q Ms. Cronkhite, you're speaking in circles. So let
8 me ask it one more time. You said it only matters as to what
9 community you're benefitting. Would you agree with me that
10 there's more than one community within the Summerlin area?

11 MS. SHELL: Objection. Misstates testimony.

12 THE COURT: Overruled.

13 THE WITNESS: I'll clarify by saying that it doesn't
14 matter which community you're benefitting, it matters that you
15 are benefitting a community within the state of Nevada.

16 BY MR. PARKER:

17 Q Ms. Cronkhite, how familiar are you with the
18 statutes and the Administrative Code that govern this process?

19 A I would say I'm pretty familiar with them.

20 Q Good. Good. That should make it quicker.

21 Ms. Cronkhite, tell me what you understand to be the
22 requirements of the statute pertaining to location.

23 MR. KOCH: Objection. Vague.

24 THE COURT: Overruled.

25 THE WITNESS: There are requirements as to how --

1 the distancing requirements from schools, playgrounds,
2 churches, things like that. Is that what you're referring to
3 BY MR. PARKER:

4 Q I am. I am. And that's under the statute; is that
5 correct?

6 A Correct.

7 Q In fact, I believe it's under NRS 453D.210(d)(1)
8 through (5), just to be more precise. Are you familiar with
9 that?

10 A I'd have to look at it to verify that that's exactly
11 where it is, but I'm familiar with the requirements.

12 THE COURT: You left out a section (5) before D.

13 MR. PARKER: Thank you, Your Honor.

14 BY MR. PARKER:

15 Q So if you don't know the location, how would someone
16 know if it -- if the proposed establishment would actually
17 comply with the statute?

18 A So we're looking at the adequacy of the proposed
19 building in that section. We're not looking at the physical
20 location of it. When a facility applies for their conditional
21 license we're not looking at their physical location at that
22 time. When they start going through the process of becoming
23 operational it would have to get a special land use permit
24 with a land survey, and that would tell us that they are in a
25 compliant zone. And that would be required prior to becoming

1 approved and operational and fully licensed.

2 Q Would you agree with me that the statute does not
3 have that caveat or condition? It doesn't say, we're going to
4 look at this later; it actually says, this is what has to be
5 met.

6 A It says this is what has to be met. But, like I
7 said, we would not approve a facility for a final license
8 unless that information was met.

9 Q All right. So we agree that is not in the statute
10 the way you described it. You're saying there's this two-
11 pronged process here, you give us a building and then later
12 on, after we give you a license, we'll determine if this
13 building will be somewhere that fits the statute. That's what
14 you're telling me?

15 A They're providing floor plans.

16 Q Now, tell me. Do you see anything in this statute
17 that mentions the word "floor plan" at all? Take a look.
18 It's on the screen, it's on your screen. I want to make sure
19 we're clear here. Because I've pored over it, the Court has
20 pored over it. Do you see the word "floor plan" in that
21 section?

22 A No. But the statute does give the department the
23 authority to determine how to license.

24 Q Let me ask it one more time. And I'm going to ask
25 you to stick to the question. Do you see the word "floor

1 plan" in the statute?

2 THE COURT: Ma'am, because he's only given you one
3 section of the statute, I have handed you my statute book if
4 you feel it necessary to check all of Section 453D, most of
5 which is Ballot Question 2.

6 BY MR. PARKER:

7 Q That's true. So you can make yourself comfortable
8 and look through as much as you'd like. But do you recall in
9 the statute -- and I'll just put the question back out there
10 so you can take a look -- the word "floor plan" being used?

11 A Not to my knowledge.

12 Q Thank you.

13 Q So instead of simply sticking to the statute, which
14 describes the requirements in terms of location, you believe
15 that your Department had the authority to decide that we're
16 going to use floor plans and not consider for purposes of the
17 application the requirements of the statute; is that true?

18 A I don't understand the question.

19 THE COURT: Can you rephrase your question, Mr.
20 Parker.

21 MR. PARKER: Certainly, Your Honor. I sure can.

22 BY MR. PARKER:

23 Q Can you show me -- or can you tell me who gave you
24 the authority to use floor plans, as opposed to building
25 location?

1 MR. KOCH: Objection. Argumentative. Legal
2 conclusion.

3 THE COURT: Overruled.

4 THE WITNESS: So Ballot Question 2, the initiative,
5 created or led to NRS 453D, the development of NRS 453D, which
6 is the statute. The statute gives the Department the
7 authority to create the application for a marijuana facility.
8 So the NAC 453D was drafted based on the ballot initiative and
9 the statutes.

10 THE COURT: Why do you say that, ma'am?

11 MR. PARKER: Good question, Your Honor.

12 THE COURT: Can you not help me.

13 THE WITNESS: Your Honor, the ballot initiative
14 tasks the Department with licensing.

15 THE COURT: I know that. You just said that the NAC
16 represents the ballot question. And I'm trying to figure out
17 how that is, because I've read them both. So tell me why you
18 said that.

19 THE WITNESS: We -- Your Honor, we made sure that
20 the information from the ballot question to the best of our
21 abilities was including in the NAC.

22 THE COURT: Now, when you say we who do you mean?

23 THE WITNESS: The Department.

24 THE COURT: Well, when you say we the Department who
25 do you mean?

1 THE WITNESS: That would have been the management of
2 the Marijuana Enforcement Division, Jorge --

3 THE COURT: Okay. So how about we just give me
4 names of human beings, please.

5 THE WITNESS: Jorge Pupo, Steve Gilbert, I believe
6 Ky Plaskon was involved in that process.

7 BY MR. PARKER:

8 Q So we questioned --

9 THE COURT: So -- wait. I'm not done.

10 MR. PARKER: I'm sorry, Your Honor.

11 THE COURT: So that group of people that you just
12 identified and yourself got together and looked at Ballot
13 Question 2, and then you just came out of the NAC 453D out of
14 whole cloth?

15 THE WITNESS: No. The individuals named and myself,
16 we also used the recommendations from the Governor's Task
17 Force working groups. I believe we had over 70
18 recommendations from them. We had to make sure that all the
19 recommendations were compliant with NRS 453D and the ballot
20 initiative, as well.

21 THE COURT: Anything else you used to create the
22 Nevada Administrative Code 453D?

23 THE WITNESS: Yes. We also referenced NAC 453A, the
24 medical regulations.

25 THE COURT: And why did you think that was

1 appropriate?

2 THE WITNESS: Because they can be dual-license
3 facility, so they might have medical and recreational at one
4 facility, so we wanted to make sure that it was as easy as
5 possible for them to conduct both.

6 THE COURT: So where there was a conflict between
7 453A and 453D what won?

8 THE WITNESS: I believe it was 453D. I don't
9 recall.

10 THE COURT: And why do you believe that?

11 THE WITNESS: I believe that there's a statement in
12 NRS 453D that states so.

13 THE COURT: Show me. I gave you the book.

14 THE WITNESS: Might take a minute.

15 THE COURT: Yep. I'm waiting. And Mr. Parker's
16 going to be patient until I finish.

17 MR. PARKER: I am, Your Honor.

18 (Pause in the proceedings)

19 THE WITNESS: Is it possible to get a copy of
20 just --

21 THE COURT: No. Are you in the pocket part, the
22 back part?

23 THE WITNESS: Oh. No. I'm sorry.

24 THE COURT: That's where it is, because it's new.

25 THE WITNESS: Oh. Okay. Got you.

1 THE COURT: And because the State has limited budget
2 they don't print the books or let us get new books all the
3 time. We have to get the ones with the paper in the back.

4 THE WITNESS: Understood.

5 (Pause in the proceedings)

6 THE WITNESS: I don't see that in here.

7 THE COURT: Okay. So the Department determined that
8 453D should trump anything else; right?

9 THE WITNESS: No. We still have 453A, as well. We
10 use both sets of regulations.

11 THE COURT: Okay. So let's go back. So you
12 understand that ballot questions can't be modified for a
13 period of three years by Constitution; right?

14 THE WITNESS: Yes.

15 THE COURT: So why did the Department think it was
16 okay to modify the ballot question by referring to the medical
17 marijuana section?

18 THE WITNESS: I'm not -- I'm not aware of where we
19 modified.

20 THE COURT: So can you look for me at 453D.200(6).

21 THE WITNESS: Okay.

22 THE COURT: Could you tell me how the Department
23 complied with that, at least as far as you know, in the
24 regulation and application process. And I'm on the subsection
25 (6) that says, "The Department shall conduct a background

1 check of each prospective owner, officer, and board member of
2 a marijuana establish [sic] license applicant."

3 THE WITNESS: Yes. That is conducted prior to
4 issuing a final license.

5 THE COURT: Excuse me?

6 THE WITNESS: We conduct background checks of each
7 prospective owner, officer, and board member.

8 THE COURT: Before the final license?

9 THE WITNESS: Before we issue their license, yes.

10 THE COURT: So you don't do it as part of the
11 application process?

12 THE WITNESS: I do believe they do issue their
13 background checks in the application. However, that was part
14 of the ID section. I wasn't charged with reviewing that
15 section.

16 THE COURT: Okay. So can you tell me how -- and
17 let's just for a minute assume that I don't know anything at
18 all about how the Department of Taxation works. So you get a
19 brand-new statute that is a ballot question that no changes
20 can be made to.

21 THE WITNESS: Uh-huh.

22 THE COURT: How do you and the individuals you
23 previously named sit down and come up with regulations that
24 will be compliant with that for you to necessarily and
25 conveniently carry out the provisions of that statute?

1 THE WITNESS: We worked with members of LCB for
2 guidance. I believe the director at the time was Deonne
3 Contine. She assisted us, as well, with her legal background.
4 We also -- I believe -- I believe at that time QuantumMark was
5 assisting us with drafting the regulations, but that might
6 have been a prior year. I may be mistaken. But we used a lot
7 of references and a lot of assistance in our DAGS, as well.

8 BY MR. PARKER:

9 Q Your what, as well? I couldn't hear you.

10 A Deputy Attorney General.

11 THE COURT: DAGS, Deputy Attorney General, also
12 known as Mr. Werbicky.

13 THE WITNESS: Yes.

14 THE COURT: All right. If we could then step back.
15 You previously said that you also took the Task Force
16 recommendations into consideration in coming up with the
17 regulations. Can you tell me how you made a determination if
18 that was appropriate if you were the one who made that
19 decision or if somebody else did.

20 THE WITNESS: I believe it was a group effort for
21 most of them. We looked at whether we were lawfully able to
22 do so under statute, to accept their recommendation. We
23 considered if it was something that we had looked at doing in
24 the past, how it would create, you know, too many problems for
25 the facilities or too much risk to public health. We

1 considered anything that had come up in the past, any of the
2 outcomes that potentially might come from that. But for the
3 most part we accepted a good amount of their recommendations
4 from the Governor Task Force.

5 THE COURT: Even if they conflicted with Ballot
6 Question 2?

7 THE WITNESS: No.

8 THE COURT: Okay. So how did you then determine the
9 manner in which the marijuana was to be regulated in a manner
10 similar to alcohol? I haven't heard you mention that yet.

11 THE WITNESS: The similarity under -- to alcohol is
12 that it's regulated by the Department of Taxation. I'm not
13 familiar with how alcohol is regulated fully, but our Deputy
14 Director Jorge Pupo is also tasked with alcohol to some
15 extent, so he has that knowledge.

16 THE COURT: Well, he collects taxes from the liquor
17 establishments, but he doesn't regulate liquor, does he?

18 THE WITNESS: I don't have that information.

19 THE COURT: Okay. So you as part of the group who
20 did the regulations didn't look at the way that alcohol is
21 regulated at all, did you?

22 THE WITNESS: I can't say that I personally did, but
23 I don't know if other management members were looking at that
24 information.

25 THE COURT: But you told me it was a group effort,

1 you all got together and came up with these ideas and came up
2 with these regulations.

3 THE WITNESS: Are you referring to the Task Force?

4 THE COURT: No. I'm talking about the people you
5 named for me earlier.

6 THE WITNESS: Yeah. We took recommendations from
7 the Task Force, and we referenced 453A for the most part for
8 ease of transition. I can't testify as to whether or not
9 Steve Gilbert, Jorge Pupo, or Deonne Contine were involved in
10 looking at how alcohol is regulated; however, they're the ones
11 that are involved in that process.

12 THE COURT: Okay. Mr. Parker, I am not going to ask
13 any more questions at this point. Please do what you need to
14 do.

15 MR. PARKER: Thank you, Your Honor.

16 BY MR. PARKER:

17 Q Ms. Cronkhite, you've indicated group efforts at
18 times, and then when the Court asked you where this
19 information came from, the group, you seem to suggest you
20 don't know where the information came from. So then that
21 leaves me to try to figure out did these regulations drop from
22 the sky without any direction. Because that's what it seems
23 at this point.

24 MR. KOCH: Objection. Argumentative.

25 THE COURT: Just for the record, that's how it seems

1 to me, too.

2 MR. PARKER: Thank you, Your Honor.

3 THE COURT: Sorry. That's why I stopped asking
4 questions.

5 BY MR. PARKER:

6 Q So I'm going to try to go through this with you.
7 And let's start with the statutes. Because I thought we would
8 be able to go through this quicker, but it does not seem like
9 we'll be able to do it quicker than -- as quick as I was
10 hoping, all right.

11 You said one thing to the Judge that really threw
12 me, and I want to start there. You said, we accepted the Task
13 Force recommendations as long as we thought we could lawfully
14 -- lawfully able to accept them.

15 A Correct.

16 Q What would that -- what was the being able to
17 lawfully accept those recommendations come from? What's the
18 platform for that? Is it the ballot question, is it the
19 statutes, or is it ultimately the Administrative Code?
20 Where's the defining line?

21 A As long as it was in compliance with the ballot
22 initiative and the NRS 453D, then we could accept it.

23 Q How would you know?

24 A What do you mean how would I know?

25 Q How would you know if it was compliant with the

1 ballot question? Let's start there. The ballot question
2 required you to do certain things, and you couldn't go outside
3 of the parameters of the ballot question. Would you agree
4 with that?

5 A Yes.

6 Q So if you agree with that, everything that was done
7 following the ballot question had to comply with the ballot
8 question, be it the statute or the Code; is that correct?

9 A Correct.

10 Q So if I see a difference between the statute and the
11 Code, would you agree that someone made a mistake?

12 A If there was a differentiation between the two, then
13 there could be a possible error.

14 Q No. There would be an error, wouldn't there? For
15 example, if the statute says every -- and this is what the
16 Judge was asking you. If the statute says under paragraph (6)
17 that you will conduct a background check of every --

18 THE COURT: It says "each."

19 BY MR. PARKER:

20 Q -- of each prospective owner and officer, but the
21 Code says owner is someone with 5 percent interest, that's a
22 difference, would you agree?

23 A Yes.

24 Q So if we see a difference in the statute versus the
25 Code, wouldn't you agree that someone made a mistake there?

1 MR. KOCH: Objection. Argumentative.

2 THE COURT: Overruled.

3 THE WITNESS: Possibly.

4 BY MR. PARKER:

5 Q Right. And if your application says what the
6 statute says but is different than what the Code said, would
7 you agree that someone made a mistake?

8 A If it's different, yes.

9 Q All right. So we know that the application said
10 that the background check would be done of every owner or each
11 prospective owner, and we know the Code says 5 percent
12 interest or better, so we know that there's been mistakes made
13 between the statute, the Code, and the application; is that
14 correct?

15 MR. KOCH: Objection. Argumentative. Lacks
16 foundation.

17 THE COURT: Overruled.

18 BY MR. PARKER:

19 Q Isn't that correct, ma'am?

20 A Yeah. If it's different, then yes.

21 Q Thank you. So now let's see if we can hone in a
22 little bit more on why we have so many differences from the
23 ballot and what made this group think that it could deviate
24 from the ballot, okay. And that's what the Judge was asking,
25 and that's where I started, okay.

1 So when you're preparing or trying to create the
2 Administrative Code was there someone there holding that group
3 to the ballot question?

4 MR. SHEVORSKI: Objection. Vague.

5 THE COURT: Overruled.

6 THE WITNESS: I believe that -- like I said, I
7 believe that during that revision of the regulations we had
8 QuantumMark assisting us.

9 THE COURT: Hold on. Ma'am, you just said revision
10 of the regulations. What are you talking about?

11 THE WITNESS: Or, sorry, drafting. My apologizes.
12 Drafting.

13 THE COURT: Creation?

14 THE WITNESS: Yes.

15 THE COURT: Okay.

16 BY MR. PARKER:

17 Q And the reason why that's an important question, Ms.
18 Cronkhite, is because we've heard testimony saying that 453D,
19 be it the Code -- let's stay with the Code for right now --
20 was perhaps modelled after in part 453A, but then, because
21 there are differences here, there are certain provisions that
22 are not like 453A. Do you understand?

23 A Yeah.

24 Q So certain portions of the Code had to be brand new;
25 right?

1 A Yes.

2 Q Who created the brand-new Code sections?

3 A I don't recall.

4 Q All right. Who created the brand-new statutes that
5 had nothing to do with medical marijuana?

6 MS. SHELL: Objection. Argumentative.

7 THE COURT: Overruled.

8 THE WITNESS: I don't know who created the statutes.

9 BY MR. PARKER:

10 Q All right. So when you were talking about this
11 group to the Court, to the Judge, do you know sitting here
12 today what members of that team of yours actually created the
13 new portions of the recreational statute, 453D NRS? Who did
14 that?

15 THE COURT: Are you talking about the Code?

16 MR. PARKER: I'm talking about the statute right
17 now. Then we'll get to the Code.

18 BY MR. PARKER:

19 Q So 453D NRS, the statute, one of the ones we just
20 looked at a second ago --

21 A Yes.

22 Q -- who from your team said -- okay. Wait a second.

23 THE COURT: I'm waiting for the objection.

24 MR. PARKER: I'm looking at you right now. I'm not
25 [unintelligible]. I don't want to get [inaudible].

1 THE COURT: He's going to get number two if he
2 objects.

3 MR. PARKER: Well, I'm not going to stop right now.
4 I'm not going to give him two.

5 THE COURT: So start over. And remember that
6 statutes are created by the legislature, not the Department of
7 Taxation.

8 THE WITNESS: Yeah.

9 MR. PARKER: I understand. But I think -- I thought
10 there was some help given.

11 THE WITNESS: No. No.

12 BY MR. PARKER:

13 Q But I'm going to stop.

14 MR. SHEVORSKI: Objection. Restate what the Judge
15 just said.

16 THE COURT: Doesn't count.

17 BY MR. PARKER:

18 Q Did someone from your team review the statutes as a
19 part of creating the Code sections?

20 A Absolutely. Yes.

21 Q All right. Who?

22 A Steve Gilbert, Jorge Pupo, Deonne Contine, myself, I
23 believe Damon Hernandez was involved, and I believe Ky Plaskon
24 might have been involved at that time. I don't recall.

25 Q All right. And if there was a mistake between the

1 statute and the Code, who would I attribute that mistake to?
2 Would it be the whole group?

3 A It would depend on the mistake. Some revisions were
4 made by LCB after we drafted them. There were a lot of people
5 working on them.

6 Q All right. Do you recall the Code section that
7 indicates 5 percent ownership?

8 A Yes.

9 THE COURT: And you're in the Nevada Administrative
10 Code now, Mr. Parker?

11 MR. PARKER: I am. It's NAC 453D I believe .255,
12 Your Honor.

13 BY MR. PARKER:

14 Q Do you have that?

15 MR. PARKER: Can you put it on the screen.

16 THE COURT: It's on the screen because I don't get
17 books of the Administrative Code. I have to look at them
18 online. And Mr. Parker was correct in identifying the
19 section.

20 BY MR. PARKER:

21 Q And it's paragraph (1) and (2).

22 A Yeah, I'm familiar with that section.

23 Q Okay. And so we looked at a second ago the statute,
24 and now I'm showing you the Administrative Code .255. Do you
25 see the difference between each prospective owner and now one

1 with 5 percent interest?

2 A Yes. But I don't recall if this was just for agent
3 cards or for obtaining a license. I'd have to look at it.

4 Q That's fine. Can you tell me who came up with the
5 5 percent?

6 A No. I don't recall.

7 Q Do you know why 5 percent was used?

8 A No, I don't.

9 Q You have no idea?

10 A No.

11 Q All right. Good.

12 THE COURT: It wasn't you?

13 THE WITNESS: It was not me.

14 THE COURT: Okay.

15 BY MR. PARKER:

16 Q Thank you. So going to 453D.205 --

17 THE COURT: Back to the statute?

18 MR. PARKER: Yes. Thank you, Your Honor.

19 BY MR. PARKER:

20 Q Oh. You know something? Let's see -- I want to
21 stick with NRS 453D.200 for a second. And we looked at
22 paragraph (6) a second ago. I want you to look at section
23 (1)(a) through (K) or (a) through (m). Do you see that?

24 A Yes.

25 Q All right. And you see where it speaks of the

1 requirements for licensure and it uses the word "directly and
2 demonstrably related to the operation of a marijuana
3 establishment" under (b)?

4 A Yes.

5 Q Do you see that?

6 A Uh-huh.

7 Q Is that a yes?

8 A Yeah.

9 Q Okay. Good. And then after that there's certain
10 other criteria here. One is requirements for security of
11 marijuana establishments.

12 A Yes.

13 Q Now, did the Nevada Administrative Code include
14 these sections as a part of licensing requirements?

15 MR. SHEVORSKI: Outside the scope of the direct
16 examination, Your Honor.

17 THE COURT: Overruled.

18 THE WITNESS: The security section I am aware of
19 being in the application.

20 THE COURT: That's not what he asked you, ma'am. He
21 asked you if it's in the Administrative Code for the
22 applications.

23 THE WITNESS: I don't know off the top of my head.

24 BY MR. PARKER:

25 Q Would you agree with me that the Administrative Code

1 should be consistent with the Nevada Revised Statute?

2 A Yes.

3 Q And would you agree with me that the application

4 should be consistent with the Nevada Revised Statute?

5 A Yes.

6 Q And all of them take direction from the ballot

7 question; is that correct?

8 A Yes.

9 Q So if the application failed to be consistent with

10 the statute, then the application was wrong; is that correct?

11 A If it is inconsistent, then that would be wrong.

12 Q Right. And if it was inconsistent with the ballot

13 question, it's also wrong?

14 A That would be correct.

15 Q And if the Administrative Code created by your

16 Department are inconsistent with either the statute or the

17 ballot question, it's wrong?

18 A If there's inconsistencies, then yes, that would be

19 wrong.

20 Q All right. So if the ballot question and the

21 statute -- let's just talk about the statute for a second --

22 believed that security was an issue and a criteria directly

23 and demonstrably related to the operation of a marijuana

24 establishment, then the application should also include that;

25 is that correct?

1 A Yes. It does.

2 Q All right. And if the statute indicates that
3 location is important, then the application should follow sit;
4 is that correct?

5 A That would be correct.

6 Q If for some reason your group decided location was
7 not important, then your group would have made a mistake in
8 terms of the application process; is that correct?

9 A I'm not sure if the physical location was looked at
10 at all. In my section that I trained on, which was the non-ID
11 section, it was not considered for that particular section.

12 Q I'm going to get to what you trained on. But you've
13 already told this Court that you were part of the group that
14 put together this Administrative Code; isn't that correct?

15 A Some parts of it, yes.

16 Q All right. As well as the application; is that
17 correct?

18 A Yes.

19 Q All right. So if the application did not include
20 location as a condition, would you agree with me that it was
21 wrong if it's included in the statute?

22 A If it says --

23 MR. KOCH: Objection. Vague. Lacks foundation.

24 THE COURT: Overruled.

25 THE WITNESS: If it says to do so in the statute,

1 then that would be wrong, yes.

2 BY MR. PARKER:

3 Q Thank you. Would it also be the case, ma'am, that
4 if the application is incomplete, then that application should
5 not have been considered?

6 A That decision would have been over my head.

7 Q Well, if it's in the statute --

8 A If it's in the statute, then that would be correct.

9 Q Take a look at 453D.210. Oh. You know something?
10 We'll get there. I want to go to (j) first under the State
11 statute we were looking at. And it says here, "Procedures and
12 requirements to enable the transfer of a license for a
13 marijuana establishment to another qualified person and to
14 enable a licensee to move from the location of his
15 establishment to another suitable location." Do you see that?

16 A Yes.

17 Q It didn't say a suitable floor plan, did it?

18 A No.

19 Q Suitable location. Do you have an understanding of
20 what a location -- or suitable location means?

21 A Yes.

22 Q All right. You would agree with me you cannot
23 determine a suitable location from a floor plan?

24 A No. However, we wouldn't issue a final license
25 without the location.

1 Q Remember when we started this line of questioning I
2 asked you to confine yourself to the application for right
3 now, as opposed to this second prong that you have introduced
4 during your testimony? Remember that? Just a second ago I
5 said, we'll get there, let's talk about the Administrative
6 Code and the application; is that correct?
7 A Okay.
8 Q Right. So you cannot determine a suitable location
9 by looking at a floor plan; is that correct?
10 A Correct.
11 Q And the statute requires here a suitable location;
12 is that correct?
13 A I can't read the header of this. Let me read it one
14 second.
15 Q It's on the prior -- you have the book, so you could
16 use the --
17 THE COURT: The old-fashioned way.
18 MR. PARKER: Yes. The way I typically use.
19 THE WITNESS: The way I'm reading this -- let me
20 read this real quick.
21 BY MR. PARKER:
22 Q Take your time.
23 A So .200 is about licensing of a marijuana
24 establishment.
25 Q Yes, ma'am.

1 A And it talks about how the Department "shall adopt
2 regulations to carry out such provisions. They shall
3 include,; and then (j) that you spoke of, "enable a license to
4 move locations to another suitable location."

5 Q Right.

6 A This is about licensure, not necessarily the
7 application process.

8 Q In terms of the application, however, you have to be
9 -- you have to provide a suitable location; is that correct?

10 A Not that I'm aware of.

11 Q Well, the statute says suitable location; is that
12 correct?

13 A What I'm reading right now says for licensure, not
14 for application.

15 Q Okay. But the application is a predicate to a
16 license, isn't it?

17 A It's the first step to obtaining a license.

18 Q Right. And if the statute believes that a location
19 is important, that the location has to be suitable, you can't
20 determine that from a floor plan; is that correct?

21 MR. KOCH: Objection. Argumentative.

22 THE COURT: Overruled.

23 THE WITNESS: Not in the application.

24 BY MR. PARKER:

25 Q All right.

1 A But it would be confirmed before licensure.

2 Q So did you -- do you see anything in the application
3 that says, we're going to suspend the requirements of the
4 statute until after we decide whether or not you're going to
5 get a conditional license and before the final license?

6 MS. SHELL: Objection.

7 BY MR. PARKER:

8 Q Is there anything that says that in the application?

9 MS. SHELL: Objection. Argumentative.

10 THE COURT: Overruled.

11 THE WITNESS: Not to my knowledge, no.

12 BY MR. PARKER:

13 Q All right. So unless you told someone on the side,
14 hey, we're not going to look at this until after we give you
15 the conditional license, wouldn't you agree that the statute
16 provided that location was important and it had to be suitable
17 in accordance with the statute? And we've gone over the
18 suitability issues earlier; is that correct?

19 MR. KOCH: Objection. Legal conclusion. Misstates
20 the statute.

21 THE COURT: Overruled.

22 THE WITNESS: I don't believe it says that for the
23 application process, just for licensure.

24 BY MR. PARKER:

25 Q All right. And it doesn't have a -- you don't see a

1 distinction in the statute that says anything about
2 application process, distinguishing it from licensing process,
3 do you?

4 A I'd have to --

5 Q Well, take a look. Do you see anything in the
6 statute that says, we're going to give -- we're not going to
7 require you to comply with the statute during the application
8 process? Is there anything that says that that you can see?

9 A So NRS 453D.200 is about licensing facilities.
10 453D.210 is about acceptance of applications.

11 Q Yes.

12 A Can you restate your question? Can you remind me?

13 Q Yes. I looked at 453D.210. I'm looking at it right
14 now, as a matter of fact, and it says -- if you go to
15 paragraph (2) or (3), it says that "Receiving applications,"
16 and you can read further on, then it finally says, "pursuant
17 to this chapter." So I'm trying to figure out where you
18 believe that there's a different standard for the application
19 versus the license.

20 A Well, I would say -- I'm just looking at this
21 briefly right now. I would just say that .210 and .200 are
22 different requirements. One's licensure, one's an application
23 to be considered for a license.

24 Q Right. But does it say -- is there anything that
25 says here that your application does not have to comply with

1 the statute? Do you see that anywhere?

2 A I can't answer the question the way you worded it,
3 but I'll say that it doesn't say in .210 that the application
4 has to have the location. It says it has to be compliance.
5 But licensure is a separate issue. That comes later, after
6 the application process.

7 Q Well, let me help you out, Ms. Cronkhite, because I
8 want you to feel confident that .210 also says what I believe
9 .200 says.

10 So going down 453D.210 I want you to go to paragraph
11 (5)(c), where it talks about the property, again, "is not
12 located within," and then it goes through all the
13 requirements; right?

14 A Yes.

15 Q So would you agree with me under .210 that property
16 and location is important to the statute?

17 A Yes.

18 Q All right. Location is important under the
19 application, which is here, which we're looking at, or is that
20 application or licensing under .210 in your --

21 A .210 is application.

22 Q All right. So under the application process, .210,
23 again location is important; is that correct? So be it under
24 .200 or .210 location is important; is that correct, Ms.
25 Cronkhite?

1 A I would agree, yes.

2 Q Thank you. But despite .210 and .200 requiring
3 location to be discussed, be suitable, your Department decided
4 that it was not necessary for the application; is that
5 correct?

6 MR. KOCH: Objection. Argumentative. Lacks
7 foundation.

8 THE COURT: Overruled.

9 BY MR. PARKER:

10 Q Isn't that correct, ma'am?

11 A All I can testify to is that it was not reviewed in
12 the non-ID section.

13 Q It was not --

14 A Not reviewed in the non-identified section.

15 Q Okay.

16 A I was only responsible for the non-identified
17 section of the application.

18 Q But a second ago you said you and your team were
19 responsible for the Administrative Code.

20 A Yes.

21 Q All right. Would you agree with me that the
22 Administrative Code has to be consistent with the statute in
23 terms of location?

24 A Yes.

25 Q Thank you. Would you also agree with me now -- I've

1 shown you .200, which deals with licensing, and .210 that
2 deals with applications, that both statutes require suitable
3 locations?

4 A Yes.

5 Q So would you also agree with me finally that the
6 application in order to be consistent with the statute had to
7 consider suitable locations?

8 MR. KOCH: Objection. Argumentative.

9 THE COURT: Overruled.

10 THE WITNESS: It should be considered, yes.

11 MR. PARKER: Thank you very much.

12 Your Honor, can we take a break now?

13 THE COURT: I'm going to ask her one question --

14 MR. PARKER: Go right ahead.

15 THE COURT: -- that I have from Mr. Pupo's
16 examination where he specifically called her out, and I want
17 to see if it's true.

18 Did you do on-the-job training for regulators?

19 THE WITNESS: Yes.

20 THE COURT: Did that include training on the
21 importance of compliance for those who were already operating
22 medical marijuana establishments for recreational
23 establishments?

24 THE WITNESS: Yes.

25 THE COURT: And how did you do that?

1 THE WITNESS: How did I train the inspectors?
2 THE COURT: No. How did you train the --
3 MR. PARKER: Evaluators.
4 THE COURT: -- regulators, the evaluators, the ones
5 who were doing the grading --
6 THE WITNESS: Oh. The scorers?
7 THE COURT: -- the Manpower folks --
8 THE WITNESS: Yes.
9 THE COURT: -- how'd you train them on the
10 compliance aspect?
11 THE WITNESS: I trained them on the non-ID sections.
12 I'm not sure I understand your question.
13 THE COURT: So let me ask the question again. Is
14 compliance part of what you trained anybody on for the grading
15 process?
16 THE WITNESS: I would need to know what you mean by
17 compliance. There wasn't a section titled compliance that I'm
18 aware of.
19 THE COURT: Okay. Wasn't compliance supposed to be
20 an important part of the application process?
21 THE WITNESS: Yes.
22 THE COURT: How did it get in there if it wasn't
23 part of the application or your training?
24 THE WITNESS: I'm just not sure I understand your
25 question. Do you mean compliance with the regulations

1 throughout the application as a whole?

2 THE COURT: No, I don't. So you have people who are
3 currently operating either medical marijuana or recreational
4 marijuana, and they're mostly the people who are applying;
5 right? Some of them are cultivators, some of them are labs,
6 but they're mostly people who are already operating a
7 dispensary; right?

8 THE WITNESS: Uh-huh.

9 THE COURT: Okay. They have compliance reports
10 based on people that you supervise on how they're doing in
11 their operations; right?

12 THE WITNESS: I understand what you're saying.

13 THE COURT: Okay.

14 THE WITNESS: We have a file on every facility.
15 However, the section of the application that I trained on was
16 non-identified. They would have no way of even knowing who
17 they were scoring. So compliance was not considered.

18 THE COURT: In the non-identified part.

19 THE WITNESS: In the non-identified.

20 THE COURT: So in the identified part you
21 participated in that training of the Manpower folks.

22 THE WITNESS: No, I did not. Not for the
23 identified.

24 THE COURT: You didn't review that PowerPoint?

25 THE WITNESS: I may have looked at the PowerPoint,

1 but I didn't go into the detail of how they score. I wasn't
2 involved.

3 THE COURT: But I'm not asking how they were
4 scoring. I'm asking was it there at all.

5 THE WITNESS: I don't recall.

6 THE COURT: Okay. This is a non-requested break,
7 Mr. Shevorski. You can talk to her if you want.

8 MR. SHEVORSKI: Thank you, Your Honor.

9 (Court recessed at 3:10 p.m., until 3:20 p.m.)

10 THE COURT: Okay. I just want to remind you you can
11 take a break. All you ever have to do is you ask us for a
12 break. I make these lawyers go and go and go and do not give
13 them breaks, because we're in Day 13 or whatever it is. So if
14 you need a break, you let us know. If you run out of water,
15 you let us know. Because this is not an endurance test for
16 you. It is for them.

17 THE WITNESS: Thank you, Your Honor.

18 MR. PARKER: It is for them.

19 THE COURT: Mr. Parker, are you ready to continue?

20 MR. PARKER: I am ready, Your Honor.

21 THE COURT: Ma'am, you're still under oath.

22 BY MR. PARKER:

23 Q Ms. Cronkhite, do you still have NRS 453D.210 in
24 front of you?

25 A I can get there quickly. Yes.

1 Q When we left off I was talking about the physical
2 address under (5)(b). Do you recall that?

3 A Yes.

4 Q All right. Right above (5)(b) you see (5)(a);
5 right?

6 A Yes.

7 Q And right above that it says -- (5) says, "The
8 Department shall approve a license application if"; do you see
9 that?

10 A Yes.

11 Q So one of my colleagues wanted me to make sure that
12 we were on the same page in terms of the application, not just
13 the licensing required the location. You see that?

14 A Yes.

15 Q And it said, "The application will be approved if
16 such information is provided regarding the location." Do you
17 see that?

18 A Yes.

19 Q So would you further agree with me that when your
20 group decided to take the location requirement out of the
21 application that that was a deviation from the statute?

22 MR. KOCH: Objection. Legal conclusion.
23 Argumentative.

24 THE COURT: Overruled. You can answer.

25 THE WITNESS: I was not personally involved in that

1 decision. However, it would not be in compliance with NRS.

2 BY MR. PARKER:

3 Q Thank you very much.

4 Now, looking at from (5)(a) all the way through
5 (5)(f), would you agree with me that these conditions in terms
6 of location -- and actually it's more under (c) through
7 (d)(5), that would provide some understanding of the impact
8 the location would have on a community; right? Because it
9 can't be too close to a school, there's a concern there by the
10 government, of course by the State, can't be too close to a
11 church, those sorts of things; right?

12 A Correct. But we wouldn't approve one that was
13 located in this area for a final license. They would have to
14 relocate.

15 Q That's fine. I'm just talking about impact on the
16 community. That's non-identified; right? Or is that a part
17 of the identified?

18 A Community impact was non-identified.

19 Q That's right in your wheelhouse; right?

20 A Yes.

21 Q All right. So I'm giving you a look ahead in terms
22 of where we're going. Does this have any relationship to
23 community impact?

24 A Well, as I said, it would never get approved, so it
25 would never be an issue.

1 Q That's not the point. My point is is location
2 important to community impact.

3 A It wasn't relevant the way that we scored it -- or
4 the way that we trained them to score it.

5 Q Where did you -- what's your understanding of
6 community impact?

7 A We looked at -- I trained them with the evaluator
8 guidelines. So all the details for what they should be
9 looking for were in evaluator guidelines. But it was how they
10 would help the community be -- you know, with volunteering,
11 hiring local, buying furniture from local furniture stores,
12 using small businesses, rather than shopping at Walmart,
13 things like that would benefit the community. Having
14 fundraisers for local charities, things like that.

15 Q Uh-huh. Now, wouldn't you also have to know -- and
16 I used this example, I think, with Mr. Pupo. Summerlin has
17 several micro communities, I would say. Sun City Summerlin is
18 different than Downtown Summerlin, for example.

19 A Yes.

20 Q Would you agree?

21 A Yes.

22 Q So a marijuana operation in Summerlin would have a
23 different effect depending on where it is in Summerlin; right?

24 A I don't believe so.

25 Q There'd be a different demographic in terms of

1 financial?

2 A In Summerlin?

3 Q Yeah.

4 A Probably not.

5 Q For example, Sun City Summerlin is an older

6 demographic; right?

7 A Right.

8 Q As opposed to the area near Downtown Summerlin where

9 you have the Ridges and the Willows and some of the schools;

10 right? Is that yes?

11 A Yes.

12 Q So there would be a different -- there are different

13 communities within that Summerlin area; is that correct?

14 A They're all part of unincorporated Clark County,

15 which is the local jurisdiction.

16 Q Well, there's different jurisdictions. There's

17 unincorporated Clark County, and then you've got the City,

18 you've got North Las Vegas. And there's communities within

19 each; right?

20 A Right.

21 Q So what I'm -- I'm trying to get an understanding

22 what does it mean to you and what do you train on when it

23 comes to impact to the community. Did it have any

24 relationship to the statute and being directly and

25 demonstrably related to the operation of a recreational

1 marijuana establishment?

2 A It wasn't related to the location in the sense that
3 as long as they're benefitting a community within the state.
4 It doesn't matter if it's Sun City Summerlin, the Pueblo,
5 Downtown Summerlin as long as they're benefitting a community.

6 Q Uh-huh.

7 A It could even be a local statewide benefit to the
8 community as a state as a whole.

9 Q So if an application did not comply with the
10 statute, would it be deemed incomplete? And that goes back to
11 NRS 453D.210(4).

12 MR. KOCH: Objection. Incomplete hypothetical.

13 THE COURT: Overruled.

14 THE WITNESS: I'm not sure.

15 BY MR. PARKER:

16 Q You're not sure? The person who trained the
17 trainers, you're not sure?

18 A I only trained on the non-ID section.

19 Q Yeah. But you were part of the group.

20 MR. SHEVORSKI: Objection. Argumentative.

21 THE COURT: Overruled.

22 BY MR. PARKER:

23 Q It says here in 453D, "Upon receipt of a complete
24 marijuana establishment license application," then you go to
25 (4) to tell what a complete application requires. One is the

1 location. So for 20 or so applicants who did not provide a
2 location as required by the statute wouldn't that application
3 be deemed incomplete pursuant to 453D.210(4)?

4 MR. KOCH: Objection. Misstates the statute.

5 THE COURT: Overruled.

6 THE WITNESS: If that's what it says, then yes.

7 BY MR. PARKER:

8 Q Thank you.

9 So the Judge asked you a couple of questions
10 regarding compliance. Do you have an understanding of what
11 compliance means in terms of deficiencies in the operation of
12 a marijuana establishment?

13 A Yeah.

14 Q Tell me what your understanding of that is.

15 A Being compliant with the regulations would be
16 compliance. When the inspectors and auditors go out and
17 conduct their inspections or investigations they write
18 statements of deficiencies, and then those are responded to as
19 a plan of correction, and then we can either accept or deny
20 their plan of correction.

21 Q So selling to a minor would be a deficiency?

22 A Yes.

23 Q Would that be a serious deficiency?

24 A Yes.

25 Q Do you recall why -- well, strike that.

1 Your Department keeps track of deficiencies for all
2 the license holders; is that correct?

3 A Yes.

4 Q So could that information have been provided to the
5 evaluators or the scorers, we'll call them?

6 A No. Not for the non-ID section.

7 Q I'm talking for the ID section. Could that have
8 been provided to them?

9 A Yes.

10 Q All right. And would you agree with me that
11 licenses should only be issued to those who are in compliance
12 with the regulations governing marijuana sales?

13 A I mean, it would depend on the scope. Because I
14 think every single facility has had some sort of deficiency at
15 some point.

16 Q Okay. But the point is that information could have
17 been provided to the evaluators; isn't that correct?

18 A It could have been.

19 Q Right.

20 A It's available.

21 Q Why wasn't that information provided?

22 A If it was provided on the ID section, I don't -- I
23 don't know whether it was or wasn't.

24 Q Okay. If it wasn't, why wouldn't it have been? Was
25 that a decision made by the group?

1 A I wasn't involved in the ID section. I don't know
2 if they looked at it or not.

3 Q You don't recall there being a conversation between
4 yourself, Mr. Pupo, Mr. Gilbert, Mr. Plaskon saying, we're not
5 going to have the evaluators consider prior performance or
6 compliance?

7 A I don't recall.

8 Q All right. Let me have you take a look at 96,
9 please.

10 MR. PARKER: It's been admitted, Your Honor.

11 THE COURT: Thank you.

12 MR. PARKER: Can you put that on the screen, Shane.
13 Thanks.

14 BY MR. PARKER:

15 Q Take a second and tell me if you recognize this
16 document, Ms. Cronkhite.

17 A Yes.

18 Q And did you prepare this document?

19 A Yes.

20 Q Now, you just told the Court that you were not
21 involved with the ID side, the identified portion; is that
22 correct?

23 A Correct.

24 Q It appears here that you indicated that this
25 investigation involving the sale of marijuana to a minor would

1 not be included in the log for this particular licensee; is
2 that correct?

3 A The log -- no. That's incorrect.

4 Q Explain it to me, then.

5 A The log is an open investigation log. This was no
6 longer an open investigation. This information is still in
7 their file. If they did look at compliance for the
8 application process, they would see this information in their
9 file.

10 Q That's if your Department provided it to the
11 scorers; that is correct?

12 A Correct.

13 Q Now, this particular -- do you know what licensee
14 this refers to?

15 A Yeah. It says on the email. Yes.

16 Q What's the name of the licensee?

17 A Well, there's Integral, Nevada Organic Remedies, and
18 Henderson Organic Remedies.

19 Q All right. Do you know who owns or is a owner of
20 that company?

21 A I don't know the names off the top of my head, no.

22 Q Have you ever heard of Andrew Jolley?

23 A Yes.

24 Q Do you -- are you familiar with him being associated
25 with these -- or at least with Henderson Organic Remedies or

1 Nevada Organic Remedies?

2 A Yes, I believe he is.

3 Q All right. Did you have any conversations with Mr.

4 Jolley?

5 A Ever?

6 Q Ever.

7 A I've spoken to Mr. Jolley, yes.

8 Q On more than one occasion?

9 A Yes. I've been in his facilities for inspections.

10 Q Were you aware of the fact that he had -- and this

11 was his testimony -- over 30 or so deficiencies?

12 A That sounds common.

13 Q Okay. And are you aware that the Administrative

14 Code finds that compliance is important for purposes of

15 licensing?

16 MR. KOCH: Objection. Vague.

17 THE COURT: Overruled.

18 THE WITNESS: I'm not sure that it's in the

19 Administrative Code. I don't know.

20 BY MR. PARKER:

21 Q Well, let me help you. Let's take a look at NAC

22 453D.272.

23 MR. PARKER: And if you could blow up, Shane, for me

24 paragraph (g), (g) as in good. It should be (1)(g).

25 THE WITNESS: Can I see the header of this section,

1 as well?

2 BY MR. PARKER:

3 Q Certainly. It says, "Ranking of applications for
4 retail marijuana store." Do you see that?

5 A Uh-huh.

6 Q Is that a yes?

7 A Yes.

8 Q Okay. Are you familiar with this Administrative
9 Code section?

10 A Yes.

11 Q And (g) says, "Whether the owners, officers, or
12 board members of the proposed marijuana establishment have
13 direct experience with the operation of a medical marijuana
14 establishment or marijuana establishment in this state and
15 have demonstrated a record of operating such an establishment
16 in compliance with the laws and regulations of the state for
17 an adequate period of time to demonstrate success." Do you
18 see that?

19 A Yes.

20 Q If compliance is important based on the
21 Administrative Code, why wouldn't compliance information be
22 provided to the evaluators?

23 A I don't have that information.

24 Q You didn't make that decision?

25 A No.

1 Q Who made that decision?

2 A I don't know.

3 Q Uh-huh. All right. And you're telling me that had

4 that information been available to the scorers they would have

5 seen that Nevada Organics -- Organic Remedies had 30-plus

6 deficiencies, including this one selling to a minor?

7 A Yes.

8 Q Okay.

9 A They would see that.

10 Q And you would agree with me based upon your reading

11 of this Administrative Code section that compliance was

12 important for purposes of licensing?

13 A Yes.

14 Q Okay. Now, I believe that the Governor's Task Force

15 came up with 73 recommendations. Does that sound about right?

16 A That sounds right. Yeah.

17 Q Who decided of the 73 recommendations which ones

18 were accepted?

19 A It was a group effort. Some people were more

20 involved in certain areas than others. More scientific items

21 would have gone through me. But I don't recall all of them.

22 Q What do you mean by scientific?

23 A Anything that was based in something that could put

24 a potential threat to public health.

25 Q Okay.

1 A And then everything was run through the DAG and LCB,
2 as well.

3 Q When you said that your group put together the
4 Nevada Administrative Code sections how long did that take?
5 Was it a day, a week, couple of weeks, months? How long did
6 it take?

7 A I believe it was months. I don't recall it
8 specifically.

9 Q All right.

10 A But it was not an easy, quick process.

11 Q While you were doing this were you also developing
12 the application?

13 A I don't recall. I don't recall the timeline.

14 Q Did anyone -- was anyone charged with the task of
15 ensuring that the application was consistent with the ballot
16 question?

17 A I don't recall who would have been in charge of
18 that.

19 Q Were you?

20 A No.

21 Q Was anyone in charge to make sure that the
22 application was consistent with the Nevada Revised Statutes?

23 A Yeah. I don't remember who exactly --

24 Q It wasn't you.

25 A -- but any changes that were made, the individual

1 looking at it would look at the statute to make sure it was
2 compliant.

3 Q Let me find out from your personal knowledge whether
4 or not you did it.

5 A For some sections I may have, yes.

6 Q Okay. What sections did you do?

7 A For the NAC?

8 Q No, no. I started with the ballot question, and you
9 said you didn't know who did that. So then I went to the
10 statutes.

11 A Yes.

12 Q Who looked at the application, compared it to the
13 statute, and said, okay, it's consistent?

14 A I don't recall with that.

15 Q Did you do it?

16 A I may have done some parts. I don't recall.

17 Q All right. Do you recall having any questions in
18 terms of, well, this may be consistent or not consistent? Do
19 you remember that ever coming up?

20 A I don't recall.

21 Q All right. Same question in terms of Administrative
22 Code. Did anyone sit down with the application and compare it
23 to the Administrative Code to determine whether or not it was
24 consistent?

25 A Well, I know that LCB does that, as well, but -- and

1 as far as the Department, yes, I believe that that was done
2 during the process.

3 Q Now -- but you don't recall doing it yourself?

4 A I recall doing it sometimes, yes.

5 Q Sometimes.

6 A Yeah.

7 Q Okay. And that was before the application was made
8 available to the public?

9 A Yes.

10 Q All right. Now, did you have any part to play in
11 any changes made to the application itself? Because we have
12 two applications here. We've got application Exhibit 5,
13 application Exhibit 5A. Were you aware of that?

14 A Yes.

15 Q Were you involved in changing Exhibit 5, which is
16 the original application, I believe, to 5A, which is a
17 subsequent version of it?

18 A I don't believe so, no.

19 Q Do you know who did that?

20 A No, I don't.

21 Q If it's only a team of four of you, how did these
22 things happen without you knowing?

23 A I'm -- at the time I was only a supervisor level. I
24 wasn't a manager.

25 Q Okay. But it's still only four of you no matter

1 what your title is; right?

2 A Right.

3 Q So these things were happening without you knowing.

4 The changes to the application, for example.

5 A Yes.

6 Q So if you didn't know there was a different

7 application available, how did you expect applicants to know

8 that there was more than one application available?

9 A I did know it was --

10 MR. SHEVORSKI: Objection. Misstates prior

11 testimony.

12 THE COURT: Overruled.

13 THE WITNESS: I did know that it was available, the

14 new application was available. I was not involved in revising

15 it.

16 BY MR. PARKER:

17 Q Do you know the changes to them?

18 A Not off the top of my head, no.

19 Q Do you know if anyone looked at the new application

20 to see if it was consistent with the ballot, the statutes, or

21 the Administrative Code?

22 A I wasn't involved in that process.

23 Q All right. So Mr. Pupo told me that he did not want

24 to divulge the scoring metrics to the applicants. Were you

25 aware of that?

1 A Yes.

2 Q Do you know why he did not want the applicants to
3 know how to prepare their application to maximize the scoring?

4 MR. SHEVORSKI: Objection. Outside the scope.

5 THE COURT: Overruled.

6 THE WITNESS: No. I don't have that information.

7 BY MR. PARKER:

8 Q Are you aware of the fact that the Administrative
9 Code says that, "The Department will include in the request
10 for application the point values that will be allocated for
11 each applicable portion of the application"

12 MR. SHEVORSKI: Objection. Outside the scope.

13 THE COURT: Overruled.

14 THE WITNESS: Yes. And I believe that was provided
15 on the application.

16 BY MR. PARKER:

17 Q Did it provide the point values for the subparts?

18 A No, it did not.

19 Q Do you know why it did not?

20 A No, I --

21 Q You don't?

22 A No.

23 Q You'd agree with me that the NAC does not separate
24 subparts from broad parts, it simply says, "The point values
25 will be allocated to each applicable portion of the

1 application"; is that correct?

2 MR. KOCH: Objection. Legal conclusion.

3 THE COURT: Overruled. You can answer.

4 THE WITNESS: Yes, I believe so.

5 BY MR. PARKER:

6 Q And if you want, let's look at NAC 453D.260.

7 THE COURT: It'll be on your screen.

8 MR. PARKER: Shane --

9 BY MR. PARKER:

10 Q It'll be on your screen in a second. You can look

11 at paragraph (2). Do you see that?

12 A Uh-huh.

13 Q Is that yes?

14 A Yes.

15 Q All right. So did you check the application or the

16 information provided to the applicants to ensure that the

17 applicants knew where the points -- how the points would be

18 allocated?

19 A I'm sorry. Can you say the question again.

20 Q Sure. Did you review the application or the scoring

21 information provided to the public to determine whether or not

22 the public would know how the points would ultimately be

23 awarded?

24 A No. I was not charged with that task.

25 Q All right. Good enough.

1 Let's look at 453D.268. We talked about the
2 location and the importance of it in the ballot question and
3 in the statutes. Now I'm going to ask you about the
4 Administrative Code sections that pertain to location, okay.

5 A Okay.

6 Q NAC 453D.268(2)(e). It says here, "An application
7 on a form prescribed by the Department. The application must
8 include, without limitation," then you go down to (e) "the
9 physical address." Do you see that?

10 A Yes.

11 Q Now, somehow even despite the fact that your group
12 made up the Administrative Code and the application, you took
13 out physical address anyway; is that correct?

14 A I did not take it out.

15 Q Okay. Who took it out?

16 A I don't know.

17 Q So a mystery person took out physical address from
18 the application despite this group, including you, including
19 it in the Administrative Code; is that correct?

20 A I would say that decision would have been made by
21 someone at the director level, either Jorge Pupo or Deonne
22 Contine.

23 Q You would agree with me that it's inconsistent with
24 the Administrative Code?

25 MR. KOCH: Objection. Legal conclusion.

1 Argumentative.

2 THE COURT: Overruled.

3 BY MR. PARKER:

4 Q Isn't that true?

5 A It appears to be that way.

6 Q Right. Now, given what you have testified today
7 under direct examination, the resume that you have based upon
8 your examination by my friend Mr. Shevorski, you would agree
9 with me, Ms. Cronkhite, that you did not as a group have the
10 authority to violate the ballot or the statutes; is that
11 correct?

12 A Correct.

13 Q And you did not as a group after you made the
14 decisions on the Administrative Code not to violate the
15 Administrative Code in terms of the preparation of the
16 application; is that correct?

17 A Correct.

18 Q So after you made all these mistakes you compounded
19 it by changing the application itself, which resulted in
20 Exhibit 5A; is that correct?

21 MR. KOCH: Objection. Argumentative. Lacks
22 foundation.

23 THE COURT: Overruled.

24 THE WITNESS: I don't have that information. I'm
25 not aware.

1 BY MR. PARKER:

2 Q Okay. Well, let's just sum it up like this.
3 Exhibit 5A, the most recent version of the application,
4 violated the Administrative Code we just read; is that
5 correct?

6 MR. KOCH: Objection. Argumentative. Legal
7 conclusion.

8 THE COURT: Overruled.

9 BY MR. PARKER:

10 Q Isn't that correct?

11 A It appears to be that way. My background is
12 science, not law.

13 Q Yeah, but they used your background to create these
14 administrative codes, didn't they?

15 A To an extent for public health, public safety. Yes.

16 Q All right. Did you have any part to play in the
17 versions of the code that dealt with monopolies?

18 A No, I don't believe so.

19 Q Okay. Now, I'd like for you to explain to me on
20 non-identified. You said you had nothing to do with the
21 identified, is that correct?

22 A Correct.

23 Q All right. Would the building itself be a part of
24 the identified or non-identified?

25 A Non-identified.

1 Q Good enough. Can you tell me in terms of the
2 building what training was provided relative to adequacy of
3 building size?

4 A Oh, as I previously stated, I went through the
5 application form, the evaluator's guidelines, and then sample
6 applications from the 2014 period line by line. The three
7 scorers had a strong background in looking at floor plans and
8 building plans previously, so they were very familiar with
9 that aspect of it already. But I explained to them how to
10 look for cameras, where they should be, where hand sinks
11 should be located based on the operation, the flow of
12 products, the flow of people, you know, customers and staff;
13 all those aspects. The timeline for completion, the resources
14 needed for construction and everything in-between, how to get
15 from Point A to Point B.

16 Q All right. You said something that differed from
17 your predecessors, and I say predecessors in terms of people
18 coming before you to the stand. We were told that only one,
19 potentially, of the six evaluators had any construction
20 background whatsoever. So did you review resumes of these
21 scorers?

22 A No. I spoke with them about their background in
23 person.

24 Q Were their resumes provided to you?

25 A I don't recall.

1 Q Did you interview any of the evaluators before they
2 were hired?

3 A No, I did not.

4 Q Do you remember the names of the evaluators?

5 A Yes, I do.

6 Q Can you tell me the evaluators that actually had
7 some construction experience?

8 A I can't say that they had construction experience.
9 I don't have construction experience. However, they have
10 experience looking at floor plans and building plans. Dwayne,
11 I believe his name was, was a former health inspector. He was
12 an environmental health specialist, which is my background.
13 They are frequently tasked with looking at facility
14 modifications, plan reviews. And then Richard -- I might be
15 mixing up Dwayne and Richard. Richard was, I believe, a
16 building and fire inspector. They're always looking at floor
17 plans for exits, flow, you know, auxiliary areas, how much
18 space is available between the hallways. And I think the
19 third one's name was Tina and she had a background in
20 reviewing budgets and floor plans for real estate. So that's
21 the information that they shared with me.

22 Q All right. So in terms of floor plans versus
23 buildings, how could you tell adequacy of size of building
24 versus a floor plan? Because the application says building,
25 it does not say floor plan. You would agree with that; right?

1 A I believe that's correct.

2 Q All right. So the question was not -- the scoring
3 should not have been based on adequacy of size of floor plan
4 but adequacy of size of building; right?

5 A Correct.

6 Q All right. So wouldn't the application be
7 incomplete if you're only providing a floor plan and not a
8 building, since it's judging adequacy of building and not
9 adequacy of floor plan?

10 A Well, the floor plan is part of the building plan.
11 It's one part of it.

12 Q Well, what we saw earlier, Ms. Cronkhite, was some
13 applicants who just gave a P.O. box, some to, you know, a
14 Mailbox, Etcetera, and a floor plan, with 11 applications the
15 same floor plan. Didn't say anything about the building or
16 the size of the building or the availability of enlarging the
17 building, which is also a part of your non-identified building
18 size adequacy criteria. Do you remember that?

19 A Yes.

20 Q All right. So how do you judge adequacy of building
21 size if you're not given a building to look at, be it
22 construction plans of an address or anything else?

23 A I believe that they were to provide all that
24 information.

25 Q Okay. So if they didn't, then it would be

1 incomplete; right?

2 A To an extent, possibly.

3 Q Correct. Now, tell me, what importance is a sink in
4 a dispensary? I want you to -- in your mind I want you to
5 separate and divorce yourself from cultivation or production
6 and focus on dispensary. Why do you need a sink in the middle
7 of a dispensary?

8 A Well, I wouldn't say it needs to be in the middle of
9 the dispensary, but they need to have hand-washing sinks. For
10 example, a person might feel completely healthy -- and this is
11 a dispensary only handling packaged products, for example -- a
12 person might feel completely healthy, they're a young, healthy
13 individual but they're carrying norovirus, for example. That
14 comes out through your pores and your hands and your sweat.
15 You're handling the packages. You're giving them to people.
16 If you're not washing your hands frequently and you're
17 constantly touching your mouth, touching your face, you have
18 all this bacteria or virus all over your hands and then you're
19 touching the packages, they go home, they handle the product,
20 they consume it, they'll get norovirus. That is one reason.

21 Another reason is because a lot of dispensaries do
22 repackaging products. They're physically handling open
23 products. They have the potential to contaminate those
24 products. Hand washing is the single most important factor
25 when it comes to reducing the spread of food-borne illness and

1 other diseases.

2 Q Okay. When I look at the ballot question and the
3 statutes, I don't see where the sink is mentioned. Do you see
4 it mentioned there?

5 A I don't think it goes into that detail.

6 Q All right. When I looked at the liquor statutes,
7 and I've been to a few liquor stores just for looking around,
8 I've never seen a sink in liquor stores.

9 A Liquor stores do have sinks.

10 Q Right there in Mr. Lee's?

11 A Not in the middle where the customers have access,
12 but for the staff they do.

13 Q Or Total Wine?

14 A Yes, they do.

15 Q Where?

16 A They have one in the restroom and outside of the
17 restroom.

18 Q Okay, that's fine. Restrooms. I've seen them.

19 A And one outside.

20 Q I haven't seen one outside, but that's fine.

21 A Well, you haven't gone in the back area, apparently.
22 They definitely have them.

23 Q In the back areas. Okay.

24 A Yes. Where the staff has access, yes.

25 Q Good enough. And I'll go with that. But I have not

1 seen them in the non staff areas. So that's what I'm asking
2 in terms of the adequacy of building. I didn't see it in the
3 ballot question and I didn't see it in the statute. Is it in
4 the administrative code?

5 A It wasn't required to have a hand sink in a non-
6 staff area.

7 Q So how can an applicant know that in terms of their
8 application if it's not in the ballot question, it's not in
9 the statute and it's not in the administrative code?

10 A It is in the administrative code that they need to
11 have hand sinks available.

12 Q Okay. Available.

13 A Uh-huh.

14 Q Does it say that it's a deficiency if you don't?

15 A It wouldn't be a deficiency. It does say that they
16 have to have one available for staff. If it's not available,
17 that would be a deficiency. If they have just one, that's the
18 bare minimum requirement. If they have one in specific areas
19 where people are handling products more frequently, that would
20 be an excellent response.

21 MR. PARKER: All right. Your Honor, may I approach
22 Madame Clerk?

23 THE COURT: You absolutely may.

24 BY MR. PARKER:

25 Q Can you take a look at Exhibit 307 DOTNV--

1 THE COURT: Mr. Parker, you're going to have to help
2 her.

3 MR. PARKER: I will. I will.

4 THE COURT: There is no way she's going to find
5 Exhibit 307 in the mass of paper that is gathered over there
6 by her.

7 MR. PARKER: I'm taking that as your authority to
8 let me come up here and find it for her.

9 THE COURT: Yes. You may approach the witness, find
10 it and turn it to the right page for her, please. Thank you.

11 MR. PARKER: Thank you, Your Honor.

12 BY MR. PARKER:

13 Q So you're looking at Exhibit 307, Bates stamped
14 DOT-NVWELL2. Do you see that?

15 A Yes.

16 Q And it's a letter dated September 18, 2018. Are you
17 familiar with these letters?

18 A It's a common letter that's sent out. I'm familiar
19 with the format. I'm not familiar with this specific letter.

20 Q All right. And can you tell me the importance of
21 this letter relative to the adequacy of the operation in that
22 building?

23 A It says that they're in compliance.

24 Q All right. Would that also mean that they have
25 sufficient sinks?

1 A It doesn't mean that they have -- necessarily that
2 they have a sink everywhere that they should, but it means
3 that they're meeting bare minimum requirements for hand sinks.

4 Q All right. Now, would that also mean that that
5 building and the configuration of it would be compliant for
6 purposes of perhaps replicating that building in the
7 application?

8 A It would be compliant, but it doesn't imply that
9 it's perfect.

10 Q Okay. So is there something that says compliant but
11 not perfect, or is it just compliance?

12 A Compliance is average. Compliance is acceptable.

13 Q Okay. So this inspection verifies that this
14 building and this format meets the requirements of the
15 Division; right?

16 A Yes.

17 Q So however many sinks it has, it's compliant?

18 A It's compliant. Yes.

19 Q Good enough. So if that same building was used as a
20 part of an application, then the scorers should not take away
21 points for that building; right?

22 A I don't know what you mean by take away points, but
23 they wouldn't be granted automatically full points because,
24 like I said, compliance doesn't imply perfection.

25 Q Okay. So the application is looking for perfection?

1 A You're being scored and then compared to others --
2 Q Right.
3 A -- so the better score is going to be ranked higher.
4 So, yeah, we are looking for comparing and ranking. We're
5 saying who's better.
6 Q Good enough.
7 A So one hand sink is not better than three hand
8 sinks, no.
9 Q All right. Which also means that if the application
10 is not complete in the first place it shouldn't even be
11 ranked. You've got to be at least compliant with the statute,
12 the regulations before you can get considered; right?
13 A That decision would be over my pay grade.
14 Q All right. So what was the barometer or the
15 threshold for adequacy of size? I didn't see that in any of
16 the training modules.
17 A You mean square footage, specifically?
18 Q Yes.
19 A There was no specific requirement for adequacy of
20 size. What a lot of -- what we like to see, and I mean the
21 Department and the scorers like to see is where they explain
22 the population area, how many people they expect to see, how
23 much product that would equate to and their storage area to be
24 able to store that much product to meet the needs of that many
25 people. But the physical size, I mean, a dispensary that's a

1 little mom and pop dispensary versus a huge tourist attraction
2 isn't necessarily what we were looking for.

3 Q Would you agree with me that there were no modules
4 that provided training for adequacy of size, be it 10,000
5 square feet or 5,000 square feet? There's nothing that talked
6 about that, is that correct?

7 A The size wasn't a major issue, no.

8 Q Okay, but the training on the size?

9 A Like I just said, I explained how they should look
10 at the size --

11 Q Okay.

12 A -- if it was adequate. If the applicant provided
13 information about the number of consumers that were expected
14 to be coming in and the size of the facility, how many people
15 they could hold in the facility, as long as they had a well
16 thought out plan and it made sense to their proposed
17 operation, that would be considered acceptable.

18 Q All right. So if we'd keep that same document open,
19 that same exhibit, go to page 418.

20 A Page 418?

21 Q Yes, ma'am.

22 A Okay.

23 Q This says Tab 5.3.3, Building Establishment
24 Information. Do you recall this being a part of the
25 application criteria?

1 A Yes.

2 Q All right. And it says, "Documentation concerning
3 the adequacy of the size of the proposed recreational
4 marijuana establishment to serve the needs of persons who are
5 authorized to engage in the use of marijuana must be included
6 in this tab. The content of this response must be in a non-
7 identified format, include the building and general floor
8 plans with supporting details." What details were you
9 speaking of?

10 A I mean, it says in the notes, start-up plans,
11 potential expansion. We were looking -- the scorers were
12 looking for information such as, like I stated before, the
13 flow, the cameras, making sure that they don't have a public
14 restroom in the back area where consumers are going to go and
15 have access to all their receiving and their vault. You're
16 not walking through the vault to get to the, you know,
17 receiving area, things like that. You want to make sure that
18 the flow makes sense for the operation.

19 Q All right. Again it says to include the building?

20 A Uh-huh.

21 Q Is that a yes?

22 A Yes.

23 Q Okay. And the floor plan?

24 A Yes.

25 Q Not just the floor plan; right?

1 A Yes.

2 Q All right. And if an applicant provided building
3 plans, and I want you to go to page 505, you actually see the
4 landscaping plan, the parking. Page 506 you see the
5 elevations. And then page 508 you see a floor plan; right?

6 A Yes.

7 Q Did you provide any training to your evaluators on
8 how to evaluate elevations, parking, any of those things?

9 A Yeah, I don't believe we looked at parking, other
10 than the fact that it was available and they have handicap
11 spaces available. But, yes, all those things were discussed.

12 Q And all those things are important?

13 A Yes.

14 Q Handicap parking, the amount of parking?

15 A Yes.

16 Q Wouldn't you agree with me that there's no parking
17 afforded to a floor plan?

18 A Yes.

19 Q There's no handicap information when you just get a
20 floor plan?

21 A Correct. Well, sometimes they are but not always,
22 no.

23 Q All right. And right behind that, 509, it's the
24 start of a subcontract agreement indicating the location where
25 this place would be, the amount of the contract and an

1 indication of this applicant's readiness to get going, is that
2 correct?

3 A I've never seen this. I would have to review it.

4 Q Well, I'm asking only because I don't think you've
5 seen it. My point in showing it to you is did you provide any
6 training to your evaluators to determine and to consider
7 construction contracts?

8 A Yes.

9 Q All right. I didn't see it in the training modules.
10 What training did you provide them in that respect?

11 A That was verbal. We were going through sample
12 applications and I was showing them in the 2014 applications
13 that we were using as examples things that they could expect
14 to see and how to evaluate those.

15 Q All right. Now, when an evaluator had a question or
16 was confused by building plans or construction contracts, who
17 answered those questions?

18 A Typically I would.

19 Q Okay. Do you recall any of your evaluators coming
20 to you with any questions regarding construction plans,
21 adequacy of building size, floor plans, any of those things?

22 A I can't recall any specific questions.

23 Q All right. Were you the person who they were
24 supposed to go to, since you were training on the non-
25 identified for questions?

1 A Yes.

2 Q And were you also responsible for doing any quality
3 control or quality assurance regarding their scoring?

4 A Once they began scoring, I was not involved in the
5 process any longer.

6 Q And why is that?

7 A I can't say the reason, but Department staff were
8 not involved in the scoring process.

9 Q Weren't you supposed to be involved in the quality
10 control for the scoring?

11 A I personally was not, no.

12 Q All right. Let's take a look, then, at -- let's
13 take a look at Exhibit 205. It's not going to be in that
14 book.

15 A Oh.

16 Q Yeah, it's not going to be in that book. It's going
17 to be on your screen. Exhibit 205, this is the training
18 information we got from the Department of Taxation. And page
19 27. You're familiar with this document, aren't you?

20 A It looks familiar. It's probably been a long time
21 since I've seen it.

22 Q All right. Is this you?

23 A Yes. This was during the training period before
24 they were physically scoring real applications.

25 Q Okay. So you only did quality assurance during the

1 training period, you never did -- no one did any quality
2 assurance in terms of Department of Taxation employees of the
3 scorers after the real scoring started?

4 A I'm not sure nobody did, but I did not.

5 Q So in terms of the non-identified, you did nothing
6 in terms of quality assurance?

7 A Once they physically started actually scoring real
8 applications, no, I was no longer involved.

9 Q So one of your colleagues testified that they
10 expected the evaluators to QC their own work. Is that your
11 understanding or not?

12 A Yes. There is a process involved with it.

13 Q So if the evaluators made mistakes, QC-ing their own
14 work wouldn't help; would you agree?

15 A They did it as a team. No, I've personally been
16 involved with this and it was a huge help. I can give more
17 information if you'd like.

18 Q Yeah. Yeah, certainly I would like.

19 A So when they score, each individual scores
20 independently.

21 Q Okay.

22 A No communication with the other two scorers for that
23 section. They go through it. They write down the scores that
24 they're going to give independently. Then they all three meet
25 together as a group and then they compare scores. And if

1 they're not in line, then they discuss with each other why
2 they're not in line. Maybe one person didn't see a section
3 and gave them a low score and they said, oh, it's actually
4 down here in a completely different area. Then they'd go look
5 through that together as a group and say, oh, yeah, I missed
6 that and then they could revise their score at that point.

7 Q But if they all made mistakes, then that would just
8 be a perpetuation of the mistake; right? If they all didn't
9 know what they were doing, then it would never get corrected,
10 right, because they didn't come to you, is that correct?

11 A We -- they came to me before they started grading
12 actual applications.

13 Q Right.

14 A So they were coming to me prior to the start of
15 actual scoring.

16 Q But was there an opportunity to come to someone
17 after the real grading started if they were confused?

18 A I believe they could have gone to Ky or asked
19 someone if they were confused during the actual scoring
20 process.

21 Q Was there a process identified in the training for
22 them to come to someone?

23 A I'm not sure. Ky conducted that training, that
24 portion of the training.

25 Q I thought you did the training for the non-

1 identified.

2 A I trained how to score. I did not train on who to
3 go to if they had questions or things like that.

4 Q So you don't know if they had anyone to go to?

5 A I believe they were going to Ky.

6 Q All right. And in terms of your construction
7 knowledge, you're familiar with construction plans?

8 A Yes.

9 Q Okay. How are you familiar with construction plans?

10 A I used to do plan reviews for the Southern Nevada
11 Health District for proposed buildings.

12 Q Okay.

13 A And I also review all production plans for proposed
14 facilities, marijuana production facilities.

15 Q Why were there no training slides on that topic?

16 A That wasn't the general overview. That was the more
17 detailed focus, one-on-one training sessions that I conducted.

18 Q Why aren't there any written information related to
19 that?

20 A I don't know.

21 Q Okay. Did you have actual plans that you showed
22 them and said, hey, this is what a plan looks like?

23 A I used samples from previous applications, yes.

24 Q Okay. So while there may not have been any training
25 modules in written form, you recall doing that in person?

1 A Yes.

2 Q All right. And the same with signage and security.
3 Did you have examples of signage and security?

4 A Yes. We used all -- full non-ID sections from
5 previous applications for all of it.

6 Q So you used the signage and security from medical
7 marijuana locations to judge recreational?

8 A Well, I explained to them in the process what the
9 differences would be, what to keep an eye out for, what
10 changes to expect.

11 Q All right. And how did you do that? For example,
12 because I don't see anything in the paperwork that describes
13 this. On a 3,000 square foot building, how many cameras do
14 you need?

15 A Well, your camera angles should be shown on some
16 sort of floor plan or layout that would show the angle of the
17 cameras so that we can see where the coverage shows.

18 Q So if that wasn't provided in the floor plan, then
19 that would be an incomplete application?

20 A You would be considered inadequate, not necessarily
21 incomplete.

22 Q And in terms of security, you know, beyond cameras,
23 would you have to show the location of the vault, would you
24 have to show locking mechanisms for the product? I mean, what
25 do you have to do? Is there any kind of threshold that's in

1 writing that we could refer to, as the Court could or I could
2 to determine whether or not these scorers had it right or
3 wrong?

4 A I would look at the evaluator's guidelines, but I
5 did explain to them to look for vaults, where the location of
6 the vaults is in relation to where customers are,
7 accessibility, things like that.

8 Q So take a look at Exhibit 209 and I want you to take
9 a look at -- we'll start at page 391. Are you familiar with
10 this document, the application criteria points breakdown?

11 A Yes.

12 Q Did you use this to train on the non-identified
13 portions of the application?

14 A No, this isn't the version that I was using.

15 Q Okay. Who was using this version?

16 A I don't know.

17 Q This is nothing you used?

18 A This is the ID section.

19 Q Okay. If we go to the next page it speaks about a
20 transportation plan and the adequacy of security measures for
21 building security.

22 A Yeah. I mean --

23 Q At the top, 392.

24 A It looks like it's possibly the same information,
25 but the one that we were using to train on had a lot more

1 detail. It had a blue bar across the top. I don't --
2 Q You don't recognize this?
3 A I've probably seen this, but no, it's not formatted
4 in the same way as the one I used for training.
5 Q Do you know what a transportation plan is?
6 A Yes.
7 Q What is it?
8 A It's a plan on how they're going to be transporting
9 the product, whether it's to consumers or to another
10 dispensary. How much they can store at one time; where they
11 can deliver to; what the vehicle has to look like. The
12 communication -- form of communication has to be listed in
13 their trip plan. All that information is in the
14 transportation plan.
15 Q All right. And I didn't see any of that in the
16 training modules. Was that provided in the training modules?
17 A It's in the evaluator guidelines.
18 Q Okay. So the community impact is also a part of
19 this document. I want to show it to you and if you'd tell me
20 if this, again, is something that you used or did not use,
21 okay?
22 A Okay.
23 Q Look at the same exhibit, I believe, page 401. Did
24 you use this?
25 A Yes.

1 Q Okay. So this is taken from the same information.
2 I'm trying to figure out why portions of it --
3 MR. PARKER: Your Honor, Mr. Rulis says it's also
4 Exhibit 10.
5 THE COURT: Okay.
6 MR. PARKER: But this -- both of them have been
7 admitted.
8 THE COURT: Great.
9 MR. PARKER: This may be easier for her to read. If
10 I could approach, Your Honor?
11 THE COURT: You can. And we switched to Exhibit 10.
12 MR. PARKER: Yes, we have.
13 THE COURT: It's on the screen.
14 MR. PARKER: It is.
15 THE COURT: Thank you, Mr. Rulis.
16 Mr. Parker, how much longer have you got with her?
17 MR. PARKER: Your Honor, maybe 20 minutes.
18 THE COURT: Okay.
19 MR. PARKER: I'm trying to get through it.
20 THE COURT: It's all right, Mr. Parker. I have no
21 anticipation that she's finishing today.
22 MR. PARKER: Good.
23 BY MR. PARKER:
24 Q So, you're familiar with this; correct?
25 A Yes.

1 Q The first line that I'm reading, and I don't know
2 if it's the same that you're reading from, I'm using this one,
3 it says, "The likely impact of the proposed marijuana
4 establishment in which it is proposed to be located in." Do
5 you see that?

6 A Uh-huh.

7 Q So again, we're not speaking floor plans, we're
8 talking location; right?

9 A This would be location, like the local jurisdiction.

10 Q But see, it doesn't say jurisdiction here. It says
11 community. It speaks about community. It does not say
12 jurisdiction. Would you agree?

13 A It's about community, not necessarily the specific
14 address of the facility.

15 Q Well, it says, "Community impact serving authorized
16 persons in need."

17 A Yes.

18 Q But again, it doesn't say jurisdiction. There's a
19 distinction between jurisdiction and community, isn't there?

20 A I would say that a jurisdiction can be a community.

21 Q Right. But we know that there are certain
22 jurisdictions that you can apply for?

23 A Yes.

24 Q The City. North Las Vegas. Unincorporated Clark
25 County. Henderson. Those are all jurisdictions under the

1 definition under the statute; right?

2 A Yes.

3 Q All right. Community is different than jurisdiction.
4 Isn't that a smaller subset of a jurisdiction, potentially?

5 A I mean, community can have a lot of different
6 definitions. I wouldn't agree with that necessarily.

7 Q All right. And it says here the criteria response
8 clearly demonstrates how the establishment intends to provide
9 their local community with community benefits. Again, I think
10 that if you wanted to use jurisdiction, you could have. You
11 chose to use community; right?

12 A Yes.

13 Q Okay. And so what was the training given -- were
14 there any training modules on this topic or this criteria?

15 A I'm not aware of any training modules. Like I said,
16 my portion of the training was going line by line through it
17 and through example applications.

18 Q All right. And it also refers again to location;
19 right?

20 A It doesn't say physical address, but yes, it does
21 say location.

22 Q Good enough. Can you tell me who provided the -- or
23 were you involved in any of the training related to education?
24 Are you familiar with the fact that education is a part of the
25 identified criteria?

1 A You mean the education plan or what do you mean?

2 Q No. Education levels of the applicants, the

3 owners --

4 A That's the ID section.

5 Q I know. I'm asking if you're familiar with the fact

6 that that is part of the criteria?

7 A Yes.

8 Q All right. Did you have anything to do with

9 establishing that criteria?

10 A No, I don't believe so.

11 Q That was not a part of the team effort that you were

12 involved in?

13 A It may have been, but I don't recall. It doesn't

14 sound familiar.

15 Q Do you remember whether or not or how it was

16 determined what the scoring would be for that criteria?

17 A No, I don't. I believe it was mostly based off of

18 what was provided by QuantumMark back in 2014.

19 Q So that was just a repeat of the 2014 application

20 process?

21 A I believe so.

22 Q Do you recall ever seeing anything in the ballot

23 question that dealt with education levels?

24 A Not that I recall.

25 Q Nor did I. How about in the statutes?

1 A I don't recall.

2 Q How about in the administrative code?

3 A I don't recall.

4 Q Do you know how it found its way into the

5 application process if it's not in the ballot question, the

6 statutes or the administrative code?

7 A Well, I believe that the statutes give us the

8 authority to create the application, so I believe it just came

9 from there.

10 Q Okay. And do you know who decided the -- how the

11 scoring would be done for education? For example, if you had

12 ten owners and ten of them had B.A.'s and five of those also

13 had Master's Degrees and three of them had Doctorates, how you

14 would score those? Did you have anything to do with that?

15 A I don't recall. I may have been in the room, but I

16 wasn't involved in the decision.

17 Q Do you know how that could be directly and

18 demonstrably related to the operation of a retail marijuana

19 establishment?

20 A I'm sorry, I didn't hear you.

21 Q Yes. How could that be -- is that related at all to

22 operating a marijuana establishment?

23 A Yes.

24 Q How is it?

25 A Well, for me the most important aspect is public

1 health, so if you have people with scientific backgrounds that
2 understand how pathogens can grow or spread then, yes, that
3 scientific education would be very beneficial to them.

4 Q So then you would not just be judging education but
5 the type of education. So someone who was an Art History
6 major, had a B.A. in Art History, wouldn't score as high as
7 someone who was in a medical science?

8 A Art History might be relevant to a dispensary, but
9 not to my knowledge. I don't know how they scored that
10 section.

11 Q So you have no idea how education was scored?

12 A I wasn't involved in that process.

13 Q All right. And just so I want to make sure we're
14 clear so I don't have to come back to it, you don't recall
15 seeing education as a part of the ballot question, the
16 statutes or the administrative code?

17 A It's not something I remember seeing off the top of
18 my head, no.

19 Q All right. Would your answers be the same in terms
20 of the financial brackets determined for tax purposes?

21 A I was in the room when that was being discussed.

22 Q Okay.

23 A I was not a decision maker in the process.

24 Q Did you see taxes identified in the ballot question?

25 A I don't recall. I don't know.

1 Q Did you see them in the statutes?
2 A I don't know.
3 Q You have no idea?
4 A I would have to look.
5 Q Well, let's take a look at least at the statutes.
6 Do you see it anywhere there?
7 A For the application process?
8 Q Yes. And you can take a look at 453.210 and see if
9 you see taxes paid. And while you're looking, see if you see
10 anything about education levels.
11 A I do not see those mentioned in 210.
12 Q So how was it decided that that would be added to
13 the application process if it's not in the statutes and it's
14 not in the ballot question?
15 A I don't know personally. I do know if we only did
16 what was in the ballot question it would be a very short
17 application.
18 Q Well, that's why I also included the statutes.
19 Would you agree with me there's no indication in the statutes
20 that the application must contain information regarding
21 educational levels?
22 A It is a not a requirement, no.
23 Q Same in terms of taxes paid; right?
24 A Correct.
25 Q But you added it to the application anyway; right?

1 A I did not personally add it, but it is in there,
2 yes.

3 Q Your group did?

4 A Yes.

5 Q Thank you. Same with -- how about with in terms of
6 financial strength?

7 A I do not see that in here, either.

8 Q All right. But it was added to the application
9 process; right?

10 A It is in there, yes.

11 Q In terms of the signage and that's under, again,
12 200, paragraph -- 453D.200, paragraph (1)(h). It says,
13 "Reasonable restrictions on signage, marketing, display and
14 advertising." Do you see that?

15 A Yes.

16 Q Now, that's something that the statute requires,
17 right --

18 A Yes.

19 Q -- consideration of? Can you get signage out of a
20 floor plan?

21 A It was part of that section and they were to provide
22 documentation showing that they had a professional appearance.
23 Signage would show your professional appearance. But it was
24 non-identified, so any identifying information should be
25 removed.

1 Q But these are the things the statute required, not
2 reflected -- that should have been reflected in the
3 application. And then we've discussed just now things that
4 were added to the application not a part of the statutes;
5 right?

6 A Correct.

7 Q All right. Did anyone ever say, hey, let's pump the
8 brakes here, we're putting things in this application that has
9 nothing to do with or not specifically provided for under the
10 ballot question or the statutes, mainly the education, the
11 taxes, financial strength, any of those three things?

12 A I believe we had approval from LCB to go ahead with
13 it.

14 Q Do you have a name?

15 A I believe we were working with Asher. I don't know
16 the last name.

17 Q All right. Now, you've heard of seed to sale?

18 A Yes.

19 Q Tell me what your understanding of seed to sale is.

20 A Seed-to-sale is the tracking, the State tracking
21 system for all inventory statewide. It communicates with
22 every single facility. We use metric so we can track a
23 product from the point of -- you know, when it began all the
24 way until the point that it's sold.

25 Q Okay. Were the seed-to-sale considerations a part

1 of the application for retail?

2 A Yes.

3 Q Can you tell me why, since they're not dealing with
4 the seed, really, they're simply selling the finished product?

5 A Yes. They're required to make sure that the product
6 that they receive is traceable back to seed-to-sale --

7 Q Okay.

8 A -- so that that information is in the system. And
9 then they're responsible for it from receipt into the point
10 that it is sold.

11 Q Do you see anything within the -- within NRS 453D
12 that says seed-to-sale for dispensaries?

13 A I would have to look through the whole NRS, but it
14 might -- I think it says inventory. I don't know.

15 Q I'm not seeing anything that says that they're
16 required to use the seed-to-sale system.

17 A All right. Good enough. And so let me ask you this
18 question. Were you -- this is kind of jumping around. I'm
19 trying to get you out of here in terms of me, Ms. Cronkhite.
20 Were you responsible for in any way taking application 5,
21 Exhibit 5 or application Exhibit 5A off the Website at any
22 given time?

23 A No. I don't handle the website.

24 Q That wasn't your --

25 A No.

1 Q Do you know who was responsible for, as the owner,
2 managing the website? We heard earlier today that -- from the
3 I.T. person, Mr. Davidson, that he simply provided the
4 platform. He set up the Listserv in terms of having it on the
5 server. But the owner, I'm assuming that's the Department of
6 Taxation, the Division of Marijuana Enforcement was the owner
7 of that website. Is that correct?

8 A Yes.

9 Q Did you manage the website?

10 A No.

11 Q And do you recall there being public hearings for
12 the medical marijuana? Were you around when that came out?

13 A What do you mean by public hearings for medical
14 marijuana?

15 Q Well, were there any public hearings to address how
16 the application process would be done for 2014 for the medical
17 or 2018 for the recreational?

18 A We had public presentations where we took -- I'm
19 drawing a blank on the name of the forms that they give us but
20 -- impact, the impact statements from Facilities. We present
21 the regulations, the proposed regulations. They submit their
22 impact statements. Those are considered and they're revised
23 based on that. So, yes, they were publicly -- they were
24 presented publicly.

25 Q Do you know Amanda Connor?

1 A Yes, I do.

2 Q Have you spoken to her many times?

3 A Yes.

4 Q Has she attended a lot of meetings?

5 A I believe so.

6 Q Did you ever have any conversations with her where

7 you discussed the application process?

8 A I don't believe so, no.

9 Q Or how -- what would be required of applicants?

10 A No.

11 Q Never have?

12 A I don't believe so.

13 Q Why do you say you don't believe so?

14 A I don't recall any conversation where she asked

15 about the application process.

16 Q Okay. You don't recall her asking you questions

17 regarding location versus P.O. boxes?

18 A I don't think she would have asked me about that.

19 That was kind of out of my scope. It's possible, but I don't

20 recall.

21 Q Okay. Do you -- there was a training reference in

22 an exhibit, Exhibit 109. I wanted to know if you could tell

23 me what this reference is. Exhibit 109, SG91, top left

24 corner. So it says, "That training was dumb." It appears to

25 be written by you, is that correct?

1 A It appears that way, yes.

2 Q What training were you referring to?

3 A I don't know. That's not my -- oh, yeah, that's my
4 work number. Yeah, I don't know what that was. January 2019.

5 Q All right. The -- I'm almost done, Ms. Cronkhite.
6 There was a phone interview -- I'm sorry. There was an
7 interview that was conducted with Nevada Wellness Center on
8 January 17, 2019. Do you recall that?

9 A An interview?

10 Q Well, it was a meeting at your office, 555
11 Washington. I don't know if that's your main office, but at
12 that location.

13 A Uh, I'd have to know more information.

14 Q You and Mr. Hernandez were there.

15 A Was it a score review meeting?

16 Q It was.

17 A Yes.

18 Q Now, are there any requirements that you have
19 available at that meeting the application itself for the
20 applicant that's coming to meet with you and discuss it?

21 A Can you state the question again?

22 Q Yes. Do you recall having a meeting like that
23 before?

24 A Yes.

25 Q All right. So on January 17th you met with Nevada

1 Wellness Center, Mr. Hawkins, Frank Hawkins was there. Do you
2 remember that?

3 A It's possible.

4 Q Okay. Did you go over or was it a part of the
5 process to go over the application itself?

6 A No.

7 Q Okay. What information did you or were you allowed
8 to give at those meetings?

9 A We were only allowed to share their actual numbers,
10 the scores that they received compared to the average
11 statewide.

12 Q And why were you not allowed to give any more
13 information than that?

14 A I believe there is an NRS that states -- I don't
15 know the number off the top of my head, that states that
16 they're allowed to have a meeting and the only information
17 that can be provided is their scores.

18 Q Was there someone listening in by phone? Is that a
19 yes?

20 A Yes. Ky Plaskon.

21 Q All right. So why was there someone listening over
22 the phone during that meeting with you and Mr. Hernandez?

23 A He was taking notes.

24 Q All right. And that's what we thought, too. So
25 we've asked the State for the notes. To your knowledge were

1 all notes provided from those meetings provided to the State?

2 A To my knowledge. I didn't have the notes.

3 Q All right. But Mr. Plaskon would have had the notes?

4 A Yes.

5 Q And do you recall informing Mr. Hawkins that

6 diversity would only be used as a tie breaker during that

7 discussion?

8 A No, I don't recall that at all.

9 Q Okay.

10 A That would be incorrect.

11 Q All right. Why wasn't QuantumMark used to do the

12 evaluations?

13 A I don't have that information. I don't know that

14 they are scorers. I just know that they assist with drafting

15 regulations, creating application processes, things like that.

16 I don't know if they actually conduct the work, if that's even

17 in their scope.

18 Q All right. Do you have any understanding of how

19 many licensees, conditional licensees are completely, 100

20 percent minority owned?

21 A No. I don't have that information.

22 Q And then experience in the marijuana industry in

23 Nevada, that was one of the -- a part of the criteria. Do you

24 recall that?

25 A I believe that was the identified section.

1 Q It was. Did you have anything to do with how that
2 was scored?

3 A No, I don't believe so.

4 MR. PARKER: Okay. Your Honor, I think that's all I
5 have. Thank you very much.

6 THE COURT: It's 4:34. Mr. Kemp, do you want to
7 start or Mr. Rulis, do you want to start for 11 minutes?

8 MR. RULIS: I do.

9 THE COURT: While you're coming up, I'm going to ask
10 her a question.

11 Ma'am, were you aware that some of the non-
12 identified applications were grouped together for purposes of
13 the graders' grading?

14 THE WITNESS: I don't know if I have that
15 information. Do you mean multiple locations with one
16 application?

17 THE COURT: Multiple application numbers with one
18 set of results.

19 THE WITNESS: If it was one physical application for
20 multiple locations then, yes, I'm aware of that.

21 THE COURT: Well, let me say it a different way.
22 Multiple application numbers to me means that there were
23 different applications, each of them with an individual
24 number. Are you aware for non-identified purposes of those
25 being grouped together for grading?

1 THE WITNESS: The only knowledge I have is that a
2 lot of applicants submitted one complete application for
3 several different locations and that would be scored as one
4 application, I believe, if all the information was exactly the
5 same.

6 THE COURT: Where did you come by that understanding?

7 THE WITNESS: I'm not sure I understand what you
8 mean.

9 THE COURT: How did you learn that?

10 THE WITNESS: When Facilities were -- when we were
11 discussing how they would submit their applications, it had
12 been mentioned that they could submit the same application for
13 multiple locations.

14 THE COURT: Who said that?

15 THE WITNESS: I believe Jorge Pupo, Steve Gilbert,
16 Ky Plaskon.

17 THE COURT: Those are three different people. Which
18 one?

19 THE WITNESS: I mean, there was just a conversation.
20 I don't recall exactly. But I know that they had said that
21 they could submit one application. And even on the
22 application form itself -- you can submit one application and
23 there's several check boxes for different locations, different
24 jurisdictions to apply for.

25 THE COURT: Okay. Thank you, ma'am.

1 THE WITNESS: You're welcome.

2 THE COURT: Sorry, Mr. Rulis.

3 MR. RULIS: That's all right, Your Honor.

4 So just to follow up with that, Shane, can you pull
5 up Exhibit 48, please?

6 This one is already admitted, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. RULIS:

9 Q If you go to -- do you recognize what this is?

10 A Yes.

11 Q It's tally sheets that the Department put together
12 after the scores were done; right?

13 A Yes.

14 Q So this first page, that's the identified portion;
15 right?

16 A Yes.

17 Q And so if you go to the second page, that's the
18 scores for the non-identified portion?

19 A Yes.

20 Q So if you look up at the top right-hand corner where
21 it says, Finalized, and then it has a box that says MEID.

22 A Yes.

23 Q So this one happens to cover the scores for -- it
24 looks like 12 if my math is correct, 12 different
25 applications; right?

1 A Yes.

2 Q So it's -- this is what Her Honor was talking about,
3 is that you have one score sheet but it's covering 12
4 different non-identified portions; right?

5 A Right.

6 Q Okay. And you're aware that that happened with
7 multiple applicants?

8 A Yes.

9 MR. RULIS: So -- thanks, Shane.

10 BY MR. RULIS:

11 Q When Mr. Parker was asking you some questions, you
12 mentioned that at the time of the application process you were
13 just a supervisor, you weren't a manager. Do you remember
14 that?

15 A Correct.

16 Q Who were the manager level Department employees at
17 that time? Was that Jorge Pupo and Steve Gilbert?

18 A Yes. And Deonne Contine.

19 Q And Deonne. Well, so let me ask you about that
20 because you mentioned Deonne Contine. Her last day with the
21 Department was, as I recall, February of 2018, wasn't it?

22 A Oh, I don't remember.

23 Q Okay.

24 A Yeah.

25 Q Well, assuming that her last day was I believe

1 February 8th of 2018, she wouldn't have been around when the
2 application was being put together, would she?

3 A I don't recall when we were building the application
4 itself or revising it. I thought she was still around, but I
5 may have been mistaken. It may have been Bill Anderson.

6 Q Okay. So, sorry, back to the manager level. So it
7 would have been whoever the director was at the time --

8 A Correct.

9 Q -- whether that was Ms. Contine or Mr. Anderson,
10 Jorge Pupo and Steve Gilbert?

11 A Correct.

12 Q And as I understand it, you are now a manager,
13 though; right?

14 A Correct.

15 Q Because I think it was -- congratulations, by the
16 way. I think it was February you got a promotion?

17 A That sounds right, yeah.

18 Q And that's -- you actually got promoted, as I
19 understand it, into Steve Gilbert's old position; right?

20 A Correct.

21 Q And Steve Gilbert got bumped up. Is that a new
22 position?

23 A Yes. He's Health Program Manager III.

24 Q Okay. So at the time of the application, though,
25 what we're talking about is, as I understand the hierarchy, is

1 it's kind of a straight line. You've got Jorge at the top,
2 Steve Gilbert and then you're below Steve Gilbert and then a
3 number of people reported to you; right?

4 A Correct.

5 Q So when you're going through the application process
6 and revising the application, you're reporting to -- directly
7 to Steve Gilbert; right?

8 A Correct.

9 Q So to the extent that -- and one of the things that
10 Mr. Parker went through with you and you were talking about is
11 the grading on the building construction sections of the
12 applications. Do you remember that?

13 A Yes.

14 Q And I know Mr. Parker referred to Exhibit 209. I'm
15 going to have Shane pull up Exhibit 209 and specifically page
16 DOT396. And I think you mentioned that you weren't exactly
17 familiar with this document; right?

18 A That looks more in line with this.

19 Q Right.

20 A Yes.

21 Q Well, and that's just -- I want to clear up any
22 confusion. I'm going to have Shane also pull up Exhibit 9.

23 A Okay.

24 Q And I'm going to want to compare them just because
25 when I read them it's the exact same language. I just want to

1 make sure that you understand that and you're comfortable with
2 that.

3 A Okay.

4 MR. RULIS: So, Shane, will you show her Exhibit 9
5 just in total real quick.

6 BY MR. RULIS:

7 Q So the one there, is that the document that you were
8 talking about earlier with the blue bar on it?

9 A Yes.

10 Q Okay. So these are the grading tools that you went
11 through with the Manpower graders?

12 A Correct.

13 Q Okay. So if you -- Shane, if you'll pull back up
14 209, and specifically I'm going to have you look at the
15 grading criteria as far as an excellent response goes. And
16 what I want to talk about is when Steve Gilbert was asked
17 about this the question to him was -- and this was back on May
18 31st, quite some time ago, but the question to him was, "The
19 prime focus of a building construction section was to make
20 sure that the building could actually be built in 12 months?
21 That's what you were looking to do?"

22 A That was a part of it, yes.

23 Q Okay. And Steve said, "Yeah, with the budget." But
24 we confirmed that "you wanted to make sure that the plans were
25 good enough, the budget was good enough to make sure that

1 there was actually a dispensary built in 12 months." That's
2 what the objective was with the building construction. And
3 Mr. Gilbert said "Yes." Are you telling me it's something
4 different or do you agree with Mr. Gilbert?

5 A That is a portion of it. So I don't know how it was
6 worded to him or what information he had, but that is a
7 portion of it.

8 Q Well, if he was looking right at 209, page DOT396,
9 and I actually just read from the transcript, it's pages 117
10 and 118 from May 31st, so that's what was asked. And he said
11 yes. So are you telling me that Mr. Gilbert is wrong?

12 A I don't think he had all the information. I don't
13 think he was fully aware of all the information. He was not
14 wrong, it's a portion of it. It's an important portion of it,
15 but it's not the complete section.

16 Q But now if it came down to determining Mr. Gilbert
17 or your opinion of it, he's your supervisor; right?

18 A He's my supervisor, yes.

19 Q And he at that time was at manager level --

20 A Yes.

21 Q -- you were not?

22 A Correct.

23 Q Now, one of the other questions that was -- or
24 topics that was asked to you, it was about compliance history
25 and I think you said you didn't deal with that, that would

1 have been identified portion, not the non-identified portion;
2 right?

3 A If it was provided, yes.

4 Q So my question was just who would know if it was
5 provided to the graders?

6 A I'm not sure. Maybe Damon Hernandez or Steve
7 Gilbert or Jorge Pupo.

8 Q Okay. So if Mr. Gilbert said he didn't believe any
9 of that compliance history was provided to the Manpower
10 graders, you don't have any reason to disagree with him?

11 A Correct.

12 Q And I think you said it but I just want to make
13 sure, the grading criteria that we were just looking at in
14 Exhibit 9 or Exhibit 209, that's the same grading criteria
15 that was just copied over from 2014; right?

16 A For the most part. There may have been some
17 revisions based on the revisions to the regulations.

18 Q So if Mr. Gilbert said, yeah, we just copied it
19 over, do you disagree with him?

20 A Like I said, it may have been revised to be in line
21 with the 453D versus 453A.

22 Q Do you know of any revisions that were done to these
23 specific grading criteria?

24 A No. Not off the top of my head, no.

25 Q Now, one of the other things that came up, I think

1 it was during your direct examination, was that you started
2 with the DPBH in 2015; right?

3 A Correct.

4 Q So you weren't around at the time that they were
5 doing the evaluation of the medical marijuana applications in
6 2014, were you?

7 A Correct.

8 Q You started afterwards?

9 A Yes.

10 THE COURT: So would this be a good place to break,
11 because it's 4:45?

12 MR. RULIS: Sure, Your Honor.

13 THE COURT: All right. I have -- I'm down to on the
14 9:30 calendar four pretrial or three pretrial conferences, so
15 if you guys could be here at 9:45, I can probably get those
16 people in and out of here faster than ten o'clock.

17 MR. KOCH: Can we leave some books and binders here
18 if we put them under the table?

19 THE COURT: You may leave as many books and binders
20 as you want. I am down to four Rule 16's at 8:30, two nine
21 o'clock hearings that are both very short from what they look
22 like, and three pretrials at 9:30. So hopefully the pretrials
23 will be early so I can get done with them and we get started
24 and get her out of here tomorrow.

25 MR. GENTILE: Your Honor, before we adjourn --

1 THE COURT: Yes, sir.

2 MR. GENTILE: I have to appear before Judge Crockett
3 tomorrow at 1:00 p.m.

4 (Off-record colloquy re unrelated case)

5 THE COURT: Well, we will manage. If you have to
6 leave and Mr. Cristalli and Mr. Miller can't handle it with
7 Ms. Cronkhite, then we'll wait until you get back.

8 MR. GENTILE: Well, I don't know if she'll still be
9 on. That's my concern because she was my witness. I don't
10 have any intention of doing cross-examination on her, but.

11 THE COURT: Based on what you currently heard?

12 MR. GENTILE: Based on the status of the record.

13 THE COURT: Yeah.

14 MR. GENTILE: But rule number one prevails.

15 THE COURT: Yes, it does. Things always change.

16 MR. GENTILE: Yes.

17 THE COURT: Okay. So anybody who wants to leave
18 your stuff, please feel free. I show that we're having --
19 after we finish this witness, Damon Hernandez.

20 MR. SHEVORSKI: Very possibly, Your Honor.

21 THE COURT: And then Ms. Contine.

22 MR. SHEVORSKI: Well, Ms. Contine is the person you
23 were just talking to. Oh. No.

24 THE COURT: That's Ms. Cronkhite.

25 MR. SHEVORSKI: Cronkhite. That's right. That's

1 subpoenaed by Joseph.

2 THE COURT: And then after that maybe Mr. Groesbeck?

3 MR. SHEVORSKI: Well, there's also a subpoena out
4 for other witnesses.

5 THE COURT: How many more?

6 MR. SHEVORSKI: Ms. Durrit (phonetic) and there is
7 Mr. Scolari.

8 (Colloquy among counsel)

9 THE COURT: Jill, you can go off. I'm just trying
10 to figure out how many more witnesses.

11 (Court recessed at 4:47 p.m. until the following day,
12 Thursday, July 11, 2019, at 9:45 a.m.)

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PLAINTIFFS' WITNESSES

| | | | | |
|---------------------|------|-------------|---|-------|
| Charles R. Davidson | 6/39 | 19/26/32/37 | - | 42/46 |
| Karalin Cronkhite | 49 | 71/164 | | |

* * *

EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
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PLAINTIFFS' EXHIBIT NO.

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DEFENDANTS' EXHIBIT NO.

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| 2021 | 12 |
| 2022 | 18 |

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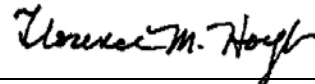
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

7/11/19

DATE

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 32 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAR HANDS AGAINST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |

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| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 342 | BENCH TRIAL - DAY 19 | 327 thru 328 | 8/17/2020 | 045940-046223 |

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| 343 | BENCH TRIAL - DAY 20 | 329 | 8/18/2020 | 046224-046355 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 354 | BENCH TRIAL - PHASE 1 | 332 | 9/8/2020 | 046667-046776 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |

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| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
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| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

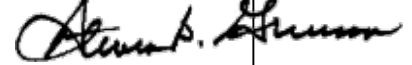
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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9 Counsel for Intervenor Defendant, GreenMart of Nevada NLV LLC

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

12 HIGH SIERRA HOLISTICS, LLC;

Case No.: A-18-786357-W

13 Plaintiff,

Dept. No.: XIV

14 vs.

15 **INTERVENOR DEFENDANT**
16 **GREENMART OF NEVADA NLV**
17 **LLC'S ANSWER TO PLAINTIFF'S**
18 **COMPLAINT**

19 STATE OF NEVADA, DEPARTMENT OF
20 TAXATION; DOES 1-10; and ROE
21 CORPORATIONS 1-10,

22 Defendants;

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

25 Intervenor Defendant.

26 Intervenor Defendant GreenMart of Nevada NLV LLC, ("Defendant") by and
27 through its undersigned counsel, McLetchie Law, hereby answers the Complaint
28 ("Complaint") filed by Plaintiff High Sierra Holistics, LLC, as follows:

Defendant denies each and every allegation in the Complaint except those
allegations which are hereinafter admitted, qualified, or otherwise answered.

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I.

PARTIES & JURISDICTION

1. Answering paragraph 1 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

2. Answering paragraph 2 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

3. Answering paragraph 3 of the Complaint, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

II.

GENERAL ALLEGATIONS

4. Answering paragraph 4 of the Complaint, no response is required as the allegations contained therein are Plaintiff's legal conclusions or statements regarding the contents of laws or regulations. To the extent a response is required and the allegations accurately state the laws or regulations referenced therein, Defendant admits these allegations.

5. Answering paragraph 5 of the Complaint, no response is required as the allegations contained therein are Plaintiff's legal conclusions or statements regarding the contents of laws or regulations. To the extent a response is required and the allegations accurately state the laws or regulations referenced therein, Defendant admits these allegations.

6. Answering paragraph 6 of the Complaint, Defendant admits these allegations.

7. Answering paragraph 7 of the Complaint, Defendant admits these allegations.

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1 8. Answering paragraph 8(a)-(h) of the Complaint, no response is required as
2 the allegations contained therein are Plaintiff's legal conclusions or statements regarding the
3 contents of laws or regulations. To the extent a response is required and the allegations
4 accurately state the laws or regulations referenced therein, Defendant admits these
5 allegations.

6 9. Answering paragraph 9 of the Complaint, Defendant admits that the
7 Department of Taxation announced it would issue recreational retail store licenses no later
8 than December 5, 2018. Defendant denies these allegations to the extent that it imposes a
9 legal obligation on the Department that is inconsistent or outside of the requirements set forth
10 in Nev. Rev. Stat. § 453D.210.

11 10. Answering paragraph 10 of the Complaint, Defendant is without sufficient
12 knowledge or information as to the truth or falsity of the allegations contained therein, and
13 on that basis deny these allegations.

14 11. Answering paragraph 11 of the Complaint, Defendant is without sufficient
15 knowledge or information as to the truth or falsity of the allegations contained therein, and
16 on that basis denies these allegations.

17 12. Answering paragraph 12 of the Complaint, Defendant is without sufficient
18 knowledge or information as to the truth or falsity of the allegations contained therein, and
19 on that basis denies these allegations.

20 13. Answering paragraph 13 of the Complaint, Defendant is without sufficient
21 knowledge or information as to the truth or falsity of the allegations contained therein, and
22 on that basis denies these allegations.

23 14. Answering paragraph 14 of the Complaint, Defendant is without sufficient
24 knowledge or information as to the truth or falsity of the allegations contained therein, and
25 on that basis denies these allegations.

26 15. Answering paragraph 15 of the Complaint, Defendant is without sufficient
27 knowledge or information as to the truth or falsity of the allegations contained therein, and
28 on that basis denies these allegations.

16. Answering paragraph 16 of the Complaint, no response is required as the allegations contained therein are not factual in nature and/or contain legal conclusions. To the extent a response is required, Defendant denies these allegations.

17. Answering paragraph 17 of the Complaint, no response is required as the allegations contained therein are not factual in nature and/or contain legal conclusions. To the extent a response is required, Defendant denies these allegations.

18. Answering paragraph 18 of the Complaint, no response is required as the allegations contained therein are not factual in nature and/or contain legal conclusions. To the extent a response is required, Defendant denies these allegations.

III.

FIRST CLAIM FOR RELIEF
(Declaratory Relief)

19. Answering paragraph 19 of the Complaint, Defendant hereby repeats and realleges its answers to paragraphs 1 through 18 above, and incorporates the same herein by reference as though fully set forth herein.

20. Answering paragraph 20 of the Complaint, no response is required as the allegations contained therein are Plaintiff's legal conclusions. To the extent a response is required, Defendant denies these allegations.

21. Answering paragraph 21 of the Complaint, no response is required as the allegations contained therein are Plaintiff's legal conclusions. To the extent a response is required, Defendant denies these allegations.

22. Answering paragraph 22 of the Complaint, no response is required as the allegations contained therein are Plaintiff's legal conclusions. To the extent a response is required, Defendant denies these allegations.

23. Answering paragraph 23 of the Complaint, no response is required as the allegations contained therein are Plaintiff's legal conclusions. To the extent a response is required, Defendant denies these allegations.

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1 24. Answering paragraph 24 of the Complaint, no response is required as the
2 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
3 required, Defendant denies these allegations.

4 25. Answering paragraph 25 of the Complaint, no response is required as the
5 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
6 required, Defendant denies these allegations.

7 26. Answering paragraph 26(a)-(h) of the Complaint, no response is required as
8 the allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
9 required, Defendant denies these allegations.

10 27. Answering paragraph 27 of the Complaint, no response is required as the
11 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
12 required, Defendant denies these allegations.

13 28. Answering paragraph 28 of the Complaint, no response is required as the
14 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
15 required, Defendant denies these allegations.

16 29. Answering paragraph 29 of the Complaint, no response is required as the
17 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
18 required, Defendant denies these allegations.

19
20 **SECOND CLAIM FOR RELIEF**
 (Injunctive Relief)

21 30. Answering paragraph 30 of the Complaint, Defendant hereby repeats and
22 realleges its answers to paragraphs 1 through 29 above, and incorporates the same herein by
23 reference as though fully set forth herein.

24 31. Answering paragraph 31 of the Complaint, no response is required as the
25 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
26 required, Defendant denies these allegations.

27 32. Answering paragraph 32 of the Complaint, no response is required as the
28 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is

1 required, Defendant denies these allegations.

2 33. Answering paragraph 33 of the Complaint, no response is required as the
3 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
4 required, Defendant denies these allegations.

5 34. Answering paragraph 34 of the Complaint, no response is required as the
6 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
7 required, Defendant denies these allegations.

8 35. Answering paragraph 35 of the Complaint, no response is required as the
9 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
10 required, Defendant denies these allegations.

11 36. Answering paragraph 36 of the Complaint, no response is required as the
12 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
13 required, Defendant denies these allegations.

14 **THIRD CLAIM FOR RELIEF**
15 **(Violation of Procedural Due Process)**

16 37. Answering paragraph 37 of the Complaint, Defendant repeats and realleges
17 its answers to paragraphs 1 through 36 above, and incorporates the same herein by reference
18 as though fully set forth herein.

19 38. Answering paragraph 38 of the Complaint, no response is required as the
20 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
21 required, Defendant denies these allegations.

22 39. Answering paragraph 39 of the Complaint, no response is required as the
23 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
24 required, Defendant denies these allegations.

25 40. Answering paragraph 40 of the Complaint, no response is required as the
26 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
27 required, Defendant denies these allegations.

28 ///

1 41. Answering paragraph 41 of the Complaint, no response is required as the
2 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
3 required, Defendant denies these allegations.

4 42. Answering paragraph 42 of the Complaint, no response is required as the
5 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
6 required, Defendant denies these allegations.

7
8 **FOURTH CLAIM FOR RELIEF**
 (Violation of Substantive Due Process)

9 43. Answering paragraph 43 of the Complaint, Defendant repeats and realleges
10 its answers to paragraphs 1 through 42 above, and incorporates the same by reference herein
11 as though fully set forth herein.

12 44. Answering paragraph 44 of the Complaint, no response is required as the
13 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
14 required, Defendant denies these allegations.

15 45. Answering paragraph 45 of the Complaint, no response is required as the
16 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
17 required, Defendant denies these allegations.

18 46. Answering paragraph 46 of the Complaint, no response is required as the
19 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
20 required, Defendant denies these allegations.

21 47. Answering paragraph 47 of the Complaint, no response is required as the
22 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
23 required, Defendant denies these allegations.

24 **FIFTH CLAIM FOR RELIEF**
 (Equal Protection Violation)

25 48. Answering paragraph 48 of the Complaint, Defendant repeats and realleges
26 its answers to paragraphs 1 through 47 above, and incorporates the same herein by reference
27 as though fully set forth herein.
28

1 required, Defendant denies these allegations.

2 58. Answering paragraph 58(a)-(c) of the Complaint, no response is required as
3 the allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
4 required, Defendant denies these allegations.

5 59. Answering paragraph 59 of the Complaint, no response is required as the
6 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
7 required, Defendant denies these allegations.

8 **SEVENTH CLAIM FOR RELIEF**
9 **(Petition for Writ of Mandamus)**

10 60. Answering paragraph 60 of the Complaint, Defendant repeats and realleges
11 its answers to paragraphs 1 through 59 above, and incorporates the same herein by reference
12 as though fully set forth herein.

13 61. Answering paragraph 61 of the Complaint, no response is required as the
14 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
15 required, Defendant denies these allegations.

16 62. Answering paragraph 62(a)-(b) of the Complaint, no response is required as
17 the allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
18 required, Defendant denies these allegations.

19 63. Answering paragraph 63 of the Complaint, no response is required as the
20 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
21 required, Defendant denies these allegations.

22 64. Answering paragraph 64 of the Complaint, no response is required as the
23 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
24 required, Defendant denies these allegations.

25 65. Answering paragraph 65 of the Complaint, no response is required as the
26 allegations contained therein are Plaintiff's legal conclusions. To the extent a response is
27 required, Defendant denies these allegations.

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SIXTH AFFIRMATIVE DEFENSE

The actions of the State of Nevada, Department of Taxation, were not arbitrary or capricious, and the State of Nevada, Department of Taxation had a rational basis for all the actions taken in the licensing process at issue.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to join necessary and indispensable parties to this litigation under Nev. R. Civ. P. 19, as the Court cannot grant any of Plaintiff’s claims without affecting the rights and privileges of those parties who received the licenses at issue as well as other third parties.

EIGHTH AFFIRMATIVE DEFENSE

The claims, and each of them, are barred by the failure of Plaintiff to plead those claims with sufficient particularity.

NINTH AFFIRMATIVE DEFENSE

Plaintiff has failed to allege sufficient Complaints and cannot carry the burden of proof imposed on it by law to recover attorney’s fees incurred to bring this action.

TENTH AFFIRMATIVE DEFENSE

Injunctive relief is not available to Plaintiff, because the State of Nevada, Department of Taxation has already completed the task of issuing conditional licenses.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff has no constitutional right to obtain privileged licenses.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to judicial review on the denial of a privileged license.

THIRTEENTH AFFIRMATIVE DEFENSE

Mandamus is not available to compel the members of the executive branch to perform non-ministerial, discretionary tasks.

FOURTEENTH AFFIRMATIVE DEFENSE

Declaratory relief will not give the Plaintiff the relief it is seeking.

///

FIFTEENTH AFFIRMATIVE DEFENSE

Pursuant to the Nevada Rules of Civil Procedure, all possible affirmative defenses may not have been alleged herein insofar as sufficient Complaints were not available after reasonable inquiry upon the filing of this answer and, therefore, Defendant hereby reserves the right to amend this answer to allege additional affirmative defenses if subsequent investigation warrants.

SIXTEENTH AFFIRMATIVE DEFENSE

Defendant expressly reserves the right to amend this Answer to bring counterclaims against Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays for judgment as follows:

1. Plaintiff takes nothing by way of their Complaint.
2. The Complaint, and all causes of action alleged against Defendant therein be dismissed with prejudice.
3. For reasonable attorney's fees and costs be awarded to Defendant.
4. For any such other and further relief the Court deems just and proper under the circumstances.

DATED this the 3rd day of July, 2019.

/s/ Alina M. Shell

MARGARET A. MCLETCHE, Nevada Bar No. 10931

ALINA M. SHELL, Nevada Bar No. 11711

MCLETCHE LAW

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Las Vegas, NV 89101

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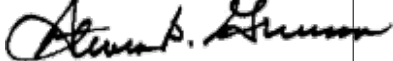
Email: maggie@nvlitigation.com

Counsel for Defendant, GreenMart of Nevada NLV LLC

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/s/ Pharan Burchfield
An Employee of McLetchie Law

042



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Attorneys for Plaintiffs

11
12 **DISTRICT COURT
CLARK COUNTY, NEVADA**

13 SERENITY WELLNESS CENTER, LLC, a
Nevada limited liability company, TGIG, LLC, a
14 Nevada limited liability company, NULEAF
INCLINE DISPENSARY, LLC, a Nevada
15 limited liability company, NEVADA HOLISTIC
MEDICINE, LLC, a Nevada limited liability
16 company, TRYKE COMPANIES SO NV, LLC,
a Nevada limited liability company, TRYKE
17 COMPANIES RENO, LLC, a Nevada limited
liability company, GBS NEVADA PARTNERS,
18 LLC, a Nevada limited liability company,
FIDELIS HOLDINGS, LLC, a Nevada limited
19 liability company, GRAVITAS NEVADA, LLC,
a Nevada limited liability company, NEVADA
20 PURE, LLC, a Nevada limited liability company,
MEDIFARM IV, LLC a Nevada limited liability
21 company, DOE PLAINTIFFS I through X; and
ROE ENTITY PLAINTIFFS I through X,

22 Plaintiffs,

23 vs.

24 THE STATE OF NEVADA, DEPARTMENT
25 OF TAXATION,

26 Defendant.

27 ...

28 ...

CASE NO. A-19-786962-B
DEPT. XI

FIRST AMENDED COMPLAINT

1 Plaintiffs, SERENITY WELLNESS CENTER, LLC, a Nevada limited liability company,
2 TGIG, LLC, a Nevada limited liability company, NULEAF INCLINE DISPENSARY, LLC, a
3 Nevada limited liability company, NEVADA HOLISTIC MEDICINE, LLC, a Nevada limited
4 liability company, TRYKE COMPANIES SO NV, LLC a Nevada limited liability company,
5 TRYKE COMPANIES RENO, LLC, a Nevada limited liability company, GBS NEVADA
6 PARTNERS, LLC, a Nevada limited liability company, FIDELIS HOLDINGS, LLC, a Nevada
7 limited liability company, GRAVITAS NEVADA, LLC, a Nevada limited liability company,
8 NEVADA PURE, LLC, a Nevada limited liability company, MEDIFARM IV, LLC, a Nevada
9 limited liability company; DOE PLAINTIFFS I through X; and ROE ENTITIES I through X, by
10 and through their counsel, DOMINIC P. GENTILE, ESQ. and VINCENT SAVARESE III,
11 ESQ., MICHAEL V. CRISTALLI, ESQ., and ROSS MILLER, ESQ., of the law firm of Gentile
12 Cristalli Miller Armeni Savarese, hereby complain and allege against DEFENDANT STATE OF
13 NEVADA, DEPARTMENT OF TAXATION; DOE DEFENDANTS I through X; and ROE
14 ENTITY DEFENDANTS I through X, in their official and personal capacities, as follows:
15
16

17 **I.**

18 **PARTIES, JURISDICTION, AND VENUE**

- 19 1. Plaintiff SERENITY WELLNESS CENTER, LLC, was and is a Nevada limited
20 liability company and does business in Clark County, Nevada.
- 21 2. Plaintiff TGIG, LLC, was and is a Nevada limited liability company and does
22 business in Clark County, Nevada.
- 23 3. Plaintiff NULEAF INCLINE DISPENSARY, LLC, was and is a Nevada limited
24 liability company and does business in Clark County, Nevada.
- 25 4. Plaintiff NEVADA HOLISTIC MEDICINE, LLC, was and is a Nevada limited
26 liability company and does business in Clark County, Nevada.
- 27 5. Plaintiff TRYKE COMPANIES SO NV, LLC was and is a Nevada limited
28 liability company and does business in Clark County, Nevada.

1 6. Plaintiff TRYKE COMPANIES RENO, LLC, was and is a Nevada limited
2 liability company and does business in Clark County, Nevada.

3 7. Plaintiff GBS NEVADA PARTNERS, LLC, was and is a Nevada limited liability
4 company and does business in Clark County, Nevada.

5 8. Plaintiff FIDELIS HOLDINGS, LLC, was and is a Nevada limited liability
6 company and does business in Clark County, Nevada.

7 9. Plaintiff GRAVITAS NEVADA, LLC, was and is a Nevada limited liability
8 company and does business in Clark County, Nevada.

9 10. Plaintiff NEVADPURE, LLC, was and is a Nevada limited liability company and
10 does business in Clark County, Nevada.

11 11. Plaintiff MEDIFARM IV, LLC was and is a Nevada limited liability company
12 and does business in Clark County, Nevada.

13 12. Defendant STATE OF NEVADA, DEPARTMENT OF TAXATION (the
14 “Department”) is an agency of the State of Nevada. The Department is responsible for licensing
15 and regulating retail marijuana businesses in Nevada through its Marijuana Enforcement
16 Division.

17 13. The true names and capacities, whether individual, corporate, association or
18 otherwise of Doe Plaintiffs I through X, Roe Entity Plaintiffs I through X; Doe Defendants I
19 through X; and Roe Entity Defendants I through X, inclusive, are unknown to Plaintiffs at
20 this time, who therefore sue said Defendants by such fictitious names. Plaintiffs are informed
21 and believe, and thereupon allege, that each of the Defendants designated herein as Doe
22 and/or Roe Entities is responsible in some manner for the events and occurrences herein
23 referred to, and in some manner caused the injuries and damages to Plaintiffs alleged herein.
24 And Plaintiffs will ask leave of the Court to amend this Complaint to insert the true names
25 and capacities of all Doe and/or Roe Entity Plaintiffs and Defendants when the same have
26 been ascertained by Plaintiffs, together with the appropriate charging allegations, and to join
27 such parties in this action.

28 14. Both jurisdiction and venue with respect to this action properly lie in this Court

1 pursuant to Nev. Rev. Stat. § 13.040.

2 **II.**

3 **GENERAL ALLEGATIONS**

4 15. The Nevada State Legislature passed a number of bills during the 2017
5 legislative session that affected the licensing, regulation, and operation of recreational marijuana
6 establishments in the state of Nevada. One of those bills, Assembly Bill 422, transferred
7 responsibility for the registration, licensing, and regulation of marijuana establishments from the
8 State of Nevada's Division of Public and Behavioral Health to the Department of Taxation.

9 16. This legislation was added to the voters' approval at the 2016 General Election of
10 2016 initiative petition, Ballot Question No. 2; is known as the "Regulation and Taxation of
11 Marijuana Act"; and is codified at NRS 453D.010, *et seq.* Nevada Revised Statutes ("NRS")
12 pursuant to

13 17. NRS 453D.020 (Findings and declarations) provides:

14 "1. In the interest of public health and public safety, and in
15 order to better focus state and local law enforcement resources on
16 crimes involving violence and personal property, the People of the
17 State of Nevada find and declare that the use of marijuana should
be legal for persons 21 years of age or older, and its cultivation and
sale should be regulated similar to other legal businesses.

18 2. The People of the State of Nevada find and declare that the
19 cultivation and sale of marijuana should be taken from the domain
20 of criminals and be regulated under a controlled system, where
businesses will be taxed and the revenue will be dedicated to
public education and the enforcement of the regulations of this
chapter.

21 3. The People of the State of Nevada proclaim that marijuana
22 should be regulated in a manner similar to alcohol so that:

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

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

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

27 (d) Selling or giving marijuana to persons under 21 years of
age shall remain illegal;

28 (e) Individuals will have to be 21 years of age or older to
purchase marijuana;

(f) Driving under the influence of marijuana will remain illegal; and

(g) Marijuana sold in the State will be tested and labeled.”

18. NRS 453D.200 (Duties of Department relating to regulation and licensing of marijuana establishments; information about consumers) provides:

“1. Not later than January 1, 2018, the Department shall adopt all regulations necessary or convenient to carry out the provisions of this chapter. The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. The regulations shall include:

(a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment;

(b) *Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment*;

....

2. The Department shall approve or deny applications for licenses *pursuant to NRS 453D.210*” (emphasis added).

19. NRS 453D.210 (Acceptance of applications for licensing; priority in licensing; conditions for approval of application; limitations on issuance of licenses to retail marijuana stores; competing applications), in turn, provides, in pertinent part:

“4. Upon receipt of a complete marijuana establishment license application, the Department shall, within 90 days:

(a) *Issue the appropriate license if the license application is approved.*

5. The Department shall approve a license application if:

(a) The prospective marijuana establishment has submitted an application in compliance with regulations adopted by the Department and the application fee required pursuant to NRS 453D.2;

6. When competing applications are submitted for a proposed retail marijuana store within a single county, the Department shall use an *impartial and numerically scored competitive bidding process* to determine which application or applications among those competing will be approved” (emphasis added).

20. According to an August 16, 2018 letter from the Department, pursuant to Section 80(3) of Adopted Regulation of the Department of Taxation, LCB File No. R092-17 ("R092-17"), the Department was responsible for allocating the licenses of recreational

1 marijuana retail stores "to jurisdictions within each county and to the unincorporated area of
2 the county proportionally based on the population of each jurisdiction and of the
3 unincorporated area of the county."

4 21. The Department issued a notice for an application period wherein the
5 Department sought applications from qualified applicants to award sixty-four (64) recreational
6 marijuana retail store licenses throughout various jurisdictions in Nevada.

7 22. The application period for those licenses, including thirty-one (31) licenses in
8 Clark County, seven (7) licenses in Washoe County and one (1) license in Nye County, opened
9 on September 7, 2018 and closed on September 20, 2018.

10 23. Pursuant to Section 6.2 of the Recreational Marijuana Establishment License
11 Application ("the Application") issued by the Department, as enabled under the above-quoted
12 provisions of NRS 453D.210, if the Department received more than one application for a license
13 for a recreational marijuana retail store and the Department determined that more than one of the
14 applications was complete and in compliance with R092-17, Sec. 78 and NRS 453D, the Department
15 was required to rank the applications within each applicable locality for any applicants in a
16 jurisdiction that limits the number of retail marijuana stores in order from first to last, with ranking
17 being based on compliance with the provisions of R092-17 Sec. 80, NRS 453D and on the content of
18 the applications relating to the following specifically-enumerated and objective published criteria:

- 19 a. Operating experience of another kind of business by the owners, officers or board
20 members that has given them experience which is applicable to the operation of a
21 marijuana establishment.
22 b. Diversity of the owners, officers or board members.
23 c. Evidence of the amount of taxes paid and other beneficial financial contributions.
24 d. Educational achievements of the owners, officers or board members.
25 e. The applicant's plan for care, quality and safekeeping of marijuana from seed to
26 sale.
27 f. The financial plan and resources of the applicant, both liquid and illiquid.
28 g. The experience of key personnel that the applicant intends to employ.

1 h. Direct experience of the owners, officers, or board members of a medical
2 marijuana establishment or marijuana establishment in this State.

3 24. However, no numerical scoring values are assigned to any of the foregoing
4 criteria enumerated in the Application.

5 25. Moreover, Section 6.3 of the Application further provides that “[a]pplications
6 that have not demonstrated a sufficient response related to the criteria set forth above will not
7 have *additional [unspecified, unpublished] criteria* considered in determining whether to issue a
8 license *and will not move forward in the application process*” (emphasis added).

9 26. Thus, by necessary implication, conversely, Section 6.3 of the Application
10 textually subjects an Application which *has* in fact demonstrated a “sufficient” response related
11 to the specific, published criteria set forth above to “*additional [unspecified, unpublished]*
12 *criteria*,” consideration of which by the Department will determine whether or not a license is
13 issued and whether or not a license Application will “*move forward in the application process*,
14 notwithstanding the textual requirement of NRS 453 D. 200.1(b) that the Department shall adopt
15 only regulations that prescribe “[q]ualifications for licensure that are directly and *demonstrably*
16 related to the operation of a marijuana establishment” (emphasis added).

17 27. No later than December 5, 2018, the Department was responsible for issuing
18 conditional licenses to those applicants who score and rank high enough in each jurisdiction to be
19 awarded one of the allocated licenses in accordance with the impartial competitive bidding process
20 mandated by NRS 453D.210.

21 28. The Department allocated ten (10) licenses for unincorporated Clark County,
22 Nevada; ten (10) licenses for Las Vegas, Nevada; six (6) licenses for Henderson, Nevada; five (5)
23 licenses for North Las Vegas, Nevada; six (6) licenses for Reno, Nevada; one (1) license for Sparks,
24 Nevada; and one (1) license for Nye County, Nevada.

25 29. Plaintiffs submitted Applications for licenses to own and operate recreational
26 marijuana retail stores in compliance with the specified, published requirements of Department
27 regulations together with the required application fee in accordance with NRS 453D.210.

28 30. Plaintiffs have been informed by the Department that all of their Applications to

1 operate recreational marijuana retail stores were denied.

2 31. In each instance, Plaintiffs were informed by letter from the Department stating
3 that a license was not granted to the applicant “because it did not achieve a score high enough to
4 receive an available license.”

5 32. On information and belief, Plaintiffs allege that the Department’s denial of their
6 license applications was not properly based upon actual implementation of the impartial and
7 objective competitive bidding process mandated by NRS 453D.210, but rather, was in fact based
8 upon the arbitrary and capricious exercise of administrative partiality and favoritism.

9 33. On information and belief, Plaintiffs allege conversely that that the Department
10 improperly granted licenses to other competing applicants, likewise without actual
11 implementation of the impartial and objective competitive bidding process mandated by NRS
12 453D.210, but rather, based upon the arbitrary and capricious exercise of administrative
13 partiality and favoritism.

14 34. On information and belief, Plaintiffs allege that the Department has improperly
15 granted more than one recreational marijuana store license per jurisdiction to certain applicants,
16 owners, or ownership groups.

17 **III.**

18 **CLAIMS FOR RELIEF**

19
20 **FIRST CLAIM FOR RELIEF**
(Violation of Civil Rights)

21 **(Due Process: Deprivation of Property)**

22 **(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)**

23 35. Plaintiffs repeat and re-allege all prior paragraphs as though fully set forth
24 herein.

25 36. The provisions of NRS 453D.200.2 and NRS 453D.210.4-6, affirmatively
26 mandating that the Department “shall” approve and issue the appropriate license within a time
27 certain if the prospective establishment submits an Application in compliance with published
28 Department regulations promulgated in accordance with the limitations imposed by NRS 453.

1 D.200.1(b) together with the required application fee; and, in the case of competing
2 Applications, outranks competing applicants in accordance with an objective, impartial and
3 numerically scored competitive bidding process, serve to create, as a matter of legislative intent,
4 a *statutory entitlement* to receipt of the license by applicants who comply with and prevail
5 competitively in accordance with those objective and impartial standards and procedures.

6 37. Such a statutory entitlement constitutes a “property interest” within the meaning
7 and subject to the due process protections of the Fourteenth Amendment to the Constitution of
8 the United States and Article 1, Sections 1 and 8 of the Constitution of the State of Nevada; and
9 therefore, by definition, may not be denied arbitrarily, capriciously, corruptly or based upon
10 administrative partiality or favoritism.

11 38. However, acting under color of state law, the Department has effectively nullified
12 and rendered illusory the legislative statutory entitlement to licensure of applicants who comply
13 with and prevail competitively in accordance with the objective and impartial standards and
14 procedures prescribed by the provisions of NRS 453D.200.2 and NRS 453D.210.4-6, by
15 textually subjecting an Application which in fact provides “sufficient” responses related to the
16 published, enumerated and specific criteria set forth in the Application to approval pursuant to
17 further, unpublished, unspecified and unascertainable “additional criteria” which are not set forth
18 therein, as a silent supplemental condition of licensure, thereby rendering the administrative
19 regulation governing the Application and licensing process susceptible to *ad hoc*, non-
20 transparent, arbitrary, capricious or corrupt decision-making based upon administrative partiality
21 or favoritism which cannot be discounted; thereby rendering that regulatory scheme
22 unconstitutional on its face.

23 39. On information and belief, Plaintiffs further allege that pursuant to the
24 implementation of the foregoing constitutionally-repugnant licensing process, the denial of their
25 Applications for licensure, were in fact affected by actual arbitrary, capricious or corrupt
26 decision-making based upon administrative partiality or favoritism; and therefore, that that
27 licensing process has thereby been rendered unconstitutional in its application as well as to
28 Plaintiffs.

1 40. Plaintiffs have therefore been deprived of property without due process under
2 color of state law in violation of the Fourteenth Amendment to the Constitution of the United
3 States and Article 1, Sections 1 and 8 of the Constitution of the State of Nevada.

4 41. The Constitutional infirmity of the entire licensing process renders the denial of
5 Plaintiffs' Applications for licensure void and unenforceable, and Plaintiffs are entitled to a
6 declaration as to the ineffectiveness thereof and an order enjoining the enforcement of those
7 license denials.

8 42. Plaintiffs are entitled to declaratory relief with respect to the forgoing federal
9 constitutional infirmities of the administrative licensing scheme pursuant to the provisions of
10 Title 42, United States Code ("U.S.C."), Section 1983 and otherwise.

11 43. Plaintiffs are entitled to declaratory relief because a justiciable controversy exists
12 that warrants a declaratory judgment pursuant to Nevada's Uniform Declaratory Judgments Act,
13 codified at NRS 30.010 to 30.160, inclusive.

14 44. Plaintiffs and Defendant have adverse and/or competing interests in that the
15 Department, through its Marijuana Enforcement Division, has denied Plaintiffs' Applications in
16 in violation of Plaintiff's constitutional rights, Nevada law, and state policy.

17 45. The Department's refusal to issue licenses to Plaintiffs affects Plaintiffs' rights
18 under NRS 453D, NAC 453D, R092-17, and other Nevada laws and regulations.

19 46. Further, the Department's improper ranking of other applicants for licensure and
20 subsequent, improper issuance of licenses to such other applicants adversely affects the rights of
21 Plaintiff under NRS 453D, NAC 453D, R09217, and other Nevada laws and regulations.

22 47. The Department's actions and/or inactions also have created an actual justiciable
23 controversy ripe for judicial determination between Plaintiffs and the Department with respect to
24 the construction, interpretation, and implementation of NRS 453D, NAC 453D, and R092-17,
25 and Plaintiffs have been harmed, and will continue to be harmed, by the Defendants' actions
26 and/or inactions.

27 48. The Department's actions and/or inactions have further failed to appropriately
28 address the necessary considerations and legislative intent of NRS 453D.210, designed to restrict

1 monopolies.

2 49. Accordingly, Plaintiff seeks a declaration from this Court that, *inter alia*:

- 3 a. The Department improperly denied Plaintiffs' license Applications for the
4 operation of a recreational marijuana establishment.
- 5 b. The denial of such licenses to Plaintiffs was void *ab initio*;
- 6 c. The procedures employed in denying Plaintiffs' license Applications violated
7 Plaintiffs' procedural and substantive due process rights and entitlement to
8 equal protection of the law (as set forth *infra*) under the Nevada and United
9 States Constitutions and, therefore, those license denials are void and
10 unenforceable;
- 11 d. The denials are void for vagueness and therefore unenforceable;
- 12 e. Defendant acted arbitrarily and capriciously or in contravention of a legal duty
13 and Plaintiffs are therefore entitled to a writ of mandamus;
- 14 f. Plaintiffs are entitled to judicial review; and
- 15 g. The Department's denial of Plaintiffs' license Applications lacked substantial
16 evidence.

17 50. Plaintiffs also seek a declaration from this Court that the Department must issue
18 licenses to Plaintiffs for the operation of a recreational marijuana establishment as applied for in
19 that Plaintiffs' would have been entitled to receive said licenses had the Department properly
20 applied the provisions of NRS 453D, NAC Chapter 453D, and R092-17.

21 51. Plaintiffs contend that a declaratory judgment is both necessary and proper at
22 this time for the Court to determine the respective rights, duties, responsibilities and liabilities
23 of Plaintiffs under NRS 453D, NAC Chapter 453D, R092-17, and other Nevada laws and
24 regulations.

25 52. Plaintiffs are also entitled to injunctive relief from the foregoing federal
26 constitutional violations pursuant to the provisions of 42 U.S.C. Section 1983 and otherwise.

27 53. The Department's flawed interpretation of the provisions of NRS 453D, NAC
28 Chapter 453D, and R092-17, and refusal to issue "conditional" licenses in accordance with the

1 law constitute and cause continuing and irreparable harm to Plaintiffs, who have no adequate
2 remedy at law.

3 54. The purpose of this administrative refusal was and is to unreasonably interfere
4 with Plaintiffs' business and cause Plaintiffs to suffer irreparable harm.

5 55. The Department will suffer no harm by following the law with respect to issuing
6 the licenses in question.

7 56. The Department's interpretation of NRS 453D, NAC Chapter 453D, and R092-17
8 is flawed and Plaintiffs are likely to succeed on the merits in this litigation.

9 57. The public interest favors Plaintiffs because in the absence of injunctive relief, the
10 consumers who would have benefitted by Plaintiffs' licensure will have less available options
11 from which they can receive recreational marijuana in accordance with legislative intent.

12 58. Therefore, Plaintiffs are entitled to preliminary injunctive relief, and after a trial
13 on the merits, permanent injunctive relief, ordering the Department to issue the subject licenses
14 to Plaintiffs in accordance with NRS 453D, NAC 453D, and R092-17.

15 59. Plaintiffs are also entitled to damages attributable to the above-identified due
16 process violations pursuant to the provisions of 42 U.S.C. Section 1983 and otherwise.

17 60. As the actions of the Department have necessitated that Plaintiffs retain the legal
18 services of Gentile Cristalli Miller Armeni Savarese, and incur fees and costs to bring this action,
19 Plaintiffs are also entitled to an award of attorneys' fees and costs of suit.

20 **SECOND CLAIM FOR RELIEF**
21 **(Violation of Civil Rights)**

22 **(Due Process: Deprivation of Liberty)**

23 **(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)**

24 61. Plaintiffs repeat and re-allege all prior paragraphs as though fully set forth herein.

25 62. The fundamental constitutional right to pursue a lawful occupation constitutes a
26 "liberty interest" within the meaning and subject to the due process protections of the Fourteenth
27 Amendment to the Constitution of the United States and Article 1, Sections 1 and 8 of the
28 Constitution of the State of Nevada; and therefore, by definition, may not be denied arbitrarily,

1 capriciously, corruptly or based upon administrative partiality or favoritism.

2 63. However, acting under color of state law, the Department has effectively nullified
3 and rendered illusory the legislative statutory entitlement to licensure of applicants who comply
4 with and prevail competitively in accordance with the objective and impartial standards and
5 procedures prescribed by the provisions of NRS 453D.200.2 and NRS 453D.210.4-6, by
6 textually subjecting an Application which in fact provides “sufficient” responses related to the
7 published, enumerated and specific criteria set forth in the Application to approval pursuant to
8 further, unpublished, unspecified and unascertainable “additional criteria” which are not set forth
9 therein, as a silent supplemental condition of licensure, in violation of NRS 200.D.1(b) thereby
10 rendering the administrative regulation governing the Application and licensing process
11 susceptible to *ad hoc*, non-transparent, arbitrary, capricious or corrupt decision-making based
12 upon administrative partiality or favoritism which cannot be discounted; thereby rendering that
13 regulatory scheme unconstitutional on its face.

14 64. On information and belief, Plaintiffs further allege that the pursuant to the
15 implementation of the foregoing constitutionally-repugnant licensing process, the denial of their
16 Applications for licensure, were in fact affected by actual arbitrary, capricious or corrupt
17 decision-making based upon administrative partiality or favoritism; and therefore, that that
18 licensing process has thereby been rendered unconstitutional in its application as well.

19 65. Plaintiffs have therefore likewise been deprived of liberty without due process
20 under color of state law in violation of the Fourteenth Amendment to the Constitution of the
21 United States and Article 1, Sections 1 and 8 of the Constitution of the State of Nevada.

22 66. The Constitutional infirmity of the entire licensing process renders the denial of
23 Plaintiffs’ Applications for licensure void and unenforceable, and, for the reasons set forth supra
24 in Plaintiffs’ FIRST CAUSE OF ACTION at paragraphs 30 through 47, inclusive, Plaintiffs are
25 entitled to a declaration as to the ineffectiveness thereof and an order enjoining the enforcement
26 of those license denials.

27 67. Plaintiffs are also entitled to damages for these due process violations pursuant
28 to the provisions of 42 U.S.C. Section 1983 and otherwise.

1 68. As the actions of the Department have necessitated that Plaintiffs retain the legal
2 services of Gentile Cristalli Miller Armeni Savarese, and incur fees and costs to bring this action,
3 Plaintiffs are also entitled to an award of attorneys' fees and costs of suit.

4 **THIRD CLAIM FOR RELIEF**

5 **(Violation of Civil Rights)**

6 **(Equal Protection)**

7 **(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1; Title 42 U.S.C. § 1983)**

8 69. Plaintiffs repeat and re-allege all prior paragraphs as though fully set forth herein.

9 70. By improperly denying Plaintiffs' Applications for licensure under the provisions
10 of NRS 453D.200.2 and NRS 453D.210.4-6 while improperly granting the Applications of other
11 applicants under color of state law as set forth *supra* in Plaintiffs' FIRST CAUSE OF ACTION
12 and SECOND CAUSE OF ACTION, the Department has, without justification, disparately
13 treated Plaintiffs' Applications absent rational basis, and has thereby violated Plaintiffs' rights to
14 equal protection of the law as guaranteed by the Fourteenth Amendment to the Constitution of
15 the United States and Article 1, Section 1 of the Constitution of the State of Nevada.

16 71. The constitutional infirmity of the entire licensing process and the resulting denial
17 of equal protection renders the denial of Plaintiffs' Applications for licensure void and
18 unenforceable, and, for the reasons set forth *supra* in Plaintiffs' FIRST CAUSE OF ACTION at
19 paragraphs 30 through 47, inclusive, Plaintiffs are entitled to a declaration as to the
20 ineffectiveness thereof and an order enjoining the enforcement of those license denials.

21 72. Plaintiffs are also entitled to damages for these equal protection violations
22 pursuant to the provisions of 42 U.S.C. Section 1983 and otherwise.

23 73. As the actions of the Department have necessitated that Plaintiffs retain the legal
24 services of Gentile Cristalli Miller Armeni Savarese, and incur fees and costs to bring this action,
25 Plaintiffs are also entitled to an award of attorneys' fees and costs of suit.

26 **FOURTH CLAIM FOR RELIEF**

27 **(Petition for Judicial Review)**

28 74. Plaintiffs repeat and re-allege all prior paragraphs as though fully set forth

1 herein.

2 75. The Department, in misinterpreting and incorrectly applying the provisions of
3 NRS 453D, NAC 453D and the related Nevada laws and regulations, has exceeded its
4 jurisdiction by improperly issuing licenses to applicants that do not merit licenses under the
5 provisions of NRS 453D, NAC 453D, and R092-17.

6 76. Plaintiffs are aggrieved by the decision of the Department to deny Plaintiffs'
7 Applications without proper notice, substantial evidence, or compliance with NRS 453D, NAC
8 453D, R092-17, and other Nevada state laws or regulations.

9 77. There is no provision in NRS 453D, NAC 453D, or R092-17 allowing for an
10 administrative appeal of the Department's decision, and apart from injunctive relief, no plain,
11 speedy, and adequate remedy for the Department's improper actions.

12 78. Accordingly, Plaintiff petitions this Court for judicial review of the record on which
13 the Department's denials were based, and an order providing *inter alia*:

- 14 a. A determination that the decision lacked substantial evidence;
15 b. A determination that the denials are void *ab initio* for non-compliance with
16 NRS 453D, NAC 453D, R092-17, and other Nevada laws or regulations; and
17 c. Such other relief as is consistent with those determinations.

18 79. As the actions of the Department have necessitated that Plaintiffs retain the legal
19 services of Gentile Cristalli Miller Armeni Savarese, and incur fees and costs to bring this action,
20 Plaintiffs are also entitled to an award of attorneys' fees and costs of suit.

21 **FIFTH CLAIM FOR RELIEF**
22 **(Petition for Writ of Mandamus)**

23 80. Plaintiffs repeat and re-allege all prior paragraphs as though fully set forth herein.

24 81. When a governmental body fails to perform an act "that the law requires" or acts
25 in an arbitrary or capricious manner, a writ of mandamus shall issue to correct the action. Nev.
26 Rev. Stat. § 34.160.

27 82. The Department has failed to perform various acts that the law requires including
28 but not limited to:

- 1 a. Providing proper pre-hearing notice of the denial; and
- 2 b. Arbitrarily and capriciously denying the applications for no legitimate reason.
- 3 83. The Department acted arbitrarily and capriciously in the denial by performing
- 4 and/or failing to perform the acts set forth *supra*, and because, *inter alia*:
- 5 a. The Board lacked substantial evidence to deny Plaintiffs' Applications; and
- 6 b. The Board denied Plaintiffs' Applications in order to approve the Applications
- 7 of other competing applicants without regard to the merit of Plaintiffs'
- 8 Applications and the lack of merit of the Applications of other competing
- 9 applicants.
- 10 84. These violations of the Defendants' legal duties were arbitrary and capricious
- 11 actions that compel this Court to issue a Writ of Mandamus directing the Department to review
- 12 Plaintiffs' Applications on their merits and/or approve them.
- 13 85. As a result of the Defendants' unlawful and arbitrary and capricious actions,
- 14 Plaintiff has been forced to retain legal counsel to prosecute this action and is therefore also
- 15 entitled to its damages, costs in this suit, and an award of attorneys' fees pursuant to NRS
- 16 34.270.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, PLAINTIFFS pray for relief as follows:

- 19 1. For declaratory relief as set forth above;
- 20 2. For a preliminary and permanent injunction enjoining the enforcement of the
- 21 denial of their Applications for licensure;
- 22 3. For judicial review of the record and history on which the denial of those
- 23 Applications was based;
- 24 4. For the issuance of a writ of mandamus;
- 25 5. For compensatory and special damages as set forth herein;
- 26 6. For attorneys' fees and costs of suit; and
- 27 7. For all other and further relief as the Court deems just and proper.
- 28

DEMAND FOR JURY TRIAL

Trial by jury is hereby demanded on all claims and issues so triable.

DATED this 3rd day of July, 2019.

GENTILE CRISTALLI
MILLER ARMENI SAVARESE

/s/ Michael V. Cristalli, Esq.

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned, an employee of Gentile, Cristalli, Miller, Armeni Savarese, hereby certifies that on the 3rd day of July, 2019, I caused a copy of the foregoing **FIRST AMENDED COMPLAINT** by electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's [Odyssey E-File & Serve](#) system.

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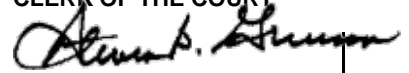
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043



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

EVIDENTIARY HEARING - DAY 11

MONDAY, JULY 1, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

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ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
NATHANIEL RULIS, ESQ.
ADAM BULT, ESQ.
MAXIMILIEN FETAZ, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
RUSTY GRAF ESQ.
BRIGID HIGGINS, ESQ.
ERIC HONE, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
JOSEPH GUTIERREZ, ESQ.
BRODY WIGHT, ESQ.

1 LAS VEGAS, NEVADA, MONDAY, JULY 1, 2019, 9:58 A.M.

2 (Court was called to order)

3 THE COURT: We're two minutes early. So if you're
4 not ready that's okay. I have a clerk helping, since Dulce is
5 on vacation. That means I'm going to make every single one of
6 you who's going to speak, and that includes the A-V guys,
7 identify yourselves and say who you represent so she can make
8 a chart to try and keep up, because all of us forget how
9 competent Dulce is after living with you for so long.

10 So, Ms. Higgins, you're up, you're first.

11 MS. HIGGINS: Brigid Higgins on behalf of Clear
12 River LLC.

13 MR. GRAF: And Rusty Graf on behalf of Clear River
14 LLC.

15 MR. GUTIERREZ: Joseph Gutierrez on behalf of
16 Essence and Thrive.

17 MR. FETAZ: Maximilien Fetaz on behalf of the ETW
18 plaintiffs.

19 MR. BULT: Adam Bult on behalf of the ETW
20 plaintiffs, as well.

21 MR. GODFREY: Shane Godfrey on behalf of this entire
22 side's presentation.

23 MR. RULIS: Nate Rulis on behalf of MM Development
24 and LivFree Wellness.

25 MR. CRISTALLI: Michael Cristalli appearing on

1 behalf of plaintiffs Serenity, et al.

2 MR. GENTILE: Dominic Gentile appearing on behalf of
3 et al.

4 MR. KOCH: David Koch for Nevada Organic Remedies.

5 MR. SHEVORSKI: Steve Shevorski on behalf of the
6 State.

7 MR. BHIRUD: Ketan Bhirud on behalf of the State, as
8 well. And I might make a note. Mr. Koch sits here, if you're
9 making a chart. Just trying to be helpful.

10 THE COURT: Well, I was going to tell her where Mr.
11 Parker is when you all finish, since he's always late.

12 MR. WIGHT: Brody Wight on behalf of Nevada Organic
13 Remedies.

14 MR. KAHN: Jared Kahn for Helping Hands Wellness
15 Center.

16 MS. SHELL: Alina Shell on behalf of GreenMart of
17 Nevada NLV.

18 MR. HONE: Eric Hone for Lone Mountain Partners.

19 MR. CLARK: I'm Brian Clark here helping with the
20 A-V for the defense side.

21 THE COURT: So the chair next to Mr. Gutierrea in
22 the box over here, that is usually occupied by Mr. Parker.
23 Mr. Parker will walk in 10 minutes late, because he always
24 does.

25 So before I swear in Mr. Pupo --

1 MR. CRISTALLI: Your Honor, we have another one.
2 The chair next to Dominic will be Will Kemp.
3 THE COURT: Oh. Mr. Kemp will sit on the end. He's
4 also always late, but not as late as Mr. Parker. So --
5 MR. CRISTALLI: Your Honor, we don't have Mr. Miller
6 here yet, either.
7 THE COURT: Mr. Miller's been here all morning.
8 MR. CRISTALLI: I know, but he's not here right now.
9 THE COURT: Is Mr. Miller going to sit next to you,
10 Mr. Cristalli?
11 MR. CRISTALLI: Yes.
12 MR. GENTILE: Well, if I may withdraw. This is his
13 witness. He ought to be for him. So let me go get him.
14 THE COURT: Well, I'm not on the witness yet.
15 MR. GENTILE: Oh.
16 THE COURT: I'm just making a chart of who's here.
17 MR. GENTILE: I see. Okay.
18 THE COURT: So Ross Miller will be sitting somewhere
19 around Mr. Cristalli.
20 MR. GENTILE: He will be to Mr. Cristalli's left.
21 THE COURT: Okay. Anybody else who's going to be
22 here who's typically late? And here comes Mr. Kemp. I told
23 you he was not always as late as Mr. Parker. So Mr. Kemp is
24 here. You've already got his chair designated. So before Mr.
25 Pupo gets sworn in let me ask a couple questions.

1 I have two motions that I'd like to entertain today.
2 I was thinking we'd do it at the lunch break. The two
3 motions, and I don't know if you all received the minute order
4 on Monday, but I have a problem with the motion to seal
5 exhibits that was filed, Mr. Fetaz, by your firm, because the
6 documents in the exhibits, while designated confidential by
7 the parties, are not confidential, and I'm not going to grant
8 the motion to seal based on a cursory review of those
9 documents. But I'm happy to listen to the producing parties,
10 who are the defendants, related to any specific objections
11 within Exhibits A through F.

12 And then on the motion for leave I have an OST that
13 is set for tomorrow. If all parties are in agreement, I will
14 move it to today around the lunch hour if that will help you.

15 Yes, Mr. Graf?

16 MR. GRAF: Your Honor, we planned on filing a
17 written opposition to that.

18 THE COURT: Then I won't do it. Thank you, Mr.
19 Graf. I'm crossing that off my list of things to talk to you
20 guys about.

21 Anything else before we wait for Mr. Miller and
22 swear the witness when he gets here? Because he's been here
23 all morning.

24 MR. GRAF: Your Honor, one thing.

25 THE COURT: Yes.

1 MR. GRAF: We didn't get the motion to seal, so --

2 THE COURT: You would have gotten the motion to
3 seal, because it was filed a month ago. See, the motion to
4 seal got filed -- the motion it related to was on an OST. So
5 we heard the motion in April or May and the exhibits -- Dani
6 says if you'd like to look at the motions, that you could. It
7 was filed on May 24th. And if you'd like to look at my copy,
8 I would be happy to share it with you, Mr. Graf.

9 MR. GRAF: Yeah, if --

10 THE COURT: Come on up.

11 MR. GRAF: Indeed. Thank you.

12 THE COURT: But don't write in it, please.

13 MR. FETAZ: And the other sealed exhibits were also
14 served on all parties, as well, around that time.

15 THE COURT: They're all in that binder. Because I
16 think you sent me a courtesy copy on Friday when I said no.

17 MR. FETAZ: We did, Your Honor.

18 THE COURT: All right. So we're still waiting for
19 Mr. Miller, who is now here. Okay. Are we missing anyone
20 else besides Mr. Parker, who will eventually get here?

21 Mr. Pupo, if you'd raise your right hand, please.

22 We have to swear him in.

23 JORGE PUPO, PLAINTIFFS' WITNESS, SWORN

24 THE CLERK: Please be seated. And please state and
25 spell your first and last name.

1 THE WITNESS: My name's Jorge, J-O-R-G-E. Last name
2 Pupo, P-U-P-O.

3 THE COURT: And, Mr. Pupo, thank you again for
4 coming back for this continued examination. I think you still
5 have water in the pitcher next to you, M&M's behind you, and
6 you know the situation with the exhibits from your prior
7 examination.

8 Mr. Koch, you may continue your examination.

9 CROSS-EXAMINATION (Continued)

10 BY MR. KOCH:

11 Q All right. Mr. Pupo, we left off I think it was a
12 week and a half ago, some time ago, talking about the phrase
13 "prospective owner." Do you remember talking about that
14 phrase?

15 A Yes.

16 Q And we looked at the definition that we saw in the
17 dictionary about "prospective" being a future owner. Do you
18 remember that?

19 A Yes.

20 Q And you would agree that it would not be possible
21 for the Department to conduct background checks on future
22 owners that were not known at the time the application was
23 submitted; is that right?

24 A That's right.

25 Q And if we looked at other potential definitions for

1 "prospective" like "possible" or "potential" owner, and we
2 talked about the fact that maybe any person living in the
3 United States could buy a share of stock and could be an owner
4 so that could be a prospective owner. And this Department
5 couldn't do background checks on every possible person in the
6 United States who might buy a share, could it?

7 A That's right.

8 Q And so under either of those definitions for
9 "prospective," either a future owner or a possible or
10 potential owner, the Department did not undertake to try to
11 conduct background checks on everyone who might fit under
12 those definitions; is that right?

13 A That's correct.

14 Q And fair to say it would be impractical for the
15 Department to conduct background checks in such a manner?

16 A Yes.

17 Q Now, you're aware in 2018 that there were certain
18 marijuana establishments that were owned by public companies
19 in full or in part; is that right?

20 A Yes.

21 Q Was there ever discussed within the Department
22 about, you know, saying maybe we should conduct a background
23 check of every owner of a share of a public company who owns a
24 marijuana establishment?

25 A No.

1 Q So there's no discussion about potentially carrying
2 out that level of ownership check?

3 A No.

4 Q In the background check itself can you just describe
5 how the Department carries out that process to perform a
6 background check.

7 A Well, as far as I know, the individual would submit
8 their -- they get fingerprinted. They go to a fingerprint
9 location and they submit a form to us, and then they go
10 straight to DPS and I think the FBI. And then we wait for a
11 report to come back.

12 Q Do you know how long that report takes?

13 A Thirty to 45 days potentially.

14 Q Okay. And is there a cost associated with
15 completing that background check?

16 A Yes.

17 Q How much is the cost?

18 A I don't know for sure. It's 30, \$40 maybe.

19 Q Okay. And I've also seen indications in the
20 statutes, maybe the regulations, that when someone submits for
21 a background check with respect to an owner/agent card that
22 you need to pay a fee of \$75; is that right?

23 A Yes.

24 Q And that needs to be paid at the time that the
25 request for a background check is made?

1 A Yes.

2 Q And who pays that \$75?

3 A The individual.

4 Q You said the individual. The individual potential
5 owner of the company; is that right?

6 A Yes.

7 Q All right. Did you ever consider asking each
8 shareholder of a public company to submit a check for \$75 in
9 order to run a background check on each of those shareholders?

10 A No.

11 Q And do you believe it was necessary for the
12 Department to limit the scope of the background checks that
13 would be performed in order to complete its function?

14 A Limit the scope of the background check?

15 Q Limit the scope in a sense of limit the number of
16 people that it be performed on. When I say limit the scope I
17 guess I mean limit -- not performing background checks on
18 every single shareholder of a public company. Would you agree
19 that --

20 A Right. That's correct.

21 Q -- that was necessary?

22 A Right, we had to limit it.

23 Q All right. Let's move to another section of the
24 statute. And I think I gave you a printout. We're just going
25 to go to 453 --

1 MR. KOCH: Your Honor, it's 453D.200, the statute
2 looked at quite a bit. I'll, if I can, Your Honor, just
3 approach with a copy of that.

4 THE COURT: Okay.

5 MR. KOCH: And actually, let's do this. Do we have
6 -- I don't know if we have -- Brian, do you have NRS 453D.030?
7 It's a definition section.

8 BY MR. KOCH:

9 Q NRS 453D.030 is the section of definitions. Have
10 you seen this provision of the statute before?

11 A Yes.

12 Q All right. Let's go to Number 19, subsection 19.
13 There's a definition there for unreasonably impracticable.
14 Have you seen that before?

15 A Yes.

16 Q And that says, "Unreasonably impracticable means
17 that the measures necessary to comply with the regulations
18 require such a high investment of risk, money, time, or any
19 other resource or asset that the operation of a marijuana
20 establishment is not worthy of being carried out in practice
21 by a reasonably prudent businessperson." You've seen that
22 definition before; correct?

23 A Yes.

24 Q Do you know how many times that phrase "unreasonably
25 impracticable" appears within the rest of NRS 453D?

1 A No, I don't.

2 Q Would it surprise it's only one other time?

3 A No.

4 Q Let's look at that one other time, and that's in
5 453D.200, which you've looked at many, many times. And I
6 think you've got that right there in front of you. If you
7 could draw your attention to Item Number 1 on 453D.200, which
8 talks about the Department adopting regulations. You've read
9 this before?

10 A Yes.

11 Q And we've read that first sentence quite a bit.
12 "The Department shall adopt all regulations necessary or
13 convenient to carry out the provisions of this chapter." Then
14 the next sentence says, "The regulations must not prohibit the
15 operation of marijuana establishments either expressly or
16 through regulations that make their operation unreasonable
17 impracticable." I'll represent the only other time that it
18 appears in the entirety of NRD 453D. Do you have an
19 understanding of what that means based on the definition?

20 A Yes.

21 Q If you were to explain that to somebody, what would
22 you -- how would you explain that, that the regulations should
23 not be unreasonably impracticable?

24 A That the regulations are not to be overburdensome on
25 the licensees.

1 Q And if we look just right below that, that relates
2 to regulations that include the procedures for issuance,
3 renewal, suspension, and revocation of a license to operate a
4 marijuana establishment. So do you have an understanding that
5 the procedures for the issuance of a license should not be
6 unreasonably impracticable?

7 A Yes.

8 Q And do you believe that the procedures and
9 regulations the Department passed were adopted in order to
10 carry out this function in fact fulfill that aspect of the
11 law?

12 A Yes.

13 Q When the drafters of this initiative back in 2014
14 that we looked at some time ago would that initiative -- you
15 don't have any understanding of their ability to look at the
16 future in 2018 what the industry was, do you?

17 A No.

18 Q This appears to be sort of a phrase written to give
19 the Department some ability to conduct its business and its
20 regulations in a way that would account for changes in the
21 industry; is that right?

22 A Yes.

23 Q And the Department did pass or adopt regulations;
24 right?

25 A Yes.

1 Q And those final regulations came out in 2018, early
2 2018?

3 A Yes.

4 Q And that was after the Task Force report was issued?

5 A Yes.

6 Q And then let's look at one other word before we come
7 off of this section here. And it's a word that the Judge has
8 asked quite a bit about. It's right at the beginning. "The
9 Department shall adopt all regulations necessary or convenient
10 to carry out the provisions of this chapter." Do you have an
11 understanding of what the word "convenient" means?

12 A Sure.

13 Q What -- if you were to just off the top of your head
14 define it, how would you explain what "convenient" means?

15 A Practical.

16 Q Okay. Practical.

17 A Easy.

18 Q Yeah. You know, I actually looked at, I think this
19 is the second time since I graduated from law school, Black's
20 Law Dictionary, the first time was a couple weeks ago, looked
21 at the definition of "convenient" in Black's Law Dictionary,
22 and there it says, "convenient" is proper, just, suitable,
23 fit, adaptive, proper," maybe you talk to the editors about
24 including "proper" twice, and then, becoming appropriate. So
25 "convenient" here, according to Black's Law Dictionary, would

1 be things like suitable. The regulations would be suitable
2 for the circumstances that the Department is dealing with; is
3 that right?

4 A Yes.

5 Q And becoming appropriate, did you believe that the
6 regulations over time would change and potentially adapt based
7 upon the industry?

8 A Sure. Many times.

9 Q Another definition. Merriam Webster says
10 "convenient" means suited to a particular situation. Do you
11 have any disagreement with that definition of suited to a
12 particular situation?

13 A No.

14 Q And the situation here we had in 2014 there were no
15 public companies, and then by 2018 there were; is that right?

16 A Yes.

17 Q All right. Let's look at one of the regulations
18 that we've talked about a fair amount. That's NAC 453D.255.
19 We'll put it up. I'll provide you with a copy of that.

20 THE COURT: Can you see it on the screen, sir?

21 THE WITNESS: Yes.

22 BY MR. KOCH:

23 Q NAC 453D.255 is the 5 percent threshold that we've
24 talked about a fair amount. You're familiar with this
25 regulation?

1 A Yes.

2 Q And under section (1) it says that, "Except as
3 otherwise required in subsection (2), the requirements of this
4 chapter concerning owners of marijuana establishments only
5 apply to a person with an aggregate ownership interest of
6 5 percent or more in a marijuana establishment." You're
7 familiar with that provision?

8 A Yes.

9 Q You believe that that was a necessary and convenient
10 provision for purposes of carrying out the Department's
11 function?

12 A Yes.

13 Q And it certainly would be -- the Department could
14 conduct background checks -- let's say if an applicant
15 submitted 20 individuals, each of them had a 5 percent
16 ownership interest, could the Department carry out background
17 checks on that number of people?

18 A Yes.

19 Q In fact, represent that Nevada Organic Remedies had
20 I believe it was 22 individuals that were listed as part of
21 its owners, officers, or board members, and background checks
22 would have been conducted on each of those individuals; is
23 that right?

24 A Yes.

25 Q And what if you had 20,000 individuals for a single

1 establishment? Would that have been feasible to conduct
2 background checks?

3 A No.

4 Q Subsection (2) in that same regulation says, "If in
5 the judgement of the Department the public interest will be
6 served by requiring any owner with an ownership interest of
7 less than 5 percent in a marijuana establishment to comply
8 with any provisions of this chapter concerning owners of
9 marijuana establishments, the Department will notify that
10 owner and he or she must comply with those provisions."

11 So the Department had the ability to require a
12 background check of an owner of less than 5 percent if it
13 determined it was necessary?

14 A Yes.

15 Q If -- we heard these examples of the Sinaloa Cartel
16 coming in and buying up all these -- strategically staying
17 below 5 percent in order to buy up a marijuana establishment,
18 if you receive an application that listed no owners because
19 25 people held 4 percent each of that establishment, do you
20 think the Department would raise a question with that
21 application?

22 A Yes.

23 Q In fact, if there are no owners at all listed, that
24 would put up a red flag, wouldn't it?

25 A Yes.

1 Q And it says, "if the public interest would be
2 served." So let's say you got an application, it came in, and
3 you saw that a guy named Joaquin Guzman a/k/a El Chapo was
4 listed on there, he's listed as a 1 percent owner --

5 THE COURT: Isn't he in New York somewhere right
6 now?

7 MR. KOCH: I think he is, but --

8 THE COURT: Yeah.

9 MR. KOCH: -- he seems to have a sphere of influence
10 that might span a little further.

11 BY MR. KOCH:

12 Q But let's say El Chapo is on there. Would you
13 potentially run a background check on that individual if some
14 suspicion came up about this might be the guy?

15 A Sure.

16 Q If there were anyone suspicious on there, in fact,
17 the Department would have the ability to check that person
18 out; right?

19 A Yes.

20 Q And let's go the other way. If someone did in fact
21 -- applicant listed just a 1 percent owner and asked for an
22 agent card to be provided, even if they were under 5 percent,
23 would the Department check the background of that individual?

24 A Yes.

25 Q So that standard of 5 percent, did you believe that

1 that was necessary for the Department to carry out its
2 function in regulating this industry?

3 A Yes, I do.

4 Q And it might be unreasonably impracticable to
5 conduct checks some other way; is that right?

6 A Yes.

7 Q We looked at a few of those gaming statutes. I
8 think Mr. Miller took you through those quite a bit, and Mr.
9 Shevorski asked you a little bit about those statutes. Is the
10 gaming industry -- would you say it's more mature or less
11 mature than the marijuana industry in Nevada?

12 A More mature, definitely.

13 Q And to your understanding, is it pretty heavily
14 regulated?

15 A Yes.

16 Q All right. Let's pull up NRS 463.490.

17 THE COURT: I don't know that that's in the same
18 book you have --

19 MR. KOCH: Were' actually -- we've got it on the
20 screen. We can pull it up unless there's an issue with the --
21 BY MR. KOCH:

22 Q All right. So we put on the screen there, Mr. Pupo,
23 that statute that I've referenced. First of all, the title
24 there is "Qualifications for State gaming license for
25 corporations other than publicly traded corporations." So

1 there appear to be a distinction in the gaming statutes with
2 respect to regulation of publicly traded companies and not
3 publicly traded companies. Does marijuana have that
4 distinction in place as of today?

5 A No.

6 Q Might it be something that the Department or the
7 legislature look at in the future?

8 A Well, sure.

9 Q If we look at the bottom of this statute, there's a
10 section down there where it says when its added to the NRS.
11 And it says added to the NRS by 1967, 1969, and 1993. So
12 would it surprise you that this statute was first -- or the
13 first iteration of it was adopted in 1967?

14 A No.

15 Q Fifty-two years ago is when it was adopted, and
16 changes were made to that; is that right?

17 A Yes.

18 Q Let's look at a couple of other items just in gaming
19 so we can have some perspective there. Can we go to 463.520.
20 And this deals with regulations with board by -- registration
21 with the board by corporations other than publicly traded
22 corporations. And if we look at this, there is a requirement
23 to register. And so this has a description in the subsection
24 here, Item 1. It requires "The organization, financial
25 structure, and nature of the business to be operated,

1 including, (a) the names and personal history of," and I
2 underlined this, this isn't part of the statute, "of all
3 officers, directors, and key employees." Do you know why
4 there "owners" is not listed among the gaming statutes?

5 A No.

6 Q And then (b) says, "A complete set of the
7 fingerprints of all officers, directors, and key employees
8 which the board may forward to the Central Repository," et
9 cetera. [Unintelligible] FBI [unintelligible]. So do you
10 know why the owners were not background checked for
11 fingerprints here?

12 A No.

13 Q There was a distinction apparently that was made in
14 the gaming statutes between owners, officers, board members;
15 is that right?

16 A Yes.

17 Q Okay. And let's look at one or two more. We're
18 going to go to 463.5735. This relates to individual licensing
19 of members, directors, managers, and other persons of limited
20 liability companies. And Item 1, I think Mr. Miller might
21 have shown you this before, but it says, "Every member and
22 transferee of a member's interest with more than 5 percent
23 ownership interest in a limited liability company and every
24 director and manager of a limited liability company which
25 holds or applies for a State gaming license must be licensed

1 individually according to the provisions of this chapter."

2 Now, do you personally know why this 5 percent
3 threshold was put in the gaming statutes?

4 A No, I don't.

5 Q Must have had a reason for it, though?

6 A Sure.

7 Q You believe that this 5 percent limitation is a
8 reasonable part of the statute based on your understanding?

9 A Yes.

10 Q All right. And then let's go to NRS 463.625. It's
11 the section about -- actually a subsection of the chapter that
12 talks specifically about publicly traded companies. And it
13 says that "The Commission may exempt a publicly traded
14 corporation from compliance with any provisions listed there."
15 Do you know why there might have been an exemption for
16 publicly traded companies in the gaming statutes?

17 A No.

18 Q All right. But there was, it appears?

19 A Yes.

20 Q Let's go to NRS 463.635. It's about publicly traded
21 corporation owning or controlling an applicant or licensee.
22 And here I want to just ask you -- we looked at the issue
23 about ownership, and this in Item 1 says, "If a corporation,
24 partnership, limited partnership, LLC, or other business
25 applying for or holding a State gaming license is or becomes

1 owned in whole or in part or controlled by a publicly traded
2 corporation, then publicly traded corporations shall, Item
3 (a), maintain a ledger in the principal offices of its
4 subsidiary which is licensed to conduct gaming in the state,
5 which must reflect the ownership of record." It goes on. It
6 essentially says you can provide a shareholder list that's
7 held by the subsidiary. Do you see that?

8 A Yes.

9 Q Okay. Do you know of any gaming regulation that
10 requires the licensee to regularly update the Commission on a
11 daily basis with owners of its shares of stock?

12 A No, I don't.

13 Q And this statute which requires maintenance of a
14 ledger with the company that can be available for inspection
15 in subsection (2), do you believe that's a reasonable way of
16 handling ownership of a publicly traded company that's
17 licensed?

18 A Yes.

19 Q All right. One more. This is the last one for
20 gaming. We're going to look at NRS 463.643. And this is
21 about suitability of persons acquiring beneficial ownership of
22 any voting security or beneficial record ownership of any
23 nonvoting security, et cetera. And, again, this is one I
24 think Mr. Shevorski looked at with you. Do you have an
25 understanding that the Gaming Commission requires suitability

1 checks to be done on potential owners of gaming companies?

2 A Yes.

3 Q And here it says that "Each person who acquires, in
4 section (1), directly or indirectly beneficial ownership of
5 any voting security may -- or even skip down -- may be
6 required to be found suitable if the Commission has reason to
7 believe that the person's acquisition of ownership would
8 otherwise be inconsistent with the declared policy of the
9 State." So Commission's going to conduct suitability checks;
10 is that right?

11 A Yes.

12 Q And it appears that the Commission may have some
13 discretion -- we'll jump down to section (3) -- or in red,
14 again, it's not part of the original, that's my highlight
15 there. But if someone has ownership of more than 5 percent,
16 they're required to submit a report with the SEC. If they're
17 required to submit that report, send it to the Gaming
18 Commission. Do you see that?

19 A Yes.

20 Q Does the Department of Taxation require currently
21 owners of 5 percent or more to submit SEC reports to the
22 Department?

23 A No.

24 Q That might be something that in the future might be
25 considered?

1 A Yes.

2 Q And then Item (4) has a distinction for beneficial
3 ownership of more than 10 percent. And if someone has more
4 than 10 percent, last lines, "shall apply to the Commission
5 for a finding of suitability within 30 days after the chair of
6 the board mails the written notice." So Commission has
7 decided on 10 percent threshold for suitability checks as an
8 automatic requirement. Do you see that?

9 A Yes.

10 Q And does the Department have a 10 percent threshold?

11 A No.

12 Q It has a 5 percent threshold; is that right?

13 A Yes.

14 Q Let's look at some examples or applications of that.

15 MR. KOCH: If we can go to Exhibit I think it's
16 Proposed 5035.

17 (Pause in the proceedings)

18 MR. KOCH: I think there's no objection to 5035.

19 THE COURT: Any objection?

20 MR. MILLER: No.

21 THE COURT: Be admitted.

22 (Plaintiffs' Exhibit 5035 admitted)

23 BY MR. KOCH:

24 Q All right. Exhibit 5035, Mr. Pupo. This is a
25 letter, appears, from the Oasis Cannabis Dispensary, which is,

1 if we look below the logo, Serenity Wellness Center LLC d/b/a
2 Oasis Canabis. You're familiar with Serenity Wellness Center
3 d/b/a Oasis Canabis?

4 A Yes.

5 Q That's one of the entities that Mr. Miller, who
6 asked you questions earlier, he represents; is that right?

7 A Yes.

8 Q It's a letter from September 13th, 2018. That was
9 in the middle of the application timeframe?

10 A Yes.

11 Q Okay. And the subject of this letter is "Pending
12 ownership transfer during retail store application period."
13 And it says, "CLS Holdings USA, a publicly traded company
14 listed as CLSH on the OTCQV Exchange recently acquired
15 100 percent of the membership interests in Serenity Wellness
16 Center LLC d/b/a Oasis Canabis." So Serenity notified you of
17 this transfer; is that right?

18 A Apparently.

19 Q Okay. Who would get this type of a letter? If this
20 came in -- it just says, Department of Taxation. Do you know
21 who would get this?

22 A Go to Carson City staff, Steve Gilbert's group.

23 Q Okay. Goes on to say, "The ownership transfer
24 request has been submitted to the Department of Taxation in
25 accordance with the applicable laws and procedure." If that

1 was the case, if a transfer was going to come down, they would
2 have to make that request and be approved by the Department;
3 is that right?

4 A Yes.

5 Q But it was still pending review when this
6 application was submitted. "Please note that the application
7 was submitted as if the pending transfer had already been
8 approved in expectation that the transfer will be completed
9 prior to or at the time of the final scoring and ranking of
10 retail store applications."

11 Now, that process, do you believe that that was a
12 proper way to do it? They've got a transfer pending, they put
13 on the application the owners as of a potential transfer that
14 may be granted in the future?

15 A Yes.

16 Q And then we'll look at the next paragraph where it
17 says, "All of the former owners and founders of Oasis Cannabis
18 are now stockholders in CLSH, and together they own about
19 29 percent of the outstanding shares of the public company.
20 We had included information from a few significant
21 stockholders that were part of the previous ownership group.
22 The stockholders were included are," and it appears those
23 names are redacted. "The remaining owner of information
24 contained in this application relates to officers and board
25 members." Do you know why Serenity only listed some of its

1 stockholders there?

2 A No, I don't.

3 Q Did they ever ask, the Department, why or about the
4 listing of only significant stockholders?

5 A I don't.

6 Q Perhaps they read the regulation of 5 percent and
7 listed those that were above 5 percent?

8 A Perhaps.

9 Q Do you have any problem with what they've provided
10 here in the letter that you've read?

11 A No.

12 Q And if there were in fact 71 percent of shares held
13 by non-insiders, general public, of the CLSH entity and if
14 there were millions of shares out there, do you believe that
15 it would be unreasonably impracticable for the Department to
16 check every one of those 71 percent owners of public stock as
17 part of the application here?

18 A Yes.

19 Q Asked also about MM Development, Mr. Kemp's client.
20 We've talked about them from time to time. I think I might
21 have asked you a couple of questions about them. But I
22 believe there's about 20 million shares of MM Development
23 stock that's not held by insiders, give or take. If the
24 Department were asked to conduct background checks of
25 20 million shareholders, could it do that?

1 A No.

2 THE COURT: Mr. Koch, you used a term you haven't
3 used with this witness before, "insiders." Can you define for
4 him, who is not someone in our Business Court, what that
5 means.

6 BY MR. KOCH:

7 Q So let's just say owners -- not owners, we can skip
8 that. Officers or board members, individuals that have
9 positions within the company that own shares of stock may be
10 deemed to be insiders, because they have information that's
11 not privy to the general public. Do you understand what an
12 insider is generally?

13 A Yes.

14 Q And maybe I'll clear that up by not saying
15 "insiders." Owners who are not officers or board members own
16 at least 20 million shares of MM Development stock, it appears
17 based upon the filings. Are you aware of that?

18 A Will you say it again.

19 Q Owners who are not officers or board members of MM
20 Development, or Planet 13 Holdings I think is the actual
21 public entity, own approximately 20 million shares of that
22 stock. Are you aware of that?

23 A No.

24 Q Okay. And if those 20 million shares and their
25 owners were all submitted to the Department for background

1 checks, could the Department run those checks in a timely
2 fashion?

3 A No.

4 Q If someone bought a share of stock and traded it
5 within a week, do you have any expectation that the Department
6 could complete a background check within that period of time?

7 A No.

8 Q And if on a daily basis three or 400,000 shares of
9 stock changed hands, does the Department have any ability to
10 do background checks on owners of three or 400,000 shares of
11 stock? Let me back up. Unless one person trades all that
12 stock, I suppose, does the Department have that ability to do
13 that?

14 A No.

15 Q And even if one person did own all that stock and
16 they held it for a week, the Department wouldn't get that
17 background check done before they sold the stock, would they?

18 A No.

19 Q And so you were presented with all these theoretical
20 ownership scenarios where the Sinaloa Cartel comes in and buys
21 stock and owns companies and runs its drug trafficking through
22 these entities. But isn't it true that in 2018 in order to be
23 an applicant you had to have already held an MME certificate?
24 Is that right?

25 A Yes.

1 Q And that's part of the statute, actually, said you
2 must be holding a medical license in order to submit a
3 recreational application; right?

4 A Yes.

5 Q And so are you aware of any Sinaloa Cartel members
6 who held MME certificates in 2018?

7 A No.

8 Q Are you aware of any Canadian Mafia bosses who held
9 medical certificates in 2018?

10 A No.

11 Q If they did, you know, the fox is already in the hen
12 house; right? They're already there, they've already got
13 ownership. Was anything done to try to check back to see if
14 any of those existing medical certificate owners might
15 actually be Sinaloa Cartel members?

16 A No.

17 Q Because the background checks had already been run;
18 is that right?

19 A Yes.

20 Q And if a new transfer were proposed, a new
21 background check would be submitted?

22 A Yes.

23 Q And if an application or transfer of ownership was
24 listed, submitted to the Department that said everybody who is
25 a current owner will no longer be an owner and everyone who's

1 buying our stock is under 5 percent so we're not going to tell
2 you who those owners are, would the Department approve that
3 transfer of ownership?

4 A Wait. Say it again.

5 Q If a transfer of ownership came in which stated that
6 no one is going to be listed as new owners because they're all
7 under 5 percent, would the Department approve that transfer?

8 A Probably not.

9 Q Would the Department look into that transfer?

10 A Yes.

11 Q Would the Department be suspicious of that transfer?

12 A Yes.

13 Q All right. So we have talked a lot about background
14 checks, a lot about a lot of different scenarios or theories
15 or different things that may go on with that. But have you
16 had any instance that you've seen here during this proceeding
17 or previously with a background check that somebody's come to
18 you and said, hey, you should have run a background check on
19 this person because if you did it would have disqualified
20 them?

21 A No.

22 Q Have you seen any exhibits or anything offered that
23 show a background check on someone who was in fact a convicted
24 felon with an excludable felony who was approved for ownership
25 in the Department's licensing program?

1 A No.

2 Q And assuming those background checks were run as we
3 discussed, that did not have any bearing necessarily on the
4 actual evaluation and scoring process, did it?

5 A No.

6 Q I guess the individuals did not get points for
7 having background checks done, did they?

8 A No.

9 Q They had to have the background checks done as a
10 condition to be able to get their license finalized; is that
11 right?

12 A Yes.

13 Q And so just because a background check was -- nobody
14 got 1 point or 2 points background check passed, anything like
15 that?

16 A No.

17 Q Okay. And so everything we've talked about with
18 these background checks, that would not have changed the
19 outcome of the rankings that we've looked at, 1 to 100 or
20 whatever it would have been. Conducting background checks had
21 no bearing on the points that were assigned; is that right?

22 A That's right.

23 Q Change topics a little bit. Let me ask you on
24 partiality. Are you aware that the statute said that the
25 Department was required to have an impartial and numerically

1 scored bidding process?

2 A Yes.

3 Q And do you believe the Department carried out an

4 impartial process?

5 A Yes.

6 MR. KOCH: We looked at -- let's go to Exhibit 239.

7 Do you have that, Brian, 239?

8 BY MR. KOCH:

9 Q All right. This was I believe a series of texts,

10 and there are Facebook posts as part of this regarding Dr.

11 Spirtos. Do you remember that?

12 A Yes.

13 MR. KOCH: Do you have that page, Brian? I can't

14 remember what page it's on. If you can't find it, let's just

15 move along.

16 BY MR. KOCH:

17 Q So in that post do you remember Mr. Miller asking

18 you the question about a phrase or a sentence you said, what a

19 dumbass, about Dr. Spirtos; is that right?

20 A Yes.

21 Q Do you remember that?

22 A Yes.

23 Q That's how you felt at the time?

24 A Yes.

25 Q If you felt someone was a dumbass would you have

1 potentially -- if you were scoring the application had some
2 mental bias or feeling toward that person as part of the
3 process?

4 A It's possible.

5 Q Right. In that stack we showed you last time, NOR's
6 stack of scoring sheets, about 1500 pages, a lot of other
7 scoring sheets have been produced in this case. I looked
8 through a lot of them, not all of them, but I have not seen
9 one statement in there that this applicant is a dumbass. Did
10 you ever see anything like that in those scoring sheets from
11 the evaluators?

12 A No.

13 Q Do you, based on your observation and understanding
14 of the evaluators, believe that those evaluators were
15 impartial in their scoring?

16 A Yes.

17 Q Do you know if they knew any of the individuals who
18 were applicants or owners of those applicants?

19 A I don't believe so.

20 Q And I've seen you from time to time here. You've
21 been here now I think several days, probably a few days longer
22 than you would have liked, but talking with some individuals.
23 I saw you speaking with Mr. Frank Hawkins. Do you know Mr.
24 Hawkins?

25 A Yes.

1 Q He's one of the owners of I believe it's Nevada
2 Wellness Center. Are you aware of that?

3 A Yes.

4 Q And did you -- you testified last time you were here
5 that you hadn't met him in person prior to that meeting; is
6 that right?

7 A Yes.

8 Q Do you know his name, do you know who he was prior
9 to that?

10 A Yes.

11 Q Okay. So you were aware of him, you just hadn't met
12 him in person?

13 A Right.

14 Q Okay. And looked like you were having a good
15 conversation with him out in the hallway --

16 A Sure.

17 Q -- right? You're a friendly guy?

18 A Yeah, for the most part.

19 Q And when it comes to that discussion with Mr.
20 Hawkins after you met him, after you talked to him, got to
21 know him if you saw his application come in yourself, would
22 that have affected at all your perception of what was
23 submitted by Mr. Hawkins in his application?

24 A No.

25 Q Okay. And do you know if any evaluators met with

1 Mr. Hawkins or anybody else from Nevada Wellness Center?

2 A I don't think so.

3 Q Okay. Do you believe that having some distinction
4 between that personal contact would be an important thing for
5 the evaluators?

6 A I don't know.

7 Q Do you believe that bringing in outside evaluators
8 made the process more impartial than it would have been if the
9 Department of Taxation employees, who meet these individuals
10 or know who they are, had conducted the same process?

11 A Yes.

12 Q Okay. Now, speaking of Mr. Hawkins, I believe he's
13 listed as an African-American in his application. Are you
14 aware of that?

15 A Okay. I would assume so.

16 Q You didn't read his application; right?

17 A No.

18 Q Now, you've talked with him, met with him, talked to
19 him out in the hallway, surprise you that he's listed as
20 African-American on his application?

21 A No.

22 Q He appears to you to be African-American?

23 A Yes.

24 Q Okay. But based on his application, you hadn't met
25 him before, did you do anything to verify in fact that he was

1 African-American as part of his application?

2 A Me?

3 Q Right.

4 A No.

5 Q Do you know if anybody went out and met with him to

6 check just to make sure that he was African-American?

7 A No.

8 Q No DNA tests?

9 A No.

10 Q No family pedigree charts submitted?

11 A No.

12 Q Did you ever ask Mr. Hawkins out in the hall, are

13 you really African-American?

14 A No.

15 Q Okay. I didn't think you had. You trusted him;

16 right?

17 A Yes.

18 Q And for the Department in order to be able to

19 consider diversity in the races, genders, ethnicities it was

20 required -- do you believe it was necessary for the Department

21 to trust the information provided by the applicant?

22 A Yes.

23 Q And you believe it would have been unreasonably

24 impracticable for the Department to check individually the

25 race, ethnicity, or gender of each owner, officer, or board

1 member on an application?

2 A Yes.

3 Q Now, what would have happened if Mr. Hawkins showed
4 up here this week and he was actually blonde hair, blue eyes,
5 and he told you, hey, I'm actually from Norway, would you have
6 gone back and docked him points from his application?

7 A No.

8 Q Is there a process in place to do anything about
9 that, if somebody puts down something falsely on the
10 application?

11 A Yes.

12 Q NAC 453D.312 is a regulation regarding false or
13 misleading information that's provided. Are you aware of that
14 regulation?

15 A Yes.

16 Q And does the Department have the ability to take
17 steps if someone does in fact provide false or misleading
18 information to the Department?

19 A Yes.

20 Q So there is a procedure in place for that?

21 A Yes.

22 Q All right. Just a couple more questions about
23 diversity. If someone were let's say 50 percent African-
24 American, 50 percent Caucasian and they listed themselves as
25 African-American on their application, any issue with that?

1 A No.

2 Q And did the Department ask for percentage background
3 of any race or ethnicity?

4 A I don't believe so.

5 Q It allowed the applicants or the individuals to list
6 their stated race or ethnicity; is that right?

7 A Yes.

8 Q Same with gender. If someone, for example, has
9 "male" on their birth certificate, later on in life decides
10 they identify as a female, they decide to put "female" on
11 there, does the Force go out -- or the Department go out and
12 check to make sure they in fact are female?

13 A No.

14 Q And there's no hormone tests to know, DNA tests or
15 anything like that?

16 A No.

17 Q And, you know, Mr. Kemp put up all these princesses
18 and different things like that, body silhouettes.

19 THE COURT: Disney Princesses.

20 BY MR. KOCH:

21 Q Disney Princesses. Did he show you the silhouettes
22 of individuals that were up there?

23 A I don't recall.

24 Q There were some silhouettes of some say curvaceous
25 women that were up there. You didn't see those?

1 A I don't remember.

2 Q Ms. Shell I think objected to that as being perhaps
3 not appropriate.

4 THE COURT: Was that the Jessica Rabbit figure that
5 you objected to?

6 MS. SHELL: No. It was more like a stereo -- it's
7 that exactly.

8 THE COURT: All right. There. See, there it is
9 right there, sir. Okay.

10 BY MR. KOCH:

11 Q There you go. So Shelby Brown we see. We don't
12 know what Shelby Brown looks like, but that was submitted to
13 show that she was in fact female. Do you see that?

14 A Yes.

15 Q Okay. Did you ask any applicants to submit
16 silhouettes of their bodies in order to check whether they
17 male or female?

18 A No.

19 Q So that would be inappropriate, to actually send in
20 a silhouette to prove that you're male or female; is that
21 right?

22 A Yes.

23 Q So suffice it to say diversity may be kind of a
24 difficult subject for the Department to put a process in place
25 and score it without some sort of arguments or some sort of

1 problems that could come into play; is that right?

2 A Sure.

3 Q And you were tasked with coming up with a definition
4 of "diversity"; is that right?

5 A Yes.

6 Q All right. You didn't go call experts that hail
7 from diverse places like Boise to give you some definitions
8 about diversity, did you?

9 A No.

10 Q You came up with your definition based upon federal
11 law from the '60s; is that right?

12 A Yes.

13 Q And that may have changed over time, but in your
14 mind that was a reasonable way of considering race; is that
15 right?

16 A Yes.

17 Q All right. And we could, I suppose, have a system
18 in place that would be very, very thorough about diversity,
19 checking those things, DNA, checking backgrounds, checking
20 family history. The Department did not do that, did it?

21 A No.

22 Q Would it have been unreasonable for the Department
23 to have adopted such a system?

24 A I believe so.

25 Q And based upon your review of what you have seen in

1 the scoring, what you've seen in the process do you believe
2 the Department did a reasonably good job of considering
3 diversity as part of the application process?

4 A Yes, I do.

5 Q Ask you about location. There have been some
6 questions about this location talk, whether you needed a
7 specific location or not. Do you remember that question from
8 Mr. Miller and Mr. Parker?

9 A Yes.

10 Q And at some point in time the Department made the
11 determination that location would not be scored as part of the
12 rankings; is that right?

13 A Yes.

14 Q But ultimately an applicant, if they were awarded a
15 conditional license, had to nail down a specific location, and
16 the Department had to approve that location; is that right?

17 A Yes. Before the final certificate's issued.

18 Q Okay. And there's been some discussion about the
19 P.O. box versus the UPS address. Do you remember that?

20 A Yes.

21 Q Do you know what P.O. stands for in the P.O. box
22 context?

23 A Yes.

24 Q What does it stand for?

25 A Post Office.

1 Q Do you know if anyone submitted a Post Office box as
2 part of their address?
3 A I don't know.
4 Q And have you ever sent anything to a P.O. box?
5 A Yes.
6 Q Send your taxes maybe to a P.O. box?
7 A Yes.
8 Q On those P.O. boxes is there ever a street address
9 on it, do you recall?
10 A No.
11 Q Let me read something to you. Proposed Exhibit
12 5041.
13 THE COURT: Any objection, Mr. Miller?
14 MR. KOCH: It's just this UPS store -- I'm just
15 going to read a couple sentences from it.
16 MR. MILLER: This is from UPS --
17 MR. KOCH: UPS Store Website.
18 MR. MILLER: Okay. You know, if you'd lay
19 demonstration or foundation as to what it is or something.
20 MR. KOCH: Yeah.
21 MR. MILLER: That's fine.
22 MR. KOCH: All right. I'll represent, Your Honor,
23 that Exhibit -- Proposed Exhibit 5041 is a printout from the
24 UPS Store Website that I printed out, a printout that came off
25 6/19/19. I don't think there's any objection to it.

1 MR. MILLER: I'd just ask him to lay a little bit of
2 foundation as to what it is.

3 THE COURT: For what purpose are you offering it?

4 MR. KOCH: To distinguish between a UPS address and
5 a P.O. box.

6 THE COURT: Okay. Anything else? Since he's the
7 one who did it, I'm not going to make him testify as to how he
8 went and grabbed it off of Google or wherever.

9 MR. MILLER: Right.

10 MR. KOCH: Right. Actually, I won't even admit it.
11 I'll just read from it.

12 THE COURT: Okay.

13 MR. KOCH: We'll make it simple.

14 BY MR. KOCH:

15 Q UPS states that a UPS Store mailbox gives you a real
16 street address, rather than a number of a P.O. box. Are you
17 aware of that distinction?

18 A Yes.

19 Q And you've seen some of those UPS addresses that
20 were submitted by applicants such as Nevada Organic Remedies,
21 such as Essence, such as TGIG, who have submitted UPS Store
22 addresses, rather than an actual P.O. box; is that right?

23 A Yes.

24 Q And the Department did not reject those addresses,
25 because they were addresses; right?

1 A Right.

2 Q It comes down to a company, an applicant was not
3 even required to submit an address at all, were they?

4 A Can you say that again.

5 Q An applicant was not even required to submit an
6 address at all as part of its application, was it?

7 A I believe the application requests a physical
8 address of the proposed establishment.

9 Q And that was -- that clarification was made in July
10 of 2018, if the applicant has a lease or other arrangement for
11 that location; correct?

12 A Yes.

13 MR. KOCH: Okay. And so let's go to Exhibit 303.
14 We'll zoom in on this. It's very small type.

15 BY MR. KOCH:

16 Q And Exhibit 303 was a recreational application
17 period chart that we looked at earlier. Have you looked at
18 this string of testimony, Mr. Pupo?

19 A I don't remember. I don't think so.

20 Q Do you recognize this document?

21 A No.

22 Q Did the Department keep track of applications when
23 they came in as far as the process for moving those through
24 the evaluation system?

25 A Yes.

1 Q And who was in charge of that, to the best of your
2 knowledge?

3 A Steve Gilbert's group.

4 Q All right. So Mr. Gilbert testified about this
5 exhibit and testified that it was a spreadsheet that contained
6 information about the applications that came in. And I just
7 want to ask you about a couple of the items there.

8 First, the very first page next to company name
9 there's a column for address. Do you see that?

10 A Yes.

11 Q Is that legible to you?

12 A Yes.

13 Q Okay. And at the very first company, Blossom Group,
14 can you read what it says under address.

15 A TBD.

16 Q To be determined; is that right?

17 A Yes.

18 Q Do you know if Blossom Group was the only one who
19 submitted something like that?

20 A I don't know.

21 MR. KOCH: Let's go to page 4138, DOT4138, which is
22 the fourth page of the document.

23 BY MR. KOCH:

24 Q Okay. 4138, on the bottom of that page is the
25 listing for MM Development Company. Let's go there. All

1 right. So MM Development company for its address has listed
2 there, there are some that have addresses. And then can you
3 read the -- let's just look at the last line. Can you read
4 what it says by MM Development Company, its address.

5 A Which one?

6 Q The very bottom one.

7 A To be determined, Mesquite, Nevada.

8 Q All right. And two above that what does it say?

9 A To be determined, Las Vegas, Nevada.

10 Q And above that?

11 A To be determined, Reno, Nevada.

12 Q So it wasn't unique to Blossom Group to put "to be
13 determined"; right?

14 A Right.

15 Q And the Department did not reject MM Development's
16 application for listing "to be determined," did it?

17 A No.

18 MR. KOCH: Let's go to page 41840. And about three
19 quarters of the way down.

20 BY MR. KOCH:

21 Q Here we have entries -- actually, let's look at the
22 top first. There's another one, CN License Co. I don't know
23 if they're a party to this case, but what does it say under
24 their addresses?

25 A To be determined.

1 Q Okay. They're not the only one on this page. Let's
2 go down now, about two thirds of the way down, to Serenity
3 Wellness Center. Do you see those starting at RD322 it looks
4 like?

5 A Yes.

6 Q Serenity Wellness Center, and that's one of the
7 entities that Mr. Miller represents in this proceeding. What
8 does it say under each of the location -- or addresses for
9 Serenity Wellness Center?

10 A To be determined.

11 Q Okay. So at least so far MM and Serenity both knew
12 they didn't have to submit an actual address based upon what
13 we see here; is that right?

14 A Yes.

15 Q Let's look at one more on 41842. About two thirds
16 of the way down is Southern Nevada Growers. And what does it
17 say for the location of Southern Nevada Growers?

18 A To be determined.

19 Q All right. So another one -- there's another one up
20 above there, MMOF to be determined. But let's look back below
21 Souther Nevada Growers. Circle S Farms. Do you see that?

22 A Yes.

23 Q All right. Let's zoom in and see what it says for
24 those locations.

25 A 4744 Paradise Road, Las vegas, Nevada 89169.

1 Q All right. So that's the first one. What does it
2 say for the second one?

3 A The same, 4744 Paradise Road, Las Vegas, Nevada
4 89169.

5 Q And the third?

6 A The same.

7 Q Fourth and fifth? They're all the same?

8 A They're all the same.

9 Q And did Circle S Farms get docked for putting the
10 same address for each of its applications?

11 A No.

12 Q If we continue on, if you flip through, there are
13 numerous entities or applicants that are listed here with
14 addresses to be determined. Does that surprise you, that
15 there are so many applicants with addresses to be determined?

16 A No.

17 Q Based on your understanding applicants knew that
18 they didn't have to need to submit a specific address at the
19 application stage?

20 A Correct.

21 Q You notated that some of those entities that -- do
22 you know if all of those entities were represented by Amanda
23 Connor?

24 A No.

25 Q MM Development, do you know if they were represented

1 by Amanda Connor?

2 A I don't believe so.

3 Q Serenity Wellness, do you know if they were
4 represented by Amanda Connor?

5 A I don't believe so.

6 Q So the insinuation or questions that were asked
7 about you giving the information about the specific address
8 not being needed to Amanda Connor only, does it surprise you
9 at all that people that are not represented by Amanda Connor
10 also had the same understanding?

11 A Yes.

12 Q It surprises you that they had that same
13 understanding?

14 A Right. I'm sorry. Say the question, restate.

15 Q Does it surprise you that someone that was not
16 represented by Amanda Connor also understood that they did not
17 need to submit a specific address?

18 A Oh. No, it doesn't surprise me.

19 Q While we're on that subject, Mr. Miller asked you a
20 lot of questions about Amanda Connor, talking with her, but
21 it's not in fact the case that all of her clients got
22 licenses, did they?

23 A It's my understanding.

24 Q TGIG, that's The Grove, did they get a license this
25 go around?

1 A No.

2 Q That was Mr. Ritter's company; is that right?

3 A Yes.

4 Q And they're represented by Ms. Connor, do you know

5 that?

6 A Yes.

7 Q They didn't get a license?

8 A No.

9 Q Even though Mr. Ritter was on the Governor's Task

10 Force, he was a member of that Task Force, but he didn't get a

11 license; is that right?

12 A That's right.

13 Q So there was no extra points given for someone being

14 on the Task Force; is that right?

15 A That's right.

16 Q All right. We're getting close here. So we talked

17 about conditional license. Why the conditional license and

18 not a final license?

19 A All the requirements can't be met up front to get a

20 final license. There's local jurisdictional requirements that

21 have to be met.

22 Q And if a conditional licensee eventually meets those

23 requirements, gets a final inspection, what do they receive?

24 A They get their final license.

25 Q Okay. Other than securing the location and getting

1 all the approvals and inspections that come along with
2 securing your final location, what else is conditional about
3 that license, if anything?

4 A I don't recall anything. I mean --

5 Q So it's really just the location that makes these
6 licenses conditional, and that's the only reason they're
7 conditional; is that right?

8 A Right.

9 Q And that was a specific part of the Task Force
10 report and recommendation. I won't make you turn to it, but
11 we've looked at it before, Exhibit 2009, where it said, "The
12 Department of Taxation should rank the applicants based on the
13 applicants' qualifications without respect to the planned
14 location of their business." Is that a recommendation that
15 you're aware the Governor's Task Force made?

16 A Yes.

17 Q And did you agree with that recommendation?

18 A Sure.

19 Q What problems, if any, were you aware of that might
20 be posed if someone needed to secure a location prior to
21 submitting an application?

22 A Remember there had been discussions of the costs and
23 expenditures involved in securing the location, and industry
24 had expressed that they had spent thousands and thousands of
25 dollars in getting blueprints and several copies of blueprints

1 to supply in an application and sometimes it was a location
2 they wouldn't even end up using.

3 Q And let me ask you about -- did you ever hear about
4 the other way around, anyone that ever attempted to secure a
5 location, received a license, but then later on the landlord,
6 once they learned they got the license, raised the price,
7 anything like that?

8 A I did hear that.

9 Q And in that type of a scenario would it potentially
10 be favorable or beneficial for an applicant to secure a
11 location so that in the event that they got a conditional
12 license they wouldn't be extorted or held for ransom by the
13 landlord?

14 A You know, I guess that's a business decision.

15 Q Right. So that business may make that decision, but
16 the Department didn't have anything to do with that; right?

17 A No.

18 Q All right. So just kind of make a conclusion. You
19 looked at this process, you've had questions about it -- or
20 you've been asked questions about it. Would you acknowledge
21 that the Department was not perfect in carrying out the
22 application and scoring process?

23 A Yes.

24 Q Do you believe that if you are doing this process
25 again three years later, and I don't think you -- you said

1 you're ready to be done with marijuana, but if the Department
2 were doing this three years from now, suppose, would the
3 Department perhaps make some changes to how it did it in 2018?

4 A Sure.

5 Q And it would learn from what happened in 2018 and
6 maybe make some improvements; is that right?

7 A Sure.

8 Q And Mr. Gilbert said the same thing. Are you aware
9 of anyone that's told you this process is perfect, we should
10 keep it intact for the indefinite future?

11 A No.

12 Q But based upon the circumstances that you've seen do
13 you believe the Department carried out its duty to conduct an
14 impartial and numerically scored bidding process in a manner
15 that complied with the regulations and statutes?

16 A I do.

17 Q And to comply with the initiative that was passed by
18 the voters in the state?

19 A I do.

20 MR. KOCH: Thank you. No further questions.

21 THE COURT: Any other defense counsel wish to ask
22 questions?

23 CROSS-EXAMINATION

24 BY MR. GUTIERREZ:

25 Q Good morning, Mr. Pupo.

1 A Good morning.

2 Q My name is Joseph Gutierrez. I'm counsel for
3 Essence and Thrive. Some followup questions from Mr. Koch.

4 The regulations that were adopted, they were
5 approved in February 2018; is that correct?

6 A Yes.

7 Q And tell us about the process again. Who reviewed
8 the regulations prior to final approval?

9 A So once they're adopted by the Tax Commission they
10 go to LCB. LCB reviews it, may come back with some changes or
11 not. Then it goes to the Leg Commission for approval. And
12 then once they're approved by Leg Commission they're recorded
13 with the Secretary of State.

14 Q And the regulations were subject to a year's worth
15 of open meetings and public comment; is that correct?

16 A Something like that, yeah.

17 MR. GUTIERREZ: And I'd like to admit Proposed
18 Exhibit 5045, which is the February 27th, 2018, minutes of the
19 Legislative Council Bureau.

20 THE COURT: Any objection?

21 MR. KEMP: No, Your Honor.

22 THE COURT: Be admitted.

23 MR. GUTIERREZ: I'd like to go to page 3 on this
24 document.

25 //

1 BY MR. GUTIERREZ:

2 Q And before we get there, Mr. Pupo, what was Deonne
3 Contine's role with the adoption of the regulations.?

4 A She was executive director.

5 Q And what did she do as executive director in
6 adopting the regulations?

7 A She spearheaded the regulations.

8 Q When you say spearheaded what does that mean?

9 A Basically she led the forming of the regulations,
10 the writing of the regulations.

11 Q She worked with the Task Force and did everything to
12 -- on behalf of the Department to get the regulations adopted,
13 is it fair to say?

14 A Yes.

15 Q So when you were asked by Counsel that the buck
16 stops with you can you explain that the buck stopped with you
17 with every single process that was done by the Department?

18 A Maybe not. But I'm here.

19 Q Right. So -- you're here. Well, she'll be here,
20 hopefully, soon, too. But the buck didn't stop with you with
21 the adoption of the regulations; is that fair to say?

22 A Yes.

23 Q Deonne had a lot of say in how the regulations were
24 adopted?

25 A Yes.

1 Q Okay. Now, on page 3 there were public comments
2 from some people, and Will Adler on page 3, if you can see
3 this paragraph, he states that, "The regulation was reviewed
4 at length in multiple hearings." The last sentence says that,
5 "He concluded the Department of Taxation has done a great job
6 and fully supports R092-17 as written." Do you see that?

7 A Yes.

8 Q Well, do you agree the Department did a great job in
9 adopting the regulations?

10 A Yes.

11 Q Going down -- going to the next page, page 4, Riana
12 Durette on behalf of the Nevada Dispensary Association states
13 that, "The Association supported R092-17 as written." Do you
14 see that?

15 A Yes.

16 Q Amanda Connor also gave comments. She states that
17 on behalf of 40 Nevada marijuana license holders that the NCC
18 states that R092-17 is impartial and gives everyone who is
19 eligible to apply for a license the opportunity to rank in
20 various categories. Do you see that?

21 A Yes.

22 Q Do you agree with that statement?

23 A Yes.

24 Q I want to go to page 6.

25 THE COURT: You're going to skip the Equine Dental

1 Services?

2 MR. GUTIERREZ: I am, Your Honor. I didn't give you
3 one for every single one in here.

4 All right. Go to page 6.

5 BY MR. GUTIERREZ:

6 Q And I want to point your attention to Dr. Spirtos's
7 comments. And I think we've had some discussion about him.
8 He's a plaintiff in one of these lawsuits, as well. I want to
9 read to you his comments. His first comment that he made to
10 the LCB was, "There are no perfect regulations." Do you see
11 that?

12 A Yes.

13 Q Do you agree with that statement?

14 A Yes.

15 Q He also states that not everyone got what they
16 wanted during discussions on R092-17, but everybody was heard.
17 Do you agree with that?

18 A Yes.

19 Q Everybody had the opportunity to be heard during
20 this process?

21 A Yes.

22 Q He also states there should be flexibility in the
23 legislature and the Department of Taxation. Do you agree with
24 that statement?

25 A Yes.

1 Q Number 5, he says, "If R092-17 is not adopted, the
2 dispensary industry would be operating without guidance." Do
3 you know what that means?

4 A Yes.

5 Q Explain that.

6 A That if the regulations were not adopted, there's
7 basically no structure for industry to operate.

8 Q Okay. Let's go to page 7. Ben Sillitoe, CEO of
9 Oasis Cannabis that we've talked about, do you see that?

10 A Yes.

11 Q Stated that the regulation process R092-17 was
12 followed and there were adequate opportunities for input from
13 interested parties. He is of the opinion the intent of the
14 law was to allow the best operators to be the ones to face the
15 public because the public perception is important. Do you
16 see?

17 A Yes.

18 Q Do you agree with that statement?

19 A Sure.

20 Q Okay. You're kind of -- explain that. Do you have
21 an opinion on that?

22 A No. I don't necessarily think that was the intent
23 of the law, but --

24 Q What do you believe the intent was?

25 A The intent of the law is to strictly regulate

1 industry for the public.

2 Q Okay. And were you part of the Governor's Task
3 Force in any way, any of the workshops or working groups?

4 A Yes.

5 Q What was your role again?

6 A I was on the laboratory committee.

7 MR. GUTIERREZ: Okay. Let's go to Exhibit 2009,
8 which is already admitted, which is the final report of the
9 Governor's Task Force. And the title of this document, Mr.
10 Pupo, says Implementation of Question 2. Do you see that?

11 A Yes.

12 Q And do you believe that was the role of the
13 Governor's Task Force, to work to implement Question 2 into
14 the regulations?

15 A Yes.

16 Q Okay. Let's go to page 3.

17 THE COURT: And you're in Exhibit 2009?

18 MR. GUTIERREZ: Yes, Your Honor.

19 THE COURT: Okay.

20 MR. GUTIERREZ: It should say Overview of the Task
21 Force. Okay. And go down to the bottom, where it says
22 Mission Statement.

23 BY MR. GUTIERREZ:

24 Q And, Mr. Pupo, what was the mission statement for
25 the Task Force as stated in this document?

1 A The Task Force's mission was to identify the legal,
2 policy, and procedural issues that need to be resolved and to
3 offer suggestions and proposals for legislative regulatory and
4 executive actions that need to be taken for the effective and
5 efficient implementation of the Act.

6 Q So the Governor's Task Force was tasked with
7 ensuring that the ballot initiative was followed; is that
8 correct?

9 A Yes.

10 Q Okay. And let's talk -- Mr. Koch covered a lot on
11 the actual proposed location, but let's go to page 19. This
12 talks about the application and licensing process. Where it
13 says, "Grading criteria and applications. The Task Force
14 recommends that an impartial numerically scored process used
15 by the medical marijuana program be revised for the retail
16 marijuana stores to remove consideration of location and focus
17 only on the applicant qualifications for operation of a
18 marijuana establishment." Do you see that?

19 A Yes.

20 Q And is that what was done by the Task Force, to take
21 the medical, what was good with the medical and use that for
22 the regulations for the recreational?

23 A Yes.

24 Q Okay. It says, "Remove consideration of location."
25 Do you see that?

1 A Yes.

2 Q Again, that was discussed thoroughly at the Task
3 Force to remove consideration of location for all the reasons
4 we've already talked about; is that correct?

5 A Yes.

6 Q And we'll get to that one. Mr. John Ritter, who's a
7 plaintiff, had no dissent and actually supported that
8 provision; is that correct?

9 A Yes.

10 Q Let's go to page 109. This discusses the
11 application process. And do you see John Ritter's name on the
12 -- as one of the sponsors on this?

13 A Yes.

14 Q Okay. The second bullet point discusses one of
15 recommendations by the Task Force. Can you read that for us.

16 A "The Department will not require zoning approval to
17 be submitted in the marijuana establishment application. If
18 an applicant does have zoning and land use approval and
19 chooses to include it in their application, no extra points or
20 merit will be awarded for it being included."

21 Q Okay. And is that what happened during the
22 application process? No extra points were awarded for people
23 who put land use approval in the application?

24 A Correct.

25 Q Okay. And this was contemplated by John Ritter,

1 who's one of the plaintiffs, that the Department would not be
2 looking at proposed location for the application; correct?

3 A Correct.

4 Q And the Department took what the Task Force
5 recommended in adopting the regulations; is that fair to say?

6 A Yes.

7 Q On the next page it talks about guiding principles,
8 the guiding principles that the actual Task Force needs to
9 abide by or what they're abiding by in giving these
10 recommendations. Do you see that?

11 A Yes.

12 Q And do you see Guiding Principle Number 3?

13 A Yes.

14 Q And it says that one of the guiding principles is
15 that the regulation is clear and reasonable and not unduly
16 burdensome. Do you see that?

17 A Yes.

18 Q And is that your understanding of the purpose of
19 making sure the proposed location was not removed and put in
20 the way it was to not make it unduly burdensome in the
21 regulations?

22 A Yes.

23 Q And we've talked about that at length; correct?

24 A Yes.

25 Q Okay. Next page -- let's go to page 112. Now, this

1 section of the Task Force report discusses rating criteria on
2 applications. Do you see that?

3 A Yes.

4 Q And who was the sponsors?

5 A John Ritter and Amanda Connor.

6 Q Okay. And is it your understanding -- or correct me
7 if I'm wrong, but it's my understanding that the
8 recommendation here is to give the Department the criteria
9 that the applications need to be weighted and what needs to be
10 considered; is that correct?

11 A Yes.

12 Q And was that considered by the Department?

13 A Yes.

14 Q And the actual weights given for each category, was
15 that also considered by the Department? Can you see that? Do
16 you see where it says, "The follow criteria weighting to be
17 included?"

18 A Right. Uh-huh. Yes

19 Q Okay. Go to the next page. It says, "What
20 provisions of Question 2 does the recommendation apply to?"
21 Do you see that?

22 A Yes.

23 Q And what the Task Force did was when they were given
24 a recommendation they wanted to make sure that it complied
25 with Ballot Initiative Question 2; is that correct?

1 A Correct.

2 Q Okay. And did the Department have -- I know you
3 talked about this, but did the Department have an Attorney
4 General also reviewing the regulations that were being
5 adopted? Someone from the Attorney General's Office?

6 A I don't remember.

7 Q Are some of these questions better for Deonne
8 Contine, who seemed to be more involved with the adoption of
9 the regulations than you were?

10 A Yes.

11 Q Okay. All right. Now, the next -- go to page 116.
12 Actually, I'm sorry, 114. We've talked a lot about the
13 5 percent requirement for background checks. But, again, who
14 was one of the sponsors of this bill when it talked about
15 ownership issues and licensing requirements?

16 A John Ritter.

17 Q And he's a plaintiff in this case; correct?

18 A Yes.

19 Q And David Goldwater. Do you know who he is?

20 A Yes.

21 Q And is he a plaintiff in this litigation, as well?

22 A I don't know.

23 Q Okay. I'll represent he's a plaintiff in one of the
24 other litigations.

25 A Okay.

1 Q But the were the sponsors of this bill on behalf of
2 the Task Force; correct?

3 A I'm sorry?

4 Q They were the sponsors of this bill on behalf of the
5 Governor's Task Force?

6 A Yes.

7 Q Okay. And the recommendation was to require owners,
8 5 percent or more to be fingerprinted and background checked;
9 is that correct?

10 A Yes.

11 Q Okay. If you'd go to the next page. Was there any
12 dissent by the Task Force on this issue?

13 A I don't remember. Oh. No dissent.

14 Q Okay. And it says -- and under Number 6 it says,
15 "What issues does the recommendation resolve?" Do you see
16 that?

17 A Yes.

18 Q And go ahead and just read that first sentence.
19 What issue does -- are they putting forth to resolve?

20 A "To allow companies that own marijuana establishment
21 licenses in which there are multiple owners that own less than
22 5 percent, in some cases far less, to be able to operate
23 practically and efficiently."

24 Q And that's -- that was the intent of the Task Force
25 and what was followed by the Department; correct?

1 A Yes.

2 Q And the Department complied with Ballot Question 2
3 in adopting this recommendation for the regulation; correct?

4 A Yes.

5 Q Okay. Now, use of independent contractors as
6 graders, you said that was to eliminate any perceived bias. I
7 think that was your testimony; right?

8 A Yes.

9 Q And you believe the evaluators were qualified to do
10 their job?

11 A Yes.

12 Q And you believe they were well trained?

13 A Yes.

14 Q And they took their job seriously?

15 A Yes.

16 Q You've also talked about the -- I think you used the
17 term "human element." Do you recall that?

18 A Yes.

19 Q We've talked about this. But do you remember the
20 Saints versus Rams NFC Championship? Did you watch that game?

21 A I don't remember that, but --

22 Q Somebody talked about it. But at the same time
23 there's mistakes that are made; correct?

24 A Sure.

25 Q You talked about a human element being involved; is

1 that right?

2 A Yes.

3 Q Now, you don't throw out the entire process because
4 a mistake is made; is that a fair assertion?

5 A Yes.

6 Q Okay. At the same time you don't throw out the
7 entire process if two companies were not paying attention and
8 submitted the wrong application; is that fair to say?

9 A Right.

10 Q Okay. You said you learn from your mistakes and
11 change going forward?

12 A Sure.

13 Q Okay. And you think there's areas of improvement
14 for the State in this application process?

15 A Sure.

16 Q Do you also think there's areas of improvement on
17 behalf of the licenses who are submitting applications in
18 submitting better applications?

19 A Oh, yeah.

20 Q Or paying more attention?

21 A Yes.

22 Q You said, oh, yeah. I mean, are you aware of the
23 fact that certain licensees or people that made applications
24 thought because they got approved in 2014 for a medical
25 license they would get approved in this process if they

1 submitted the same application?

2 A No.

3 Q Are you aware that some companies actually made a
4 find and replace on their 2014 application and just got rid of
5 the word "medical"?

6 A No.

7 Q Do you believe that some applicants put more time
8 and effort in their application than others?

9 A Yes.

10 Q Okay. We talked about the use of multiple
11 applications by the same company.

12 A Yes.

13 Q You talked about that. Thrive, one of my clients,
14 submitted applications on behalf of Commerce Park LLC and
15 Cheyenne Medical LLC; is that --

16 A Yes.

17 Q And you testified you had no issues with that
18 application process?

19 A Right.

20 Q Are you aware that some of the plaintiffs also
21 submitted multiple applications similar to how Thrive and
22 Essence did?

23 A Yes.

24 Q Nuveda did, Tryke did, and also Fidelis Holdings?

25 A Yes.

1 Q Okay. Do you believe the scoring criteria favored
2 any group of applicants over another?

3 A No.

4 Q And we've talked enough about diversity, but do you
5 believe diversity is a criteria that's directly and
6 demonstrably related to the operation of a business -- a
7 marijuana business?

8 A Yes.

9 Q And can you explain for us why you believe that.

10 A It's important on how they interact with the
11 community, interact with customers they serve, how they will
12 market to certain a demographic or customer base, services
13 they may provide.

14 Q Okay. One of the things we haven't talked much
15 about is what they called irreparable harm or harm to the
16 plaintiffs if this injunction is not granted. Is there -- is
17 it your understanding the plaintiffs are all still operational
18 under their current licenses?

19 A Yes.

20 Q Okay. And if the plaintiffs don't receive any of
21 the new licenses, that's not going to have any effect on their
22 existing operation; is that correct?

23 A No.

24 Q Do you believe that tax revenue is apartment to be
25 lost because of this litigation and the inability of licensees

1 to open new locations?

2 A Sure.

3 Q Do you also believe that this process which is

4 preventing companies from opening, such as my client, Thrive,

5 is harming the ability of Nevada citizens to get to work and

6 work for these new locations?

7 A Sure. I mean, it'll bring new employment.

8 MR. GUTIERREZ: Okay. Thank you, Mr. Pupo.

9 THE COURT: Any other defendants have questions?

10 Sir, before I let --

11 Ms. Shell, you have some?

12 MS. SHELL: I just have a couple very brief

13 questions.

14 THE COURT: Great. Could you come to the podium,

15 though.

16 And then I have some after the defense lawyers

17 finish.

18 THE WITNESS: Okay, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. SHELL:

21 Q Good morning, Mr. Pupo.

22 A Good morning.

23 Q My name is Alina Shell. I represent GreenMart of

24 Nevada. And I just had a couple of quick questions for you.

25 And I wanted to talk to you about the Nevada Administrative

1 Code, since it's a favorite part of this examination.

2 MS. SHELL: And can you put that up for me.

3 BY MS. SHELL:

4 Q I wanted to specifically ask you about NAC 453D.268,
5 which is about submission of application by person who holds a
6 medical marijuana establishment registration certificate for
7 another marijuana establishment of the same or different type.
8 Are you familiar with this regulation?

9 A Yes.

10 Q Okay. Now, I'd like you specifically to look at
11 subsection (2)(c). Back up. So it's (2) -- so it says, "an
12 application on a form prescribed by the Department." So they
13 have to submit a form; correct?

14 A Yes.

15 Q Okay. And "the application must include, without
16 limitation, the type of business organization the applicant,
17 such as individual, corporation, partnership, limited
18 liability company, association, or cooperative, joint venture,
19 or other business organization." Did I read that correctly?

20 A Yes.

21 Q Are you familiar anywhere -- .268 or anywhere within
22 the NAC that if -- well, let me back that question up.

23 So you're asking for information by the organization
24 that is applying for a marijuana license; correct?

25 A Yes.

1 Q Okay. Is there anywhere within .268 that says you
2 have to submit information about -- let's back this up.
3 Sorry. I should have -- it's Monday. I haven't had enough
4 coffee today.

5 So you're aware that some applicants for these
6 marijuana licenses in 2018 were owned by publicly traded
7 corporations; correct?

8 A Yes.

9 Q Is there anywhere within the NAC that says they have
10 to list on their application that they are owned by a publicly
11 traded company?

12 A No.

13 MS. SHELL: Okay. And I'm going to stick in the
14 same subsection -- I mean .268, and then I wanted to go to
15 4(a), Brian.

16 BY MS. SHELL:

17 Q And it says, "When --" another thing that has to be
18 included in the application is a description of the proposed
19 organizational structure of the proposed marijuana
20 establishment, including, without limitation, subsection (a)
21 an organizational chart showing all owners, officers, and
22 board members of the proposed marijuana establishment." Do
23 you see that?

24 A Yes.

25 Q And are you familiar with this requirement?

1 A Yes.

2 Q Now, does this requirement -- so if we have an
3 example of an LLC that's owned by a publicly traded
4 corporation, is there anywhere in .268 that says you have to
5 list the information of the owner of the applicant?

6 A No.

7 MS. SHELL: Okay. Those were my only questions,
8 Your Honor. Thank you.

9 THE COURT: Anybody else on the defense side?
10 Following up on that, sir, tell me how you define
11 "owner."

12 THE WITNESS: How I define "owner"?

13 THE COURT: Uh-huh.

14 THE WITNESS: I would say individual or entity with
15 a majority or an interest in a company that has like decision
16 making or control of the company. Some sort of control.

17 THE COURT: So in your mind it has to be someone who
18 has control of the company?

19 THE WITNESS: No, not necessarily, I guess. Just
20 has an interest in the company.

21 THE COURT: And where did you come up with that
22 definition?

23 THE WITNESS: There's -- haven't seen a definition
24 for "owner."

25 THE COURT: Well, you came up with a definition of

1 "owner."

2 THE WITNESS: Yeah. I just thought -- I'm thinking
3 about it right now.

4 THE COURT: Okay. So let me then step back. As
5 part of Ballot Question 2 there are certain duties that the
6 Department of Taxation has related to owners of applicants for
7 prospective licensure. In going through the process of
8 creating the application and developing the evaluation process
9 who came up with the definition or parameters for "owner"?

10 THE WITNESS: Those parameters were, you know, set
11 from the medical program. When we took over from -- when we
12 brought over DPBH --

13 THE COURT: Okay.

14 THE WITNESS: -- we just went with what was
15 currently being used at the time.

16 THE COURT: So you went with whatever Mr. Gilbert
17 and his team had used before?

18 THE WITNESS: Yes, as far as DPBH goes.

19 THE COURT: And do you have an understanding as to
20 whether the requirements related to vetting owners under NRS
21 453A and NRS 453D, also known as Ballot Question 2, are
22 different?

23 THE WITNESS: I believe they're the same.

24 THE COURT: And why do you believe they're the same?

25 THE WITNESS: Trying to think back to 453A. But

1 I --

2 THE COURT: You have the book there in front of you.
3 You're welcome to look at 453A. This is not a trick or a
4 test. I'm trying to make sure I understand --

5 THE WITNESS: No, I understand, Your Honor. Because
6 we --

7 THE COURT: Wait. Let me finish.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: I'm trying to understand the process the
10 Department used in implementing Ballot Question 2 so I can
11 make a determination as to whether it was reasonable and
12 convenient and compliant with Ballot Question 2.

13 THE WITNESS: Yes, Your Honor.

14 THE COURT: Okay.

15 THE WITNESS: So the majority or a lot of the
16 regulation came from what was brought over from 453A and
17 incorporated into these regulations, and then, you know, we
18 looked at the initiative to see what differences there were,
19 cut out what applied and what didn't apply.

20 THE COURT: Okay. So you think the definition of
21 "owner" that was used by the Department in the application
22 process required under Ballot Question 2 came from 453A?

23 THE WITNESS: I believe so.

24 THE COURT: Okay. Can you point to me where in 453A
25 that definition of "owner" is.

1 THE WITNESS: I don't know that there is a
2 definition for "owner."

3 THE COURT: So you rely upon the process that the
4 medical marijuana team that Mr. Gilbert had headed in the
5 medical marijuana application process utilized?

6 THE WITNESS: Yes, Your Honor.

7 THE COURT: So let me go to my next area of
8 questions.

9 So can you tell me who made the decision that the
10 compliance record would not be rated as part of the
11 application process?

12 THE WITNESS: I don't know that that was discussed.

13 THE COURT: Well, doesn't NRS 453D.210(4)(f)(2)
14 require the compliance record to be part of that application
15 and evaluation process?

16 THE WITNESS: Yes.

17 THE COURT: Okay. So can you tell me why it wasn't
18 included.

19 THE WITNESS: I don't know, Your Honor.

20 THE COURT: Okay. So let's go to the diversity
21 section. Can you tell me where in 453D diversity is included?

22 THE WITNESS: In the statute?

23 THE COURT: Yep.

24 THE WITNESS: It is not.

25 THE COURT: So can you tell me why the Department --

1 and I understand you just gave me an answer that said it was
2 important to the community -- why the Department decided to
3 include it in the application process when it was not included
4 in Ballot Question 2?

5 THE WITNESS: It was -- it's included -- it was
6 included in the regulations, in the 453D regulations.

7 THE COURT: I understand. But you understand that
8 nobody can change Ballot Question 2 for several years after
9 it's implemented based upon the manner by which initiative
10 petitions occur under the Constitution; right?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: Okay. So, understanding that and that
13 nobody can change it, can you tell me why the Department
14 decided to include it?

15 THE WITNESS: I would say it was part of the process
16 of the -- for establishing the procedures and the regulations
17 for the qualifications for licensure.

18 THE COURT: Okay. So you think it was part of the
19 "reasonable and convenient" part of the language?

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: Okay. So then let's go to a person
22 thing you did. You made some decisions about anti-monopoly
23 issues related to two types of applicants or two groups of
24 applicants. Can you tell me the basis for your decision.

25 THE WITNESS: What do you --

1 THE COURT: So I think there was a decision that you
2 made that two LLCs that were owned by common people who
3 already had a bunch of licenses weren't going to be subject to
4 anti-monopoly?

5 THE WITNESS: I wouldn't say that, Your Honor.

6 THE COURT: Okay. Explain it to me, then.

7 THE WITNESS: So --

8 THE COURT: Because that's how it sounded when you
9 answered the last time.

10 THE WITNESS: No. So the monopoly provision is, you
11 know, 10 percent of allocable licenses in the county. So you
12 have in Clark County there's 80 allocable licenses. So a
13 licensee can hold up to eight licenses in the county.

14 THE COURT: And how'd you come up with that
15 analysis?

16 THE WITNESS: It's in the statute.

17 THE COURT: So is in the statute, or regulation?

18 THE WITNESS: Or regulation.

19 THE COURT: Yeah. So how'd you come up with the
20 determination that that was the definition for anti-monopoly
21 you were going to use to comply with Ballot Question 2?

22 THE WITNESS: That's -- that's in the regulation.
23 We -- that's how we do the monopoly provision, the analysis.

24 THE COURT: So but that's how you do the monopoly
25 analysis for other things, right, other than 453D?

1 THE WITNESS: I believe that was in 453A, also, yes.

2 THE COURT: Yeah. So it sounds to me like -- and
3 I'm trying to make sure I understand the Department's
4 motivation, because I have to make a determination as to
5 whether the Department utilized regulations that were
6 reasonable and convenient, which seems to be a broad
7 definition.

8 So did it appear to you that the Department just
9 took 453A and made a few changes and then developed
10 regulations for 453D?

11 THE WITNESS: We took -- we took a good portion of
12 453A, yes, Your Honor.

13 THE COURT: So tell me why the Department decided
14 that it was going to use a 5 percent level for owner?

15 THE WITNESS: Well, you know, I don't know if that
16 came over from 453A, as well. But it was part of the
17 Governor's Task Force recommendation, and it's just
18 impractical. We can't possibly vet all these -- some of these
19 companies have -- they don't even have to be publicly traded.
20 They have investor pools of several people, 50, 60, 100 people
21 or more, that own very little. It might be something like
22 .001 percent of the company. And we just can't handle that
23 kind of volume through DPS in such a short time frame.

24 THE COURT: So 453D.200(6) says, "The Department
25 shall conduct a background check of each prospective owner,

1 officer, and board member of a marijuana establishment license
2 applicant." So is it your testimony that the Department made
3 a decision that it was unable to comply with that portion of
4 Ballot Question 2?

5 THE WITNESS: Yes, Your Honor.

6 THE COURT: And as a result, the Department placed a
7 5 percent ownership limitation on Ballot Question 2 through
8 its regulations?

9 THE WITNESS: Yes, Your Honor.

10 THE COURT: And do you think that's appropriate?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: And again tell me why.

13 THE WITNESS: Because it's just -- it's not possible
14 to vet all those people in a time frame we have.

15 THE COURT: Okay. I only have one more set of
16 questions, but let me see if you've already answered it.

17 Oh. Conditional licenses. Other than local
18 government approval related to the specific location, what
19 else were the conditional licenses limited by or based upon,
20 or what other factors are the conditions that still exist?

21 THE WITNESS: I don't remember all of it. I think
22 they pretty much all revolve around the specific location,
23 distance requirements, certificate of occupancy, things like
24 that, local jurisdictions, land use, SUP permits.

25 THE COURT: So the only conditions placed upon the

1 conditional licenses that were issued by the Department in
2 December related to approvals by local government authorities
3 related to the specific location that was not disclosed in the
4 application?

5 THE WITNESS: Also the final inspection from our
6 inspectors. They have to pass the final inspection, Your
7 Honor.

8 THE COURT: Okay. And that's after construction and
9 the tenant improvements are done if it's in an occupied
10 building?

11 THE WITNESS: Yes.

12 THE COURT: Okay. Anything else?

13 THE WITNESS: Not that I can remember right now,
14 Your Honor.

15 THE COURT: Okay. Thank you.

16 Mr. Miller.

17 REDIRECT EXAMINATION

18 BY MR. MILLER:

19 Q 'Morning.

20 A Good morning.

21 Q Mr. Pupo, there was reference made this morning that
22 there was an entire year of workshops and the like dealing
23 with the permanent regulation that was issued. But that was
24 not issued and released to the public until January 6th, 2017;
25 is that correct?

1 A What was it?

2 Q The regulation workshops that were conducted. There
3 were some statements this morning that there was a number of
4 public workshops that were conducted. That in fact -- that
5 regulation was not released -- the issue that's on the notice
6 of regulatory workshop and the posted permanent regulation was
7 not issued until July 6th, 2017; is that right?

8 A On the permanent? We had workshops in, you know,
9 like July or something like that.

10 Q Right. July 6th, 2017, is when you released it, and
11 July 24th, 2017, is when the workshop was held. Does that
12 sound accurate?

13 A Something like that, yeah.

14 Q All right. And with respect to Legislative
15 Commission adoption, that hearing was conducted in February of
16 2018; is that correct?

17 A Yes.

18 MR. MILLER: Okay. Can we pull up -- well, it's
19 part of the Commission meeting minutes, 236. I've got the
20 Legislative Commission meeting minutes that were just
21 admitted. Then I'll move to the Tax Commission meeting
22 minutes. Okay. Pull up Exhibit 236.

23 BY MR. MILLER:

24 Q Sir, did you attend this Commission meeting?

25 A Yes.

1 Q You were aware that on a public comment that there's
2 -- numerous individuals had testified that had either
3 objections or concerns about the proposed regulations; is that
4 correct?

5 A Yes.

6 Q And on page 2 of that document Jefferson Boswell
7 submitted a lengthy letter detailing some of his concerns.
8 Did you read that letter?

9 A I don't remember.

10 Q Generally aware that Mr. Boswell expressed concerns
11 about how these applications would be scored and whether or
12 not there was enough clarity in the regulation in order to
13 conduct the process?

14 A Okay. Yeah, I don't remember the letter, but --

15 Q And on page 3 Mr. Lawrence citing similar concerns.
16 You just recall a number of people testifying with concerns;
17 correct?

18 A Yes.

19 MR. MILLER: Could we go to page 12. At the bottom
20 there.

21 BY MR. MILLER:

22 Q Do you recall that there was two senators, Senator
23 Hammond and Senator Goicechea, who expressed their concerns
24 about the regulatory process and then -- you see there Chair
25 asked Brenda Ertos, previously identified, to confirm whether

1 or not the regulation could be extended? Do you recall that?

2 A No. But it's in the minutes, so --

3 Q Okay. And page 13, the very top. Ms. Ertos
4 explained that shortly after the 2017 session the Department
5 of Taxation adopted temporary regulation set to expire in
6 November of 2017. The Department then adopted an emergency
7 regulation effective for 120 days that cannot be extended,
8 which will expire on March 1st. She said, "If the regulation
9 is not approved at this meeting, there will be no marijuana
10 regulations." Do you recall that?

11 A Yes.

12 Q Okay. So the Legislative Commission did not have an
13 opportunity to make any proposed revisions or suggest changes
14 to that regulation; is that correct?

15 A Guess they could have, but they didn't.

16 Q Well, you look at -- the Council -- provided by
17 Legislative Council Bureau's attorney it doesn't appear that
18 she indicated that that could be continued; correct?

19 A Right. That they can't be extended.

20 Q Right. And the Tax Commission was faced with a
21 similar issue; is that correct?

22 A Yes.

23 Q Because that Commission meeting was held on January
24 16th, which was beyond the timeline that the regulations were
25 supposed to have been adopted; is that correct?

1 A I believe so. I think the regulations were -- it
2 took a while -- if I remember correctly, it took a while to
3 get them back from LCB.

4 Q Right. In fact, I think you received them back from
5 LCB in December. Does that sound accurate?

6 A Yeah. Possibly.

7 MR. MILLER: Okay. All right. Do you have any
8 problem with the admission of Exhibit 235, which is the Tax
9 Commission? I won't go through all of that.

10 MR. SHEVORSKI: I'm sorry. Just let me look at it
11 real quick.

12 MR. KOCH: What exhibit were we just looking at?

13 MR. MILLER: 236.

14 THE COURT: Any objection to 235?

15 MR. KOCH: No objection, Your Honor.

16 THE COURT: Be admitted.

17 (Plaintiffs' Exhibit 235 admitted)

18 BY MR. MILLER:

19 Q So, sir, as a result of all the meetings that
20 included public comment on the adoption of the regulations did
21 you do anything different in how you assembled the
22 application?

23 A Say it again.

24 Q As a result of these workshops and meetings are you
25 aware if anything the Department did differently based on the

1 comments and suggestions by members of the public who attended
2 those hearings?

3 A In the application? I don't recall.

4 Q Move quickly to -- the statutory language, sir, with
5 respect to proposed physical address, are you generally
6 familiar with the provisions within NRS 453A as they apply to
7 whether or not proposed physical location was required and
8 scored?

9 A I don't remember. I'd have to go back and look.

10 Q Okay. We can pull up NRS 453A.322(3). I'll just
11 read it for you. (3)(a)(2). Do you have your statute book in
12 front of you?

13 A No.

14 THE COURT: You mean my statute book? I think you
15 still have it, don't you?

16 THE WITNESS: No, Your Honor. It's not here.

17 THE COURT: Here you go, sir. I thought you had it
18 already.

19 THE WITNESS: 453A what?

20 BY MR. MILLER:

21 Q 453A.322(3)(a)(2).

22 A Okay. .322(3)(a)(2)?

23 Q Yes.

24 A Okay.

25 Q "The application must include evidence that the

1 applicant owns the property on which the proposed medical
2 marijuana establishment will be located or has the written
3 permission of the property owner to operate a proposed medical
4 marijuana establishment on that property." So you recognize
5 that as being nearly identical to the provisions that control
6 the recreational marijuana application process?

7 A I'm sorry. I thought you said -- 322(3)(a)(2) you
8 said?

9 Q Subsection (4)(a)(2), subparagraph 4.

10 A Okay. Yes.

11 Q Okay. That's almost identical, isn't it, to the
12 provisions that would apply to the recreational marijuana
13 application?

14 A Yes.

15 Q Okay. And in fact when this process was run in 2014
16 are you aware that if an applicant had not provided a proposed
17 physical address as part of the application, that application
18 would have been rejected?

19 A No, I don't.

20 MR. MILLER: Can you show Proposed Exhibit 245.
21 It's an exhibit from your PowerPoint. Department of Taxation
22 Bates Number 21177. It's the PowerPoint and training
23 materials.

24 MR. KOCH: I'm sorry. What's the exhibit again?

25 MR. MILLER: 21177.

1 UNIDENTIFIED SPEAKER: Exhibit 245.
2 MR. KOCH: No objection.
3 THE COURT: Be admitted.
4 (Plaintiffs' Exhibit 245 admitted)
5 THE COURT: 245; right?
6 MR. MILLER: Yes.
7 BY MR. MILLER:
8 Q Sir, can you read it at the very top? It's a little
9 blurry there. Regulatory [inaudible and unintelligible].
10 A Yes.
11 Q Do you see that that appears to be a grid that's
12 recommended in 2014 that the Department follow?
13 A Yes.
14 Q Can you read the far right box for us.
15 A Far right?
16 Q Yes.
17 A Under "Descriptive Elements"?
18 Q Checkmarks where it says yes or no.
19 A Okay. It says, "Eligible applicant, yes or no -- no
20 or yes?"
21 Q And to the left of that there's criteria indicating
22 that it first establish whether or not the proposed applicant
23 has a physical address; is that correct?
24 A Yes.
25 Q Okay. So it appears that in 2014 if you did not

1 have a proposed physical address as part of your application
2 and evidence, that your application would have been rejected;
3 is that correct?

4 A Yeah. I don't know if it would have been rejected
5 or not.

6 Q As you see this here does it appear to indicate that
7 if you're an eligible applicant, the checkbox for yes or no,
8 you were ineligible applicant based on that criteria?

9 A I'm not sure what they meant by that in 2014.

10 BY MR. MILLER:

11 Q Can we show -- the criteria that was provided to the
12 evaluators, are you aware that for the building adequacy it is
13 nearly identical to the provisions that were provided to the
14 evaluators in 2014?

15 A No.

16 Q You're not?

17 MR. MILLER: Can we show Proposed Exhibit 246.

18 THE COURT: Any objection to 246?

19 MR. SHEVORSKI: No objection from the State, Your
20 Honor.

21 THE COURT: Anybody else have an objection?

22 MR. MILLER: And side by side with Exhibit 9.

23 MR. KOCH: No.

24 THE COURT: Be admitted.

25 (Plaintiffs' Exhibit 246 admitted)

1 UNIDENTIFIED SPEAKER: What page of 246?

2 MR. MILLER: It's 246, 21300.

3 BY MR. MILLER:

4 Q Can you read the evaluation criteria that was
5 provided in 2014 as it applied to the building adequacy
6 section.

7 A "453A.328(7), The adequacy of the size of the
8 proposed medical marijuana establishment to serve the needs of
9 persons who are authorized to engage in the medical use of
10 marijuana."

11 Q Read on.

12 A The elements?

13 THE COURT: Sir, can you read it on the screen, or
14 do you need to actually look at the paper copies?

15 THE WITNESS: No, I can read it on the screen.

16 THE COURT: Okay.

17 THE WITNESS: Which one?

18 BY MR. MILLER:

19 Q Read the "Excellent response...."

20 A "An excellent response would include all the
21 following elements: the building and construction plan
22 demonstrates a clear definition of work tasks, estimation of
23 required resources and duration for individual tasks, the
24 planning of scheduled activities, along with the estimated
25 resources and duration are realistic and achievable within the

1 required 18 months to be fully operational."

2 Q Other than changing the date from being open and
3 operational within 18 months to 12 months, that language is
4 identical, is it not, to the recreational application?

5 A Yeah, looks the same.

6 MR. MILLER: Yeah. And Exhibit -- Proposed Exhibit
7 245, [inaudible] PowerPoint 21227.

8 MR. SHEVORSKI: No objection from the State, Your
9 Honor.

10 THE COURT: Be admitted.

11 (Plaintiffs' Exhibits 245)

12 MS. SHELL: I'm sorry, Mr. Miller. What exhibit did
13 you say?

14 MR. MILLER: I'm sorry. 245.

15 THE COURT: I think 245 was already admitted.

16 MS. SHELL: Okay.

17 MR. MILLER: 21227. And compare that with Exhibit
18 10.

19 BY MR. MILLER:

20 Q Can you read that language, sir, from the 2014
21 application. Does that appear to be substantially similar or
22 identical?

23 A Yes.

24 Q So even though a proposed physical address was
25 required as part of the 2014 application, the evaluation

1 criteria for the two applications were the same; is that
2 correct?

3 A Yes.

4 MR. MILLER: Nothing further.

5 THE COURT: Any other plaintiffs or interveners have
6 any questions?

7 Any other defense questions?

8 MR. SHEVORSKI: Very briefly, Your Honor.

9 THE COURT: Mr. Shevorski.

10 MR. SHEVORSKI: Very briefly.

11 THE COURT: Okay. Because I've got 11 minutes
12 before I break for lunch.

13 MR. SHEVORSKI: Understood, Your Honor.

14 RECROSS-EXAMINATION

15 BY MR. SHEVORSKI:

16 Q Mr. Pupo, can you go to Exhibit 2016. It should be
17 in one of the binders.

18 THE COURT: Where are the binders? Dulce sends them
19 to the vault, because she's required to.

20 What exhibit number, Counsel?

21 MR. SHEVORSKI: It's 2016, Your Honor.

22 (Pause in the proceedings)

23 MR. SHEVORSKI: I can give him Mr. Koch's, if that's
24 okay, Your Honor.

25 THE COURT: Yes, he can use Mr. Koch's.

1 I'm sorry, sir. I take Dulce for granted.

2 MR. SHEVORSKI: May I approach, Your Honor?

3 THE COURT: You may.

4 BY MR. SHEVORSKI:

5 Q Mr. Pupo, you've just been handed what's been marked
6 as Exhibit 2016. And we're going to be talking about merit
7 criteria per NRS and R092-17. You understand R092-17 is the
8 regulations passed after Question 2 was enacted by the voters?

9 A Yes. That's the LCB file number.

10 Q Okay. Now, and we're going to be talking about the
11 shaded material to the left. And we're going to start with
12 R092-17, Section 80(g). Do you see where that's indicated?

13 A Yes.

14 Q "Whether the owners, officers, or board members of a
15 proposed marijuana establishment have direct experience with
16 the operation of a medical marijuana establishment or
17 marijuana establishment in the state and have demonstrated a
18 record of operating such an establishment in compliance with
19 the laws and regulations of this state for an adequate period
20 of time to demonstrate success." Did I read that correctly?

21 A Yes.

22 Q And on the next page marked Bates Number 2680,
23 R092-17, Section 80(h), "The experience of key personnel that
24 applicant intends to employ in operating the type of marijuana
25 establishment for which the applicant seeks a license." Did I

1 read that correctly?

2 A Yes.

3 Q And those were considered in the merit criteria in
4 2018; correct?

5 A Yes.

6 MR. SHEVORSKI: No further questions.

7 THE COURT: Anything further from anyone?

8 Mr. Koch.

9 MR. KOCH: We don't have NAC? Do we have the book
10 NAC?

11 THE WITNESS: Yes, I --

12 THE COURT: I don't have NAC. They don't give them
13 to the judges.

14 RECROSS-EXAMINATION

15 BY MR. KOCH:

16 Q And, Mr. Pupo, you talked about the ownership and
17 the 5 percent threshold. Do you know if that was in fact a
18 part of the medical marijuana regulation program?

19 A Yeah, I don't recall.

20 Q NAC 453A.302 has regulations regarding 5 percent
21 threshold that were adopted in 2014, would it surprise you if
22 there were the same 5 percent threshold in medical in 2014 as
23 was later adopted in the regulations for a recreational
24 license?

25 A No, it wouldn't surprise me.

1 MR. KOCH: Thank you.

2 THE COURT: Anything else? Anyone else? Anything?

3 Mr. Pupo, thank you for coming back again. And you

4 may depart before the parties change their minds and ask you

5 more questions.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Thank you.

8 (Pause in the proceedings)

9 THE COURT: All right. So I have one motion I was

10 going to talk about, which was my motion to seal. Mr. Graf

11 borrowed my copy. Do you want to talk about it now, or after

12 lunch, or tomorrow, Mr. Graf?

13 MR. GRAF: We can talk about it now, Your Honor.

14 Here's your motion back.

15 (Motion to seal transcribed under separate cover)

16 THE COURT: Anything else that I can do today? So

17 I've crossed off Mr. Pupo on my list of witnesses to be

18 finished. I now have nine more. Anybody this afternoon?

19 MR. SHEVORSKI: I don't know, Your Honor.

20 THE COURT: I know we were just on Mr. Pupo this

21 afternoon, but if we have somebody else who wants to testify

22 this afternoon, I am here working.

23 MR. KEMP: Judge, I'd understood we were going to do

24 Mr. Hawkins that day, but I do not see Mr. Parker here.

25 THE COURT: I don't see Mr. Parker, either.

1 Somebody told me he was in South Carolina, but I didn't know
2 for sure.

3 MR. KEMP: I thought he was coming back last night,
4 Your Honor.

5 MR. SHEVORSKI: I honestly -- we got an email, I
6 think everyone got an email saying he was coming back the 8th,
7 but that's my recollection. Maybe I'm wrong.

8 THE COURT: So when I made the record that he was
9 late, it wasn't that he was late, it was that you weren't
10 expecting him today.

11 MR. SHEVORSKI: I don't know, Your Honor. I'm just
12 -- that's my recollection of his email. I think the Court got
13 it, as well, may have got that one.

14 THE COURT: I don't get them. My law clerk may
15 have.

16 MR. SHEVORSKI: Okay.

17 THE COURT: Remember, I don't read anything from you
18 guys.

19 MR. SHEVORSKI: Very good, Your Honor.

20 THE COURT: So were we going to do something? My
21 question is are you coming back after lunch. That's really my
22 question. Or am I done so I can let Jill go work on --

23 MR. GENTILE: Your Honor, on behalf of Serenity, we
24 don't have another witness, because we were anticipating this
25 was going to go a lot longer.

1 THE COURT: I asked my questions. I, you know,
2 lengthen to the proceeding to the extent I thought was
3 necessary.

4 Anything else?

5 Okay. As I have told you, I have some scheduling
6 issues that we're still trying to deal with. If any of those
7 days that we've talked about come up or come open, we will
8 contact you. I understand you have a lot of scheduling issues
9 on your side at this point, and so we'll let you know as soon
10 as I have additional days that open up. But until a trial
11 settles I don't have anything earlier than what I've already
12 offered you.

13 MR. KOCH: We're planning the 10th, right, in the
14 afternoon?

15 THE COURT: That's all I think you've agreed to.
16 And then we go the 11th some and then the 12th. I do have two
17 short things on the 12th, one in the morning, and one in the
18 afternoon, and a lunch meeting on the 11th, but I've got you
19 pencilled in.

20 MR. SHEVORSKI: Just for your scheduling, I've
21 accepted service of a subpoena for Ms. Contine. I'm not sure
22 if she's already on the list.

23 THE COURT: She was not on the list.

24 Anything else that you guys want to tell me?

25 MR. KEMP: Judge, can we go through the schedule one

1 more time? Because I'm not sure.

2 THE COURT: Right now I think you're coming at 1:00
3 on July 10th, I don't know why, and that you're coming back on
4 the 11th and you're coming back on the 12th. I have a lunch
5 meeting on the 11th, which means I'm going to have to break at
6 11:30, and I should be back by 1:15.

7 On July 12th I have a 9:30 that's short, and then I
8 have a 3:00 o'clock that's short.

9 MR. KEMP: And what about the morning of the 11th?

10 THE COURT: I'm here for you. 9:30.

11 MR. KEMP: 9:30. Okay.

12 MR. CRISTALLI: And then 10:00 o'clock on the 12th,
13 Your Honor?

14 THE COURT: Sure. It may be 10:15. I have some
15 lawyers who are doing a closing argument on a home foreclosure
16 under the HOA process.

17 MR. SHEVORSKI: I just got the chills, Your Honor.

18 THE COURT: Tell me about it.

19 MR. CRISTALLI: And, Your Honor, when did you want
20 to --

21 THE COURT: You know how lucky I was not to have to
22 do regular civil for like 10 years. And then I came back to
23 it.

24 MR. CRISTALLI: Your Honor, when do you want to hear
25 the motion to amend?

1 THE COURT: Tomorrow at 9:00 o'clock. Mr. Graf said
2 he was going to get me an opposition in writing, so I was
3 going to read it.

4 MR. GRAF: You'll have it by it 4:00 o'clock, Your
5 Honor.

6 THE COURT: I'm going to have it by 4:00. So I'll
7 read it today.

8 Anything else?

9 MR. SHEVORSKI: Not from the State, Your Honor.

10 THE COURT: For those of you who care, we have a
11 hearing tomorrow. For those of you who don't, have a great
12 Fourth of July. Enjoy your families.

13 (Court recessed at 12:02 p.m., until
14 Wednesday, July 10, 2019, at 1:00 p.m.)

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| <u>NAME</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
|-------------|---------------|--------------|-----------------|----------------|
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PLAINTIFFS' WITNESSES

| | | | | |
|------------|---|---------|----|-------|
| Jorge Pupo | - | 8/56/73 | 86 | 95/97 |
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EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
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PLAINTIFFS' EXHIBIT NO.

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DEFENDANTS' EXHIBIT NO.

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| 5035 | 26 |
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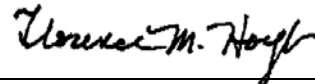
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

7/2/19

DATE

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 31 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
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| 342 | BENCH TRIAL - DAY 19 | 327 thru 328 | 8/17/2020 | 045940-046223 |
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| 343 | BENCH TRIAL - DAY 20 | 329 | 8/18/2020 | 046224-046355 |

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| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 354 | BENCH TRIAL - PHASE 1 | 332 | 9/8/2020 | 046667-046776 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |

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| 367 | CIRCLE S FARMS LLC'S JOINDER TO OPPOSITIONS TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 10/1/2020 | 046941-046943 |
| 365 | CLARK NATURAL MEDICINAL SOLUTIONS LLC, NYE NATURAL MEDICINAL SOLUTIONS LLC CLARK NMSD LLC AND INYO FINE CANNABIS DISPENSARY L.L.C.'S JOINDER TO NEVADA WELLNESS CENTER'S MOTION TO AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046932-046933 |
| 12 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 5/7/2019 | 000252-000269 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 4 | COMPLAINT | 1 | 1/4/2019 | 000037-000053 |
| 5 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 1 | 1/4/2019 | 000054-000078 |
| 1 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/10/2018 | 000001-000012 |
| 3 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/19/2018 | 000026-000036 |
| 6 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 1/16/2019 | 000079-000092 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |

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| 45 | CORRECTED FIRST AMENDED COMPLAINT. | 34 | 7/11/2019 | 003950-003967 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR | 55 | 2/25/2020 | 006952-006958 |

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| | WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | | | |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 11 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 4/16/2019 | 000237-000251 |
| 17 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT | 8 | 5/16/2019 | 001025-001037 |
| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS | 59 thru 60 | 4/14/2020 | 007401-007717 |

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| | COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | | | |
| 16 | DEFENDANT IN INTERVENTION'S OPPOSITION TO PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER | 8 | 5/10/2019 | 000975-001024 |
| 287 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |
| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |

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| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 374 | DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 10/30/2020 | 048131-048141 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |

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| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITITES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

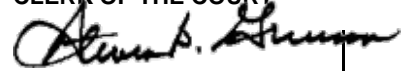
| | | | | |
|-----|----------------------------|--------------------|-----------|---------------|
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

| | | | | |
|-----|--|--------------------|-----------|---------------|
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**EVIDENTIARY HEARING - DAY 10
VOLUME II**

THURSDAY, JUNE 20, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL CRISTALLI, ESQ.
ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
NATHANIEL RULIS, ESQ.
ADAM BULT, ESQ.
MAXIMILIEN FETAZ, ESQ.
THEODORE PARKER, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
THERESA HAAR, ESQ.
RUSTY GRAF ESQ.
BRIGID HIGGINS, ESQ.
ERIC HONE, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
JOSEPH GUTIERREZ, ESQ.

1 LAS VEGAS, NEVADA, THURSDAY, JUNE 20, 2019, 1:19 P.M.

2 (Court was called to order)

3 THE COURT: So we were going to discuss before the
4 lunch break, but I didn't because Mr. Parker needed to get to
5 his board meeting, when I hear the Serenity motion for return
6 of the excess moneys they deposited with bond.

7 Mr. Graf, you said you wanted to oppose it.

8 Mr. Gutierrez, you wanted to oppose it. When do you
9 want me to hear it?

10 MR. GRAF: Your Honor, if you'll give us until
11 Monday to file a written opposition. You can set it anytime
12 after that.

13 THE COURT: Wednesday?

14 MR. CRISTALLI: Yes.

15 THE COURT: Wednesday at 9:00.

16 THE CLERK: That'll be June 26th.

17 THE COURT: Mr. Cristalli, here you go.

18 MR. BULT: Your Honor, since we're talking
19 housekeeping, can we bring up something else?

20 THE COURT: Yes.

21 MR. BULT: We understand that Essence of Tropicana
22 is applying for a special use permit, and that is being heard
23 on June 25th, at 6:00 p.m. The ETW plaintiffs are inclined to
24 make an oral motion right now, or we can submit something
25 overnight.

1 THE COURT: You're going to have to submit something
2 in writing.

3 MR. BULT: Okay. And then you'll just get it on OST
4 for --

5 THE COURT: I will.

6 MR. BULT: Okay. Appreciate it.

7 THE COURT: Maybe set it for Wednesday.

8 MR. BULT: Sounds good. Well, it looks like this is
9 on for Tuesday at 6:00.

10 THE COURT: So maybe I'll set it for Tuesday if I
11 get it tonight or this afternoon.

12 MR. BULT: You'll have it this afternoon.

13 MR. GUTIERREZ: Well, I'm out Monday and Tuesday.

14 THE COURT: Well, if you had a hearing on Tuesday if
15 you're not going to stipulate take it off, I've got to hear it
16 before the hearing.

17 MR. GUTIERREZ: We'll find somebody to be here.

18 THE COURT: Unless you want me to hear it tomorrow.
19 Unless you want me to hear it tomorrow or orally.

20 MR. GUTIERREZ: No. I'd rather [inaudible].

21 THE COURT: Okay.

22 MR. KEMP: And, Judge, we have Exhibit 20A ready to
23 be introduced, which was DOTMM001122 and 23, which --

24 THE COURT: We discussed this yesterday. If you
25 have it, Dulce will admit it, because I made the record

1 yesterday.

2 MR. KEMP: Okay. Thank you, Your Honor.

3 MR. SHEVORSKI: Thank you, Your Honor. We just

4 wanted to put it on the record.

5 THE COURT: We already put it on the record

6 yesterday.

7 MR. SHEVORSKI: Perfect.

8 THE COURT: I was just waiting for the document to

9 get here.

10 Mr. Miller, did you get me the demonstrative

11 exhibits from your PowerPoint slips?

12 IT TECHNICIAN: Coming in 30 minutes, Your Honor.

13 THE COURT: All righty. Thank you, Shane. Anything

14 else?

15 Mr. Parker, are you ready to continue?

16 MR. PARKER: I am, Your Honor.

17 JORGE PUPO, PLAINTIFFS' WITNESS, PREVIOUSLY SWORN

18 THE COURT: Mr. Pupo, are you ready to continue?

19 THE WITNESS: Yes, ma'am.

20 THE COURT: You remember, if you need a break or you

21 need to stand up, you let me know.

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Okay. Go on, Mr. Parker.

24 MR. PARKER: Thank you. And, Your Honor, can I have

25 Exhibit 252 just to get this out of the way?

1 Shane, is that you, or Brian? Who am I thanking?
2 I'm thanking Shane, thanks.

3 DIRECT EXAMINATION (Continued)

4 BY MR. PARKER:

5 Q So, Mr. Pupo, can you take a look at the screen and
6 in particular the red language there. And if you could, could
7 you read that into the record.

8 A The screen's not working.

9 Q It's not. We have the Plaskon --

10 A Well, hold on. It just flashed.

11 Q -- approach to technology. You just turn it off and
12 on.

13 THE COURT: And you thought your computers were old
14 at the State.

15 THE WITNESS: I know.

16 THE COURT: All right. He wants you to read that
17 red lettering up above the bunch of green stuff. And maybe
18 they're going to blow it up so you can actually read it.

19 THE WITNESS: Yeah, I see it.

20 THE COURT: Oh. Good.

21 BY MR. PARKER:

22 Q Can you read it?

23 A Yes. It says, "Per Jorge 11/28/18, Essence
24 Tropicana in Henderson and Thrive, Cheyenne, and Commerce
25 will be issued both licenses for unincorporated Clark."

1 Q So can you tell me -- first, does that Jorge refer
2 to you?

3 A Yes.

4 Q All right. Can you tell me why you decided that it
5 was okay for these companies to have multiple licenses in the
6 same jurisdiction.

7 A Because, like I explained yesterday, the definition
8 of "applicant" on the application says entity/ -- I believe
9 individual. And the applicants in these were two separate
10 legal entities.

11 Q Do you recall the part of the application that said,
12 list all your owners for purposes of determining whether or
13 not any owners had interest in multiple applicants?

14 A Yes, I believe so.

15 Q All right. Do you recall the statute or the
16 regulation prohibiting more than one owner in having a
17 recreational medical -- I'm sorry, a recreational marijuana
18 establishment in the same jurisdiction?

19 A No.

20 Q You don't? All right. Now, did you consult with
21 anyone regarding this decision to allow these companies to
22 have multiple licenses?

23 A Yes.

24 Q Who did you consult with?

25 A My Deputy Attorney General.

1 Q And the name of that person?

2 A Robert Werbicky.

3 Q All right. And did you -- by virtue of this
4 information being on this document did you know that these
5 companies all had -- or had similar owners?

6 MR. SHEVORSKI: I caution you not to reveal any
7 communications between yourself and Mr. Werbicky regarding
8 that subject.

9 THE WITNESS: Yes, sir.

10 Okay. I'm sorry. Can you say that, again.

11 BY MR. PARKER:

12 Q Yes. After that admonition basically we can start
13 all over again.

14 A Okay.

15 THE COURT: Try and ask it so you so you don't
16 elicit --

17 BY MR. PARKER:

18 Q Did you, without the benefit of Mr. Werbicky, know
19 that these companies had similar owners?

20 A Yes.

21 Q All right.

22 THE COURT: How'd you know that, sir?

23 THE WITNESS: Just by the course of normal business.

24 BY MR. PARKER:

25 Q The course of knowing the business, or the owners?

1 A Normal business.

2 Q Okay. Explain that.

3 A My day-to-day interactions, you know, managing the
4 industry.

5 Q Okay. Day-to-day managing of the industry, or day-
6 to-day familiarity with these owners?

7 A No. Just day-to-day management of, you know, the
8 industry. And I don't know all the entire ownership. I know,
9 you know, maybe one or two people may have common ownership.
10 I'd have to go into the records to see, you know, what the
11 exact ownership is.

12 Q But you knew -- tell me, did you know names in terms
13 of owners?

14 A One of each probably.

15 Q Tell me who you are familiar with that had ownership
16 interest in these companies. And we can start with Essence
17 Trop and Essence Henderson.

18 A Armen Yemenidjian or however you pronounce it.

19 Q Do you know how to spell it?

20 A No.

21 Q Okay. Good enough. And how about Cheyenne and
22 Commerce Park, which is Thrive?

23 A Yeah, I believe that's Mitch Britten and --

24 Q Had you spoken with either of them before the first
25 gentleman you named or the second?

1 A Yes.

2 Q On more than one occasion?

3 A Yes.

4 Q So when I asked you about your familiarity with the
5 owners it goes beyond simply the industry. You actually knew
6 these owners; is that correct?

7 A No, I know them from my interactions with the
8 industry.

9 Q Right. But you actually know -- there are a lot of
10 people in the industry. You may not know the owners; right?

11 A Yes.

12 Q Right. But in this case you knew the owners of all
13 four locations?

14 A Yes.

15 Q All right.

16 A Or at least some of them, right.

17 Q Good enough. And had you spoken to them prior to
18 the submission of the applications?

19 A Yes.

20 Q Did you speak with them between July of 2018 and
21 September 20th of 2018?

22 A I believe so. Possibly, yes.

23 Q Would your phone records reflect telephone
24 conversations with those gentlemen?

25 A Possibly, yes.

1 Q Were either of those gentlemen represented by Ms.
2 Amanda Connor?
3 A When you say either --
4 Q Their companies.
5 A Yes.
6 Q All right.
7 A Yes.
8 Q And had you been introduced to them through Ms.
9 Connor, or independent of Ms. Connor?
10 A I don't remember.
11 Q Do you recall whether or not any of these -- either
12 of these two gentlemen asked any questions of you regarding
13 the 2018 process?
14 A No.
15 Q And tell me whether or not you know what their
16 ownership interests are in these companies.
17 A As far as I know, they're owners or part owners.
18 Q Okay. They're not just board members; right?
19 A Not that I know of.
20 Q They're not advisory board members?
21 A Not that I know of.
22 Q Okay. Good. Do you know if they're officers?
23 A No. I know them as owners --
24 Q And had you --
25 A -- or part owners, whatever.

1 Q Do they have medical marijuana locations?

2 A Yes.

3 Q Have you known them since 2014?

4 A No.

5 Q When did you meet the owner of Essence Trop and
6 Essence Henderson?

7 A Sometime after the Department of Taxation started
8 administering the marijuana program.

9 Q What year would that be?

10 A I believe it was July 1st, 2017.

11 Q Okay. So after it became clear that recreational
12 marijuana would be available?

13 A Yes.

14 Q Same with the owner of Commerce and Cheyenne?

15 A Yes.

16 Q Okay. And can you tell me the circumstances in
17 terms of how you met them.

18 A I don't recall specifically. It could have -- you
19 know, I've met a lot of people through meetings or
20 regulations, things like that.

21 Q All right. Now, you indicated you've spoken to them
22 and you've met them, and you said your phone records would
23 reflect conversations with them. Did you ever text either of
24 them?

25 A Yes.

1 Q Okay. Have you produced records indicating that you
2 -- your phone records indicating text messages between
3 yourself and those owners?

4 A Yes.

5 Q Okay. Have you received any emails from them?

6 A Don't know. Not sure.

7 Q Have you gone to dinner with either of them?

8 A Dinner, I believe, yes.

9 Q Have you gone to lunch with either of them?

10 A Yes.

11 Q More than one occasion?

12 A Possibly, yes.

13 Q And would it also -- would those lunches or dinners
14 have occurred between 2017 and September 20th of 2018?

15 A Yes.

16 Q All right. Now, let me get back to a couple more
17 questions. We may come back to that, but I want to get back
18 to the statutes, the regulations first.

19 When we left off you told me that while location was
20 important in the ballot, location was important in the
21 statutes, and location was important in the regulations, you
22 thought you had the ability to remove it from the scoring on
23 the application process; is that correct?

24 A Yes.

25 Q All right. Now, do you think you also had the power

1 in your position, the way you remove location, to change the
2 age in terms of what person can purchase recreational
3 marijuana? Because that seemed also important in the ballot
4 question that it'd be someone over 21. Did you have the
5 authority to change it to 20?

6 A No.

7 Q What makes you think you had the ability to change
8 the location, since that was important and actually a question
9 within the ballot, but you couldn't change the age?

10 MR. KOCH: Objection. Lacks foundation.

11 THE COURT: Overruled.

12 THE WITNESS: I think I explained before. I don't
13 think we -- the initiative doesn't say how to score an
14 application.

15 BY MR. PARKER:

16 Q Wait a second, sir. Let's make sure we're on the
17 same page. I didn't ask about scoring this time.

18 A I'm sorry.

19 Q You removed location as a scoring item, I
20 understand.

21 A Yes.

22 Q But you told me right before we left and you gave me
23 time to think about your response, the Court did, that you had
24 the authority to remove location as a scoring item. Do you
25 remember that?

1 A Yes.

2 Q All right. If you can change something that was
3 important to the citizens of Nevada like location, which is
4 represented in the ballot question, do you think you also have
5 the ability to change the age a person can be to buy
6 recreational marijuana?

7 A No.

8 Q Is there anything in the ballot that differentiates
9 your authority in terms of locality versus age?

10 A No.

11 Q That's what I thought. All right.

12 So now let's go to the statute.

13 THE COURT: And, sir, if you'd like the book if it's
14 easier, I'd be happy to get it for you.

15 THE WITNESS: Sure, Your Honor.

16 MR. PARKER: He may need it, Your Honor. I'm going
17 to be flipping back and forth a little bit.

18 THE COURT: I've just got to make sure I grab the
19 right one. 453; correct? There you go.

20 THE WITNESS: Thank you, ma'am.

21 BY MR. PARKER:

22 Q And we're going to start with the statutes, and then
23 we'll work to the regs, okay?

24 A Okay.

25 Q All right. And the first one we're going to look at

1 is NRS 453D.200.

2 A Okay.

3 Q So if you look at NRS 453D.200, this says, "Duties
4 of the Department"; right?

5 A Yes.

6 Q So this is the statutory authority from which your
7 Department acted relative to the regulation of a marijuana
8 establishment; is that correct?

9 A Yes.

10 Q All right. Now I want you to look at -- from the
11 section (1)(j). See that?

12 A Yes.

13 Q It says, "Procedures and requirements to enable the
14 transfer of a license for a marijuana establishment to another
15 qualified person --" do you see that?

16 A Yes.

17 Q "-- and to enable a licensee to move the location of
18 its establishment to another suitable location." Do you see
19 that?

20 A Yes.

21 Q Now, yesterday there was a conversation regarding
22 suitability of ownership. Do you remember that conversation?
23 We were talking about you don't want to have a cartel
24 involved.

25 A Yes.

1 Q Remember that?

2 A Yes.

3 Q Suitability of an owner. This deals with
4 suitability of a location. This to me implies that the
5 statute believed that in terms of changing location you had to
6 determine from one suitable location to another suitable
7 location; is that correct?

8 A Yes.

9 Q So if suitability of location is indicated in this
10 part of the statute, wouldn't you agree with me that it's also
11 important for purposes of the application process, suitability
12 of location?

13 A Yes.

14 Q Right. You would also agree with me you cannot
15 determine suitability of location based upon a floor plan;
16 isn't that true? You can discern suitability of a floor plan,
17 but not suitability as it applies to a location; isn't that
18 correct?

19 A Okay.

20 Q You agree, sir?

21 A I'll agree.

22 Q Now, the reason I bring this up to you is if you
23 look at the ballot, the ballot discussed all of the
24 requirements in terms of determining whether or not a location
25 is suitable, certain distance from a church, certain distance

1 from the liquor store, from the school those things. Do you
2 recall?

3 A Yeah. I don't know if liquor store is there, but
4 okay.

5 Q Yeah, I just threw that one in.

6 A Okay.

7 Q But you understand where I'm coming from?

8 A Yes.

9 Q Right?

10 A Right. Distance --

11 THE COURT: That's why you never trust lawyers.

12 THE WITNESS: Distance requirements.

13 BY MR. PARKER:

14 Q Distance requirements. There we go. And you cannot
15 determine from the application suitability based upon a floor
16 plan; isn't that the truth, sir?

17 A Based on the floor plan, no.

18 Q Right. Do you know or were you aware of the fact
19 that many of the conditional awardees used floor plans without
20 locations?

21 A Probably, yes.

22 Q Do you actually know the ones that did?

23 A No.

24 Q Or you just know generally?

25 A Generally.

1 Q All right. Now, when you told Mr. Miller yesterday
2 that location -- a location was required but not scored does
3 that mean that every applicant who gave a floor plan without a
4 location had presented an incomplete or inadequate
5 application?

6 A I don't believe so.

7 Q Well, that's what you said. You said yesterday more
8 than once, and I was --

9 A Maybe I misunderstood the question.

10 Q Well, maybe you --

11 A Your question. Can you just say it again.

12 Q Certainly. Because I found this interesting. You
13 said that locations were required, but would not be scored.
14 Do you remember saying that more than once yesterday?

15 A Yes.

16 Q Right. So given what you've told me right before we
17 broke for lunch, that location was required, doesn't that mean
18 every applicant who provided a floor plan without a location,
19 even if a location wasn't scored, would have presented an
20 inadequate and incomplete application?

21 A I believe I said that location was required on the
22 application.

23 Q Right. So they provided an application that did not
24 have a location. Each one of those applicants' applications
25 were incomplete and should not be considered by your

1 Department; isn't that correct?

2 A I would say it can be considered incomplete, but it
3 would move forward.

4 Q Thank you. But it would be incomplete?

5 A If it's missing an element, yes. You know, we
6 expect the information --

7 Q You said location --

8 A -- that we ask for.

9 Q Right. You expected a location even if it wasn't
10 scored; isn't that correct?

11 A Yes.

12 Q Thank you. Now let's go to 453D.205 and paragraph
13 (1). Do you have that in front of you?

14 A Yes.

15 Q And it talks about background checks. And again it
16 refers to subsection (6), 453D.200, which is right above it,
17 okay?

18 A Okay.

19 Q And if you want, I can read what subsection (6) says
20 of 453D.200 --

21 A No, I see it.

22 Q You can see it?

23 A Yes.

24 Q Okay. Good. So yesterday when you were speaking
25 with Mr. Ross you talked about --

1 THE COURT: You mean Mr. Miller?

2 MR. PARKER: I'm sorry. Mr. Miller. Thank you,
3 Your Honor.

4 BY MR. PARKER:

5 Q -- Mr. Miller you talked about how difficult it
6 would be to actually conduct all of the background checks of
7 all publicly traded companies and their owners or
8 shareholders. Do you recall that?

9 A Yes.

10 Q All right. Do you believe that this statute gives
11 you that flexibility? Because it says in both locations you
12 "shall" it doesn't say "may," but "shall" in section (6)
13 above, and then it says here in addition to that "conducting a
14 background may require each prospective owner, officer, and
15 board member to submit a complete set of fingerprints and
16 written permission authorizing the Department to forward the
17 fingerprints to the Central Repository for Nevada Records of
18 Criminal History for submission to the Federal Bureau of
19 Investigation for its report." Do you see that?

20 THE COURT: Mr. Graf, you're standing up.

21 MR. GRAF: Object as to form, Your Honor. I think
22 he read it wrong.

23 THE COURT: I think he did, too.

24 MR. GRAF: Okay.

25 MR. PARKER: I did. I skipped over some of it just

1 because I think he can see it.

2 THE COURT: Sir, since you have the statute book in
3 front of you, I'm not going to sustain the objection, but I'd
4 like you to focus on what you're reading out of the statute
5 book, rather than what Mr. Parker might have said.

6 THE WITNESS: Okay.

7 MR. PARKER: That's fine. Thank you, Your Honor.

8 BY MR. PARKER:

9 Q So my question, Mr. Pupo, and I know you're reading
10 it, just keep it in your mind --

11 A Sure.

12 Q -- is whether or not there's any authority given to
13 you to disregard the "shall" in 453D.200(6), which is also
14 referenced again in 453D.205?

15 A No.

16 Q Thank you. So as long as owners -- all owners are
17 identified, then you'd have -- you would then have the ability
18 to conduct the search, the background check; isn't that
19 correct?

20 A Yes.

21 Q All right. So if an applicant did not provide all
22 of the owners, would you agree with me, as well, that those
23 applicants failed to provide a complete application as
24 required?

25 A Yes.

1 Q Thank you. And, again, the remedy for that, not
2 unlike the remedy for not providing a location, is that
3 application could be deemed insufficient and not evaluated,
4 may be too late for that, but should not have been evaluated,
5 at least some followup should have been done; is that correct?

6 A I guess it could be deemed incomplete.

7 Q All right. Thank you. Now let's go to 453D.210,
8 paragraph (5)(b), as in boy. And this goes back to the
9 physical address.

10 A Right.

11 Q Can you see? And I'm doing this, Mr. Pupo, just so
12 you have an understanding where we're going. I wanted you to
13 see all of the locations in the statutes that require a
14 referenced physical location. Do you understand?

15 A I understand.

16 Q Perfect. So it says here "The physical address
17 where the proposed marijuana establishment will operate." Do
18 you see that?

19 A Yes.

20 Q All right. So doesn't this reinforce the position
21 that at a minimum, even if it wasn't scored, that physical
22 address had to be in that application?

23 MR. KOCH: Objection. Legal conclusion.

24 THE COURT: Overruled.

25 THE WITNESS: I would say yes, except for -- I'm

1 trying to remember where the language "proposed establishment"
2 is, because this one says "will operate" and I think the
3 language says "proposed establishment."

4 BY MR. PARKER:

5 Q Well, it's in the same paragraph. I'll keep reading
6 for you, "will operate or is owned by the applicant or the
7 applicant has a written permission of the property owner to
8 operate the proposed --"

9 A There we go. Okay. Yeah. I'm sorry.

10 Q No worries.

11 THE COURT: He was almost there.

12 BY MR. PARKER:

13 Q So now you see it?

14 A I see it, yeah. Okay.

15 Q Now, would you agree with me based upon what you
16 just read, and you -- obviously you've read it before, that
17 the physical address was a requirement of this process?

18 A Yes.

19 Q Thank you. And then -- and this is -- I think this
20 is a further reinforcement of the ballot question -- It goes
21 through in terms of (c) and (d) and provides all the distance
22 requirements; is that correct?

23 A Yes.

24 Q Doesn't that also reinforce the prior statute we
25 were looking at in terms of suitability of location?

1 A Yes. For suitability, yes.

2 Q All right. So now I'm going to go to the

3 Administrative Code, okay?

4 THE COURT: No, sir. I don't have a copy of that to

5 help you with. I just get the statutes.

6 THE WITNESS: You don't have a copy. Okay. We'll

7 deal with it, Your Honor.

8 THE COURT: Okay.

9 MR. PARKER: I was going to say the same thing. so

10 I can use the Elmo, Your Honor, if you'd like.

11 THE COURT: You may. Or you can show it up on --

12 MR. PARKER: Do we have it, Shane?

13 IT TECHNICIAN: I have it.

14 MR. PARKER: Okay.

15 THE COURT: You can show it on the screen, too.

16 MR. PARKER: Okay. I will -- let's see.

17 THE COURT: What are you going to do, Mr. parker, so

18 Jill can turn on the right permission.

19 MR. PARKER: All right. Shane, can you put it up.

20 I'm going to give it to you, Mr. Pupo.

21 THE WITNESS: Okay.

22 MR. PARKER: Which means I'm going to have a problem

23 reading it.

24 THE COURT: Mr. Parker, you need to keep your voice

25 up if you're somewhere other than right at that lectern.

1 BY MR. PARKER:

2 Q I've highlighted it for you, too.

3 A Okay.

4 Q So I've got my notes so I can tell you where to go.

5 And then I will keep my voice up so that we can hear me on the

6 record. So 453D.255. And this deals with ownership again?

7 A Yes.

8 Q All right. So you're familiar with this statute -

9 or this Code, I'm sorry, Administrative Code?

10 A Yes.

11 Q And this deals with the 5 percent requirement in

12 terms of ownership?

13 A Yes.

14 Q All right. Was there a 5 percent requirement in the

15 2014 application process in terms of designation of owners,

16 officers, and board members?

17 A No.

18 Q Why was it utilized for this regulation when the

19 statute nor the ballot question said 5 percent or more?

20 A I believe the statute says we would do regulations

21 that are necessary and convenient. So at some point it was

22 determined 5 percent interest. This may have, you know, come

23 from somewhere else, Gaming. or I don't know. I'm not sure.

24 Q So that's what the Court wants to know, and that's

25 what I would like to know. So tell me, where did it come

1 from? Someone said let's do 5 percent.

2 A I don't remember where it came from, but --

3 Q Was there any analysis performed which would support
4 deviating from the ballot question or the statute?

5 A Was there an analysis performed was your question?

6 Q Yeah. Any kind of scientific approach to this
7 determination? Did someone consult with an expert in the
8 field of corporate structures or with determining the value of
9 ownership? Was anything done to come to this decision that
10 5 percent would be the mark or the threshold for ownership
11 identification?

12 A No, I don't believe so.

13 Q It was just picked out of the air?

14 A I don't know. It may -- I don't know. It could be
15 something from Gaming. I don't know where it came from.

16 Q Did someone sneak this by you?

17 MR. GRAF: Object as to form, Your Honor.

18 THE COURT: Overruled.

19 MR. GRAF: Thank you, Your Honor.

20 THE WITNESS: I wouldn't say sneak. I just don't
21 remember what the --

22 BY MR. PARKER:

23 Q Good enough. But knowing that we don't know where
24 it came from, we can agree it didn't come from the statute or
25 the ballot question; right?

1 A Yes.

2 MR. KOCH: Objection. Legal conclusion.

3 THE COURT: Overruled.

4 BY MR. PARKER:

5 Q All right. Good enough. Now, would you also agree

6 with me that your Department did not verify whether or not all

7 applicants provided ownership -- identified all owners with

8 5 percent interest or greater?

9 A I'm sorry. One more time.

10 Q Yes. So your attachments to the application said

11 all owners; right? It says, "owners, officers, and board

12 members."

13 A Yes.

14 Q It doesn't say 5 percent owners. It says "owners."

15 Is that correct?

16 A Yes.

17 Q All right. Where you did not -- did the Department

18 of Taxation do any background check to determine whether or

19 not these applicants identified all owners with a 5 percent

20 interest or better?

21 THE COURT: You're talking about background checks

22 to determine the structure of the organization?

23 MR. PARKER: Exactly.

24 THE COURT: Okay.

25 MR. PARKER: That's a lot better question. Sounded

1 better coming from you, Judge.

2 THE COURT: That's different than a background
3 check, because we're using "background checks" as a term of
4 art in the ballot question and the statute. So we probably
5 should use a different term.

6 MR. PARKER: That's good advice, Your Honor.

7 BY MR. PARKER:

8 Q So let me ask you this, Mr. Pupo. Let me rephrase
9 it. Did the Department do any investigation to determine
10 whether or not applicants were actually listing owners of
11 5 percent or greater interest?

12 A On the application, no.

13 Q All right.

14 A Not that I know of.

15 Q And which means that there's no way the Department
16 of Taxation could have done a background check as indicated
17 under the Code or the statute without knowing if not -- if you
18 did not know all 5 percent owners or greater are actually
19 identified; is that correct?

20 A Okay. So --

21 Q The short story is you can't check on somebody you
22 don't know?

23 A Okay. That's what I was getting at. Right.

24 Q Understood?

25 A Correct.

1 Q And you didn't verify to determine if all of them
2 had been identified, all owners with 5 percent or greater
3 interest?

4 A Right. Correct.

5 Q Do you have any documentation which would tell me
6 how you came up with 5 percent, any emails, letters, memos,
7 anything you can think of?

8 A I don't know.

9 Q Do you recall getting any authority from anyone
10 above you saying that you can change the ownership interest --
11 the owners that should be identified that varied from what the
12 ballot question said or the statute?

13 MR. KOCH: Objection. Lacks foundation.

14 THE COURT: Overruled.

15 THE WITNESS: No, I don't think so.

16 BY MR. PARKER:

17 Q Let's go to 453D.260(2).

18 A Okay.

19 MR. PARKER: Your Honor, can I stay here for a
20 second?

21 THE COURT: If you keep your voice up.

22 BY MR. PARKER:

23 Q All right. It says, "When the Department issues a
24 request for applications pursuant to this section the
25 Department will include in the request the point values that

1 we allocated to each applicable portion of the application."

2 Do you see that?

3 A Yes.

4 Q You said to Mr. Miller that you didn't want to give
5 the answers to the questions. Do you recall that?

6 A Yes.

7 Q Doesn't this regulation require you to?

8 A I would say so.

9 Q I think so, too. And so every applicant pursuant to
10 the regulation were -- they were entitled to know the point
11 structure. Now, you may not have seen this regulation. I'm
12 taking it from the way you looked at it that you had not seen
13 it before; is that correct?

14 A Yeah. I don't recall.

15 Q Right. But you have to admit today in front of this
16 courtroom that pursuant to this statute -- I'm sorry, this
17 regulation or Administrative Code that information should have
18 been provided with the application when the requests were
19 made; isn't that correct? Isn't that correct, sir?

20 A I believe.

21 Q Thank you. Now, that means that from day one when
22 these applications were put out for responses they were flawed
23 based upon your own Administrative Code?

24 MR. KOCH: Objection. Legal conclusion.

25 Argumentative.

1 THE COURT: Overruled. You can answer.

2 THE WITNESS: I believe we set out the point values
3 for the categories that were being graded.

4 BY MR. PARKER:

5 Q Sir, you did not provide a manner in which these
6 applications would be judged based upon scoring as required by
7 this Administrative Code. That simply wasn't done; isn't that
8 true?

9 MR. GRAF: Objection, Your Honor. Misstates the
10 law.

11 THE COURT: Overruled.

12 MR. GRAF: Thank you.

13 THE WITNESS: I believe we submitted the point
14 values for the categories that will be graded on the
15 application.

16 BY MR. PARKER:

17 Q You're changing your position, sir?

18 A No. We did supply point values for the categories.

19 Q No, you didn't. You did not explain --

20 THE COURT: Mr. Parker, don't argue with him.

21 MR. PARKER: I'm sorry.

22 THE COURT: Just let him explain to you why he
23 thinks that's true.

24 MR. GRAF: I was going to object as argumentative.

25 MR. PARKER: It's too late. It's too late. Too

1 late. It was preempted by the Judge --

2 THE COURT: I can't let you have a sustain today.

3 MR. GRAF: I have one.

4 MR. PARKER: That was weeks ago. Quit living in the
5 past, Mr. Graf.

6 MR. GRAF: It was today.

7 THE COURT: Sir, he wants you to explain to him why
8 you think you supplied the point values. If you'd do so.

9 BY MR. PARKER:

10 Q I'm sorry. I was being gregarious with Shevorski
11 there.

12 A Well, I believe we did supply the point values for
13 the categories that were going to be graded by the evaluators
14 on the application.

15 Q Sir, Mr. Miller asked you right before he concluded
16 his questioning whether or not you'd have actually gotten
17 better applications, ones tailored to meet the issues that you
18 were particularly interested in and would be related to the
19 manner in which you were doing the scoring. Do you remember
20 that question?

21 A Yes.

22 Q All right. Wouldn't you agree with me if you had
23 provided all of that information and then tried to keep the
24 scoring secret, that you would have gotten applications
25 tailored to what was important to the reviewers -- or to the

1 Department, I should say?

2 A Yes, I could agree to that statement.

3 Q Good enough. So let's take a look at NAC 453D.265.

4 Are you familiar with that?

5 THE COURT: Mr. Parker, the whole thing?

6 MR. PARKER: Yeah, I'm getting ready to tell him

7 which portion, Your Honor. It's .265(1)(a)(3), I believe.

8 THE COURT: Thank you.

9 MR. PARKER: You're welcome, Your Honor.

10 THE COURT: Did you really want this section on

11 fees?

12 MR. PARKER: I don't think so. You know, Mr. Graf

13 is over here telling me, it's not the one you want.

14 MR. GRAF: Sustained.

15 THE COURT: You know, yesterday Mr. Miller had a

16 written-down number wrong. So maybe you want a different

17 section.

18 MR. PARKER: You know, it has something to do with

19 something important to me, Your Honor. I'm going to figure

20 this out I think very quickly.

21 THE COURT: So maybe you meant .268, and your 5

22 looks like an 8.

23 MR. PARKER: You are very smart, because that's

24 coming next. It's .268(2)(e) for those who want to get ahead

25 of me. But I'm still after 453D.265. Maybe it's (b). There

1 it is. (b)(3), Your Honor.

2 BY MR. PARKER:

3 Q So it's (b)(3). Can you read that for me, Mr.

4 Pupo.

5 A Yeah.

6 Q And it says, "The physical address where the

7 proposed marijuana establishment will be located and the

8 physical address of any co-owned or otherwise affiliated

9 marijuana establishment." Do you see that?

10 A Yes.

11 Q Another indication of the importance of a physical

12 location; is that correct?

13 A Yes.

14 Q All right. Now let's go to 453D.268(2)(e). I

15 believe. It's either (e) or (c).

16 A (e)?

17 Q Yep.

18 A You have it.

19 Q Thank you, Mr. Pupo. You're on top of it. And it

20 says here, "The physical address where the proposed marijuana

21 establishment will be located and the physical address of any

22 co-owned or otherwise affiliated marijuana establishment,"

23 another reference in the Code demonstrating the importance of

24 the proposed physical location; is that correct?

25 A Yes.

1 Q Now, let me stop for one second. With all of these
2 indicators both from the ballot question, the statutes now,
3 and at least two references to the Code why wouldn't you score
4 that? Is it just because Ms. Amanda Connor was calling you,
5 bugging you about it? I mean, why would you -- and I'm glad
6 you're smiling, you took it in the manner in which I wanted
7 you to. Why would you not include scoring on physical
8 location?

9 A You know, from what I remember, the discussions and
10 the workshops and discussions with industry it's just
11 something that I believe they didn't want.

12 Q So you're telling me all of these people on this
13 side of the room, that would be the plaintiffs' side of the
14 room, who have physical locations -- and I know you didn't
15 hear some of the testimony, but there was testimony given that
16 people went through a lot of work to --

17 THE COURT: Some people.

18 MR. PARKER: Some people.

19 THE COURT: Okay. Just so we're clear. It's not
20 all of them.

21 BY MR. PARKER:

22 Q Not all people, some people went through a lot of
23 work to find suitable locations and spent money in terms of
24 lease payments and early deposits. Were you aware of that?

25 MR. KOCH: Objection. Lacks foundation.

1 THE COURT: Overruled.

2 THE WITNESS: You know, generally just by keeping my
3 finger on the pulse of industry I did hear that some people
4 were going out getting locations.

5 BY MR. PARKER:

6 Q Right. Did you know based upon what you heard and
7 being familiar with the industry that finding a location was
8 difficult?

9 A In some jurisdictions I heard this, yes.

10 Q Right. Because those looking for locations also
11 were aware of the suitability requirements in terms of
12 distance laid out in the ballot question; is that correct?

13 A Yes, I would think they were aware of distance
14 requirements.

15 Q Right. So addition -- let's look at 453D.268(6).

16 A Oh. You've got it highlighted here. Okay.

17 THE COURT: Are you on sub (6) or actual 6?

18 MR. PARKER: I think we need to go back up, Shane.

19 THE COURT: I think you want the actual 6. "The
20 size of the proposed marijuana establishment --"

21 MR. PARKER: Yeah. There we go. That's it.

22 BY MR. PARKER:

23 Q It says, "Documentation concerning the size of
24 proposed marijuana establishment, including, without
25 limitation building and general floor plans with supporting

1 details." Do you see that?

2 A Hold on one second --

3 Q All right.

4 A -- because it's not highlighted on the --

5 Q It's not?

6 A No, I don't think so. Where are we at? Actual 6.

7 Okay. Here, this other page. Okay.

8 Q So not only was location important in the Code, but

9 this paragraph speaks to size, adequacy of size; right?

10 A Yes.

11 Q And that was actually one of the criteria on the

12 application, the face of the application; is that correct?

13 A Yes.

14 Q Would you agree with me when you have an application

15 requiring an address, and saying P.O. boxes are not allowed,

16 and then you have a section of the application indicating

17 adequacy of size of the building wouldn't you think as an

18 applicant that that's an important part of the process?

19 MR. KOCH: Vague and speculation.

20 THE COURT: Overruled.

21 THE WITNESS: Okay. One more time. The adequacy of

22 size?

23 BY MR. PARKER:

24 Q Yes. It says that right on the top of the page for

25 the part of the non-identified portion of the application;

1 right?

2 A Right. You're asking me if the adequacy of size is
3 important to the applicant?-

4 Q Yeah. Wouldn't the applicant think that's -- if
5 they were being asked for that information that location is
6 required on the face of the Attachment A, that that is
7 something that's being considered by the evaluators?

8 A Yes.

9 MR. KOCH: Objection. Speculation.

10 THE COURT: Overruled.

11 BY MR. PARKER:

12 Q All right. Now, did you provide -- or to your
13 knowledge were the evaluators provided with any samples or any
14 information in terms of what is adequacy of size, not just a
15 floor plan, but adequacy of size of building?

16 A I don't know if they were provided anything.

17 Q We were told that the QA or quality assurance
18 performed on this -- on the evaluators' work was left up to
19 the evaluators themselves. Were you aware of that?

20 A No.

21 Q Okay. When I went through the scoring -- strike
22 that. When I went through the training slides with Mr.
23 Gilbert I asked him who did the QC work or the QA work, and he
24 said the evaluators QC-ed their own work or one evaluator
25 would QC another evaluator's work. Was that your

1 understanding or impression?

2 A I don't know. I didn't know that was part of the
3 process there.

4 Q You had nothing to do with QC-ing or QA-ing the
5 work; is that correct?

6 A Right. Correct.

7 Q Good enough. Can we look at section 4 -- NAC
8 453D.268 I think it's (4)(b)(11). It should be highlighted,
9 Mr. Pupo.

10 THE COURT: Whether the person has an ownership or
11 financial investment interest?

12 MR. PARKER: Yes, Your Honor.

13 THE COURT: Okay.

14 BY MR. PARKER:

15 Q Have you seen this part of the Administrative Code?

16 A Yes.

17 Q Okay. Are you familiar with what this requires?

18 A Yes.

19 Q Do you see anything in this language that says
20 shareholders are not included in the term "owner"?

21 A No.

22 Q All right. Would you agree with me that a
23 shareholder is someone who has a financial interest in a
24 company?

25 A Sure.

1 Q And doesn't it say that you're supposed to provide
2 information on anyone with a financial interest?

3 A Yes, whether a person has a financial investment.

4 Q So in terms of public companies everyone with a
5 financial interest should have been identified on the
6 application. Isn't that correct based upon this
7 Administrative Code section?

8 MR. KOCH: Objection. Legal conclusion.

9 THE COURT: Overruled.

10 THE WITNESS: Yeah, I would say so.

11 BY MR. PARKER:

12 Q Right. And so would you also agree with me that if
13 companies submitted applications without complying with this
14 Administrative Code reference, that they failed to comply with
15 the application that requires the identification of all
16 owners?

17 MR. GRAF: Objection, Your Honor. He's misstating
18 the Code, what it states.

19 THE COURT: Overruled.

20 MR. GRAF: Thank you, Your Honor.

21 BY MR. PARKER:

22 Q Isn't that true, sir?

23 MR. GRAF: Your Honor, and I don't mean to interrupt
24 Mr. Parker, but is there going to be a point when we could
25 make more of a record regarding some of these objections

1 outside the presence of the witness?

2 THE COURT: Yes.

3 MR. GRAF: Okay. Then I would ask --

4 THE COURT: When we take a break.

5 MR. GENTILE: Thank you.

6 MR. PARKER: Can I get the answer to this one.

7 THE COURT: We are trying to get an answer.

8 MR. PARKER: Thank you.

9 MR. GRAF: Sorry. I didn't mean to --

10 MR. PARKER: I know you didn't mean to interrupt.

11 THE COURT: I'm not --

12 BY MR. PARKER:

13 Q Isn't that true, sir, that if an applicant failed to

14 identify every person with a financial interest in the company

15 they've failed to comply with the -- they failed to provide a

16 complete application?

17 MR. KOCH: Objection. Legal conclusion.

18 THE COURT: Overruled.

19 BY MR. PARKER:

20 Q Isn't that true, sir?

21 A I would say that it can, yeah, possibly be deemed

22 incomplete.

23 MR. PARKER: Thank you, sir.

24 Do you want to take a break now, Your Honor?

25 THE COURT: No, I'll take a break at about 3:00.

1 MR. PARKER: Oh. Okay. I thought you were --

2 THE COURT: No. No. I told Mr. Graf at our next
3 break.

4 MR. PARKER: Oh. Okay. I thought you were --

5 THE COURT: So like in a trial I tell you guys to
6 keep track of all the stuff you want to make a record on when
7 we're outside the presence of the jury. So keep track of it
8 all.

9 MR. PARKER: All right.

10 BY MR. PARKER:

11 Q Now, I have a whole bunch of questions to ask you,
12 but I don't know if you know the answers. So this may shorten
13 my time with you, Mr. Pupo.

14 Do you have any information related to individual
15 applications and the scoring for those applications?

16 A Do I have?

17 Q Yeah. Are you familiar with any of them? Did you
18 go by and say, hey, I randomly need to take a look and see
19 what's going on with these evaluators and how they're scoring?

20 A No.

21 Q All right. If I were to show you portions of my
22 client's application and ask you and inquire whether or not
23 you have any understanding of why this person -- this
24 evaluator came up with this number, would you be able to shed
25 any light on that?

1 A No.

2 Q If I showed you scoring notes that indicated that
3 certain evaluators made reference to location, would that give
4 you any insight as to why they did or did not?

5 A No.

6 THE COURT: So you're going to cross that whole area
7 out; right?

8 MR. PARKER: I am. I'm crossing them out as we go,
9 Your Honor.

10 BY MR. PARKER:

11 Q Were you even in Las Vegas from September 7 through
12 September 20th of 2018, when the evaluators were doing their
13 thing?

14 THE COURT: They were in Carson, weren't they?

15 THE WITNESS: Yes, they were.

16 MR. PARKER: Let's go to Carson.

17 THE WITNESS: I'm sorry.

18 MR. PARKER: Thank you, Your Honor.

19 BY MR. PARKER:

20 Q When the evaluators were in Carson reviewing the
21 applications?

22 A No.

23 Q Okay.

24 A Not that I know of.

25 Q All right. Good enough.

1 THE COURT: It's Day 10. I know it was being done
2 in Carson, because I've been listening.

3 MR. PARKER: I was listening, Your Honor. I like
4 Las Vegas a lot, you know.

5 BY MR. PARKER:

6 Q And you would have held Mr. Gilbert or Mr. Plaskon
7 responsible for attending to the evaluators; is that correct?

8 MR. KOCH: Objection. Lacks foundation.

9 THE COURT: Overruled.

10 THE WITNESS: Yes.

11 BY MR. PARKER:

12 Q I'm thinking in your absence. Is that correct?

13 A Yes.

14 Q All right. Now, one thing that I believe you will
15 be able to give me some information on --

16 (Pause in the proceedings)

17 MR. PARKER: Your Honor, I'd provided to the Court
18 this big binder here, and I think Dulce has given it 307; is
19 that correct?

20 THE CLERK: Uh-huh. Yes. Sorry.

21 MR. PARKER: And it is Nevada Wellness, its
22 application. It's DOTNVWELL1 through 678. I'd like to have
23 this big binder admitted. I'm only going to use a few pages
24 with Mr. Pupo, though.

25 THE COURT: Any objection?

1 THE CLERK: I'm sorry. Mr. Parker?
2 MR. PARKER: Yes.
3 THE CLERK: The big binder you gave me today, or
4 yesterday?
5 MR. PARKER: Today. Well, wait a second. I thought
6 I gave this one to you today. 307 I gave today; right?
7 THE CLERK: Yes.
8 THE COURT: And is there any objection to Mr. Parker
9 having 307 admitted?
10 MR. SHEVORSKI: It's just your app?
11 MR. PARKER: It's just my app, and it's redacted.
12 THE COURT: It's his client's.
13 MR. SHEVORSKI: No objection, Your Honor.
14 THE COURT: Okay. Be admitted.
15 (Plaintiffs' Exhibit 307 admitted)
16 MR. PARKER: Thank you, Your Honor.
17 THE COURT: Dulce's going to give you Exhibit 307,
18 sir. And then Mr. Parker has said he will refer you to
19 certain pages. They have little numbers on the bottom which
20 we call Bates numbers, which we don't have Bates numbering
21 machines anymore. They ran out of ink, and we can't get the
22 ink anymore.
23 THE WITNESS: Okay, Your Honor.
24 THE COURT: But they use little stickers now for the
25 alphanumeric designation.

1 (Pause in the proceedings)

2 THE WITNESS: Is this the entire application?

3 BY MR. PARKER:

4 Q Yeah. But we're going to only look at a couple of

5 pages, okay.

6 Sir, I want you to take a look at DOTNBWELL2. So

7 it's page 2.

8 A Okay.

9 Q Are you familiar with this form -- document?

10 A With this letter, yeah. Yes.

11 Q Is this a form that is utilized by the Department of

12 Taxation Marijuana Enforcement Division?

13 A Yes.

14 Q All right. And can you tell me -- this was sent out

15 September 18th, 2018, to Mr. Frank Hawkins. Do you know who

16 he is?

17 A Yes.

18 Q Have you met him before?

19 A Yes.

20 Q When?

21 A This week.

22 Q Okay. Other than this week have you met him before?

23 A No.

24 Q Have you ever gone to lunch or dinner with him?

25 A No.

1 Q Has he ever called you on the phone?

2 A No.

3 Q All right. It says here, "On September 12th, 2018,
4 The Department of Taxation Marijuana Enforcement Division
5 conducted a routine inspection/audit of your establishment
6 located at 3200 South Valley View Boulevard, Las Vegas,
7 Nevada." And it has certificate numbers and the license
8 number. Do you see that?

9 A Yes.

10 Q All right. The next paragraph says, "The
11 audit/inspection results reveal that your establishment was in
12 compliance with Nevada Revised Statutes...", and it references
13 453A and 453D; is that correct?

14 A Yes.

15 Q All right. And it also says, "...the Administrative
16 Code, and no deficiencies were noted during the inspection."
17 Do you see that?

18 A Yes.

19 Q What does that mean in terms of the operation of
20 Nevada Wellness Center at this location?

21 A It means at this time upon the inspection from my
22 inspectors that they found nothing out of compliance.

23 Q All right. Would that mean that the location as
24 it's being operated would be suitable both in terms of
25 location and suitable in terms of adequacy of size to sell

1 medical marijuana and recreational marijuana?

2 A I don't believe that looking at adequacy of size or
3 the location on these inspections is part of their inspection.

4 Q Okay. It does mention 453A and 453D; is that
5 correct?

6 A Yes.

7 Q Which would refer to medical and recreational
8 marijuana sales; right?

9 A Yes.

10 Q All right. If there was something wrong with the
11 location, wouldn't that be noted in some type of deficiency
12 report?

13 A Yes.

14 Q All right. And if there was something wrong with
15 the size of the building or the layout of the building,
16 wouldn't that also be noted on this report or some type of
17 deficiency report?

18 A Yeah, I believe so.

19 Q All right. So can it be said based upon a non
20 finding of any deficiencies that the building location and the
21 building size were at least adequate?

22 A I would say so.

23 Q All right. Now, let's suppose that Nevada Wellness
24 Center used that floor plan and that building layout for
25 purposes of one of its applications. Wouldn't you agree with

1 me that the evaluators, because this was a part of his
2 application, would come to the same determination that the
3 medical -- I'm sorry -- that the Marijuana Enforcement
4 Division came to, that this building would be adequate and
5 this floor plan would be adequate?

6 A Yeah, I don't know what an evaluator is, you know --

7 Q No. And that's fine. That's fair enough. But my
8 question to you is if an evaluator came to a different
9 conclusion than the medical -- I'm sorry -- the Marijuana
10 Enforcement Division came to in terms of the adequacy of this
11 building and the suitability of its size, wouldn't that
12 concern you?

13 MR. GRAF: Objection, Your Honor. Misstates the
14 law.

15 THE COURT: Overruled.

16 MR. GRAF: Thank you, Your Honor.

17 THE WITNESS: If we're strictly talking adequacy of
18 size, probably I'd -- I'd probably raise a eyebrow.

19 BY MR. PARKER:

20 Q Right. Because you would think that if this is a
21 model that has worked and has been approved by the Marijuana
22 Enforcement Division it should be able to be approved in a
23 replicated building, right, in terms of adequacy?

24 A I would say so.

25 Q That's right. So Nevada Wellness Center used that

1 building size, that layout as an example with building plans
2 actually attached for its building it would replicate so --
3 along with a location. Now, wouldn't you agree with me that
4 if someone had gone through the process of getting building
5 plans, has described in detail its intention to replicate that
6 building, and then has given you a location that meets the
7 ballot question, meets the statute, and meets the regulation,
8 that that building should have been approved or scored
9 appropriately by your evaluators?

10 MR. KOCH: Objection. Lacks foundation.
11 Speculation.

12 THE COURT: Overruled.

13 THE WITNESS: You know, again, I'm not comfortable
14 substituting my judgment, you know, for the evaluators'.

15 BY MR. PARKER:

16 Q Right. That's why I'm saying isn't it your opinion
17 that the evaluators should have scored that appropriately.

18 A Yeah, I think it should be scored appropriately as
19 required.

20 Q Right. Because if the Marijuana Enforcement
21 Division finds it adequate, it should be adequate for purposes
22 of the application review?

23 A I would think so, yes.

24 Q All right. So let me show you --

25 MR. PARKER: Dulce, this is 306.

1 THE CLERK: Okay. Proposed.
2 MR. PARKER: Proposed.
3 THE COURT: And that was the other book.
4 MR. PARKER: This is. This is the scoring of Nevada
5 Wellness, Your Honor.
6 THE COURT: Any objection to that?
7 MR. SHEVORSKI: No objection, Your Honor.
8 THE COURT: Be admitted.
9 (Plaintiffs' Exhibit 306 admitted)
10 MR. PARKER: Thank you, Your Honor.
11 THE WITNESS: Are we done with this?
12 MR. PARKER: No. Hold on to it. But let me see if
13 I can find you 306.
14 Is it over there, Dulce?
15 THE CLERK: It's under the top of that cart.
16 (Pause in the proceedings)
17 MR. PARKER: We're not going to go back and do much,
18 because I'm almost just about done.
19 THE COURT: Good. Because I've got questions.
20 MR. PARKER: All right.
21 BY MR. PARKER:
22 Q All right. So if you were to look at 306 and the
23 Bate Number's DOT0033454 -- so it's kind of in the middle of
24 the stack, sir.
25 A Okay.

1 Q So it says here -- it appears that Mr. Lemons -- do
2 you see that?

3 A Yes.

4 Q Okay. He indicates that the location is near public
5 transportation. Do you see that?

6 A Yes, in front of something.

7 Q So at least this -- Mr. Lemons is considering the
8 location for purposes of public transportation; is that
9 correct?

10 A Apparently.

11 Q All right. And then it says, "Front doors open into
12 display, no barriers." Do you see that?

13 A Yeah. I don't know what that -- what he's trying to
14 say with that abbreviation. Is it "display"?

15 Q I'm assuming.

16 A Front door opens into dispensary maybe? No
17 barriers.

18 Q Maybe dispensary.

19 A Okay. I'm sorry. What's your question, again?

20 Q And then below that it says, "Construction plan."
21 Do you see that all the way at the bottom of the notes,
22 CONTPLAN?

23 A Yes.

24 Q All right. So they looked at the location at least
25 for purposes of public transportation, and they recognized

1 that construction plans were provided. Do you see that?

2 A Yes.

3 Q All right. Do you know whether or not these
4 evaluators were told not to consider location, or were they
5 looking at it in terms of some applicants, but not others?

6 A No, I don't think they were told, you know, not to
7 consider one item, you know, for some applicants and one the
8 other. I don't -- I'm not sure what exactly the instruction
9 that they were given. I was -- you know, it was part of their
10 training or whatnot.

11 Q It wouldn't be right to give -- to take away points
12 in this case -- it says minus 2. Do you see that?

13 A Yes.

14 Q It would not be appropriate to subtract points when
15 someone has gone beyond simply giving a floor plan, but giving
16 construction plans, indicated that the building that they
17 intend to replicate has been approved by the Marijuana
18 Enforcement Division. That doesn't seem right, does it?

19 MR. KOCH: Objection. Speculation. Lacks
20 foundation.

21 THE COURT: Overruled.

22 THE WITNESS: Yeah, I don't -- again, you know, I
23 don't -- I'm not seeing it through their eyes, so I can't tell
24 you what all they were looking at, what their thinking process
25 was to score it the way they did.

1 Q All right. Would you agree with me, sir, then, that
2 based upon on how you thought the application process would
3 work that if someone was going to provide the location that's
4 suitable, one that complies with the ballot question, the
5 statutes, and the Administrative Code, provide construction
6 plans and a floor plan, and demonstrate by virtue of the
7 letter that their location has been inspected by the Marijuana
8 Enforcement Division, that person should get a full -- the
9 full points allowed on that section; right?

10 MR. KOCH: Objection. Speculation. Lacks
11 foundation.

12 THE COURT: Overruled.

13 MR. GRAF: Objection. Incomplete hypothetical, Your
14 Honor.

15 THE COURT: Overruled.

16 MR. GRAF: Thank you, Your Honor.

17 THE COURT: You can answer.

18 THE WITNESS: Yeah, I don't know if they're entitled
19 to full points. If it meets the criteria for full points,
20 then they should get full points. It's what --

21 BY MR. PARKER:

22 Q Can you think of anything else in the criteria that
23 would not have been complied with if you provided that much
24 information?

25 MS. SHELL: Objection. Calls for speculation.

1 THE COURT: Overruled. You can answer.

2 THE WITNESS: Well, I see a note here. It says, "No
3 work tasks."

4 BY MR. PARKER:

5 Q Okay. I'm talking about the building at this point.
6 I see the "no work tasks" --

7 A Under construction. Okay.

8 Q -- and I also see the building notation. I was
9 wanting to actually stick to building for a second, because
10 I've got another one that goes again to the building.

11 So in terms of the building in your opinion would
12 you agree with me that if you're providing a suitable
13 location, one that meets all the distance requirements --

14 A Okay.

15 Q -- is adequate in size -- because we know the
16 Marijuana Enforcement Division's already inspected it, that
17 letter is a part of the application that's given -- shouldn't
18 that location and the replication of that location get full
19 points in your opinion?

20 MS. SHELL: Objection. [Inaudible].

21 THE COURT: Overruled.

22 BY MR. PARKER:

23 Q I don't care what the evaluators did. Based upon
24 what you know.

25 MR. GRAF: Your Honor, I'm going to object as to

1 form.

2 THE COURT: Overruled.

3 MR. GRAF: Thank you.

4 THE WITNESS: If that's the only requirement for
5 their criteria?

6 BY MR. PARKER:

7 Q Uh-huh.

8 A Then possibly. You know --

9 Q All right.

10 A -- it depends what the entire criteria calls for.

11 Q Take a look at DOT33514. And even before you get
12 there. Do you know if any of the evaluators were given any
13 training on how to read plans? When I looked through the
14 slides there's no information on how to read plans or how to
15 determine adequacy of size. Do you know if they were given
16 any training like that that's not reflected in the training
17 slides?

18 MR. GRAF: Object, Your Honor. Compound. And again
19 as to form.

20 THE COURT: Overruled.

21 MR. GRAF: Thank you, Your Honor.

22 THE WITNESS: Okay. No, I don't know. I'm sorry.
23 Did you say 514 earlier?

24 BY MR. PARKER:

25 Q It's DOT33514.

1 A Okay.

2 Q All right. So this is a different evaluator. I
3 can't make out the name at the top. I don't know if you
4 recognize it.

5 A No, I don't.

6 Q Okay. And it says, "Plans difficult to read." Do
7 you see that?

8 A Yes.

9 Q All right. Do you have any training in reading
10 construction plans?

11 A I don't.

12 Q Anybody in your charge, Mr. Plaskon, Mr. Gilbert,
13 anyone that you are aware of who actually could read plans or
14 knew how to read plans?

15 A Not that I know of.

16 Q All right. Do you know if someone could not read
17 the plans, whether or not there was someone available to the
18 evaluators to help them read the plans?

19 A Well, from what I understand, I believe one of the
20 evaluators has a construction background.

21 Q Do you know which one?

22 A No.

23 Q Okay. Did you receive resumes on all of the
24 evaluators?

25 A Personally?

1 Q The Department.

2 A The Department. I believe they did.

3 Q Have you produced those to your counsel?

4 A I believe so.

5 Q Okay. And if you look at 33518, it does not

6 indicate who the evaluator is on this page, but it says,

7 "Overall plan confusing." Do you see that?

8 A Yes.

9 Q So my concern is did anyone provide any help to

10 these evaluators in understanding construction plans? To your

11 knowledge do you know of anyone?

12 A I don't know.

13 Q Good. And do you know whether or not any training

14 information, something other than the slides that we've seen,

15 would have been provided to the evaluators on how to discern a

16 good plan from a bad plan?

17 A I don't know.

18 Q Okay. All right. Can we go to NAC 453AD.272(5).

19 MR. GRAF: A, or D? You said AD.

20 MR. PARKER: D as in David.

21 MR. GRAF: D. Thank you.

22 MR. PARKER: Delta.

23 BY MR. PARKER:

24 Q So when we left off we were talking about

25 monopolies. When I say we -- when Mr. Miller was talking to

1 you about it, and I started, but then kind of moved away from
2 it. It says here "To prevent..." Do you see that?

3 A Yes.

4 Q Are we on the same page? Good. You were talking
5 about how you believe based upon the definition of applicant
6 that one company, even if it had similar owners, could have
7 more than one location in the same jurisdiction; is that
8 correct?

9 A Yes.

10 Q All right. Now, this -- it says, "Does not issue to
11 any person, group of persons, or entity." You understand
12 that?

13 A Yes.

14 Q Isn't that different than your application in terms
15 of "individual" and "applicant"? Doesn't this regulation or
16 Administrative Code section indicate that similar ownership is
17 prevented, because it says, "...to any person," which means
18 similar owners having two different companies shouldn't be
19 allowed to have ownership in more than one recreational
20 marijuana establishment in the same jurisdiction; right?

21 MR. KOCH: Objection. Legal conclusion.
22 Argumentative.

23 THE COURT: Overruled.

24 THE WITNESS: I believe if you continue to read, it
25 says, "the greater -- or the greater of more than 10 percent

1 of the licenses."

2 BY MR. PARKER:

3 Q Well, did you check to determine the ownership
4 interest of any of the similar owners for any of the company
5 we talked about earlier today, Essence Trop, Essence
6 Henderson, Commerce, or Cheyenne?

7 A Yes, a monopoly check was done.

8 Q Did you figure out what the interests were on those?
9 The gentleman that owned both of them, you know, one gentleman
10 owned Henderson Trop and Henderson -- I'm sorry -- Essence
11 Trop and Essence Henderson; right?

12 A Right.

13 Q Did he have more than a 5 percent interest in both
14 companies or 10 percent interest in both companies?

15 A Yeah, I don't what the percent interest is.

16 Q So how could you determine that there was a monopoly
17 created if you didn't know the ownership interest?

18 A Well, the owners are checked regardless of ownership
19 interest percentage to ensure that they don't have more than,
20 like I say, in Clark County would be eight licenses in the
21 County.

22 Q That's not what you said, sir. You told me that
23 based upon the slide we put on right after lunch -- which
24 exhibit number was that? I think it was -- the one that shows
25 per -- here we go. When we placed on the screen Exhibit 252,

1 and it says, "Per" in red --

2 A Right.

3 Q Right there. Look in front of you.

4 A I know.

5 Q "Per Jorge."

6 A Right.

7 Q Right. This was the monopoly issue, and you allowed

8 these four companies to have more than one location in the

9 jurisdiction. Do you recall that?

10 A Yes.

11 Q All right. Did you determine the ownership

12 percentage for the similar owners for all four locations?

13 A The ownership percentage in the entity -- that they

14 had in the entity?

15 Q Yes. Exactly.

16 A I'm sure it was listed on the application. I don't

17 know -- what I'm trying to say -- so you have the entity. The

18 entity is separate from the ownership interest. So when you

19 do a monopoly check you check every person or owner or group

20 of persons --

21 Q You're supposed to?

22 A Yes. Well, we did.

23 Q Well, no. You told me --

24 A That's my understanding.

25 Q You told me you only checked the ones listed.

1 THE COURT: Mr. Parker, don't argue with him.
2 MR. PARKER: All right.
3 THE COURT: Thank you.
4 THE WITNESS: Did a -- check a monopoly provision.
5 We checked every individual that's listed on the application
6 to ensure that they didn't have more licenses than what's
7 allowed under this provision and the jurisdiction.
8 BY MR. PARKER:
9 Q Okay. So let me accept what you just said, because
10 I think that's pivotal. You said you would check each owner
11 listed to make sure each owner didn't have more than one
12 location in that jurisdiction; right?
13 A That had more than what?
14 Q One location in a particular jurisdiction.
15 A No, not one location. This provision allows more
16 than 10 percent of the licenses allocable in the county.
17 Q Okay. So if you only had 10 in the county, right --
18 you give up 10 licenses in the county?
19 A I think it was more than that, 31 in the county.
20 Q In the county? How many did you give out in the
21 city?
22 A The city of Las Vegas?
23 Q Yeah.
24 A I believe it was 10.
25 MR. PARKER: Go back to the statute, Shane, so I can

1 see the [inaudible].
2 BY MR. PARKER:
3 Q All right. So did you determine whether or not
4 allowing for Essence Trop and Essence Henderson would exceed
5 this restriction?
6 A Yes.
7 Q Okay. Would there be something that would allow me
8 to verify that, something in writing other than this document?
9 A Yes. I don't know if -- I'm sure it's been
10 provided. I don't know where.
11 Q Okay. I don't know if it has or not. We can figure
12 it out.
13 Now, did the -- what did the -- did the ballot
14 question address this issue for you?
15 A You know, I don't remember.
16 Q In terms of restriction on monopolies.
17 A I don't remember.
18 Q Did the statute address this issue for you?
19 A You know, I don't remember if it's part of the
20 initiative or not.
21 Q Okay.
22 A I'd like to say it is, but I don't know for sure. I
23 don't remember.
24 Q All right. So for you to figure this out wouldn't
25 you have to know all the owners and all their interests -- all

1 their percentages of interests and then determine whether or
2 not having more than one location would exceed or violate this
3 part of the Code?

4 A I don't need to know their percentage of interest,
5 just that they're an owner.

6 Q Okay. Is it your position that any one owner can
7 have more than 10 percent of the locations in any
8 jurisdiction?

9 A Right. Any individual.

10 Q And that's not defined by the name of the company,
11 it's the owner and owner of that company?

12 MR. GRAF: Objection, Your Honor. Misstates the
13 law.

14 THE COURT: Overruled.

15 MR. GRAF: Thank you, Your Honor.

16 BY MR. PARKER:

17 Q Isn't that correct, sir?

18 A Well, I would think that it's any person.

19 Q Right. Which would be an owner; right?

20 A Right.

21 Q Right. And that's what I think the importance of
22 the statute is. It doesn't just say "entity." It says, "Any
23 person or group of persons." Right?

24 A Right.

25 Q So when you gave this --

1 MR. GRAF: Objection, Your Honor. I'm sorry. I
2 know it's belated. Just very quickly. Object as to form.
3 Misstates the law.

4 THE COURT: We're on the regulation. This is NAC.

5 MR. PARKER: We're on the Administrative Code.

6 THE COURT: I understand.

7 MR. GRAF: And it does say --

8 THE COURT: The objection's overruled.

9 MR. GRAF: Thank you, Your Honor.

10 BY MR. PARKER:

11 Q So, sir, to kind of put an end to this conversation.
12 When you made this determination, you performed that analysis
13 you looked at the owners, you looked at interest to know who
14 was an owner of each company and decided whether or not it
15 violated this Administrative Code section; is that correct?

16 A Yeah. Just for clarity, when you say "you" I
17 personally didn't do it, but --

18 Q Your Department?

19 A Yes.

20 Q All right. Good enough.

21 A There was a monopoly analysis performed.

22 Q All right. And then finally, sir --

23 MR. PARKER: I don't know if this had been admitted,
24 Your Honor. It's 446?? Has that been admitted?

25 THE CLERK: Is that ETW's 446?

1 MR. PARKER: Yes.

2 THE CLERK: That's proposed.

3 THE COURT: Any objection?

4 MR. BULT: We all stipulated to it, but we never got
5 it admitted.

6 THE COURT: So we're going to take a break now. So
7 we're going to take 20 minutes, because Mr. Graf has a whole
8 lot of things he wants me to know that I won't listen to. So
9 get up, walk around, and enjoy yourself. I wouldn't go all
10 the way to outside, though.

11 THE CLERK: Will 446 be admitted?

12 THE COURT: Yes. Well, no. I'm giving you guys
13 10 minutes to argue, 10 minutes for a break. So that means
14 the witness gets 20.

15 Mr. Graf, you wanted to say stuff.

16 MR. GRAF: Yes, Your Honor. I move to strike every
17 question where Mr. Parker referenced adequacy of size. That
18 is not how the statute reads. NAC -- or excuse me, the Code.
19 NAC 453D.268 provides that you just have to provide a
20 description of the facility, including the size -- or we can
21 read it in exactly, Your Honor. It's 453.268(6) it says,
22 "Documentation concerning the size of the proposed marijuana
23 establishment, including, without limitation, building and
24 general floor plans with supporting details." "Adequacy" is
25 nowhere there, Your Honor. He referenced that in numerous

1 sections. That was my objection as to form. It is -- and I
2 know you're the trier of fact, so I'll leave it up to you,
3 Your Honor to be able to read the statute and understand the
4 statute.

5 THE COURT: Thank you, Mr. Graf.

6 MR. GRAF: But I think that those --

7 MR. PARKER: [Inaudible].

8 MR. GRAF: And I'll put that out there. But, Your
9 Honor, I think everybody started this hearing, and I don't
10 know if it was Mr. Kemp or Mr. Gentile that said words mean
11 things. We're getting very loose with the words here, and I
12 think that these words, especially when you're starting to
13 create new standards, don't exist, need to be ferreted out,
14 and called to the carpet. And that's what I'm doing, Your
15 Honor.

16 THE COURT: All right.

17 MR. GRAF: Adequacy of size is not the standard.
18 And he asked that question numerous times. And now you, as
19 the trier of fact, have that in your head. So I just wanted
20 to make sure that was on the record.

21 THE COURT: No. Actually, Mr. Graf, I don't have
22 any of that stuff in me head, but thank you.

23 MR. GRAF: Okay.

24 THE COURT: So your objection's overruled. I
25 certainly understand your objection, and, luckily, I have the

1 Nevada Administrative Code and the Nevada Revised Statutes
2 Section 453D sitting on my computer. So I can read them
3 instead of relying upon what is stated by counsel and can
4 interpret them and give them the deference the agency is
5 entitled to. All right.

6 MR. GRAF: And then the other objection or
7 clarification I wanted to make was NAC 453D.268(4)(11) and
8 he's talking --

9 THE COURT: Hold on. Let me get there.

10 MR. GRAF: Yeah.

11 THE COURT: All right. I stopped reading at
12 "interest" when I was asking Mr. Parker if he was at the right
13 place. So okay.

14 MR. GRAF: Okay. So it says -- 450D(11) [sic]. And
15 I'm just going to go from 4, Your Honor. "A description of
16 the proposed organizational structure of the proposed
17 marijuana establishment, including, without limitation." Then
18 (b) it says, "A list of all owners, officers, and board
19 members of the proposed marijuana establishment that contains
20 the following information for each person." Then it lists a
21 bunch of stuff, and then Mr. Parker referenced subpart (11)
22 that says, "Whether the person has an ownership or financial
23 investment interest in any other medical marijuana
24 establishment or marijuana establishment." He was referencing
25 the 5 percent at that point in time, Your Honor, and he was

1 talking about --

2 THE COURT: I don't think he was referencing the
3 5 percent, Mr. Graf, because I don't know that the 5 percent
4 is compliant with the ballot question. I certainly --

5 MR. PARKER: Bingo.

6 THE COURT: Mr. Parker, can you stop helping me.

7 MR. PARKER: I'm sorry. But you were right.

8 THE COURT: So I'm listening to all the evidence
9 that you all present and hopefully sometime the other people
10 in the room are going to get to present evidence and I'm going
11 to listen to them, too.

12 MR. GRAF: Okay.

13 THE COURT: Anything else?

14 MR. GRAF: Yes, Your Honor.

15 THE COURT: Okay.

16 MR. GRAF: So then it's NAC 453D.272.

17 THE COURT: Okay. Hold on. Let me get there. All
18 right.

19 MR. GRAF: Which he was talking about the 10 percent
20 of ownership.

21 THE COURT: That's in section (5)(a) and (b). 5(a)
22 and (b).

23 MR. GRAF: I'll leave that to Her Honor.

24 [Inaudible] person...or entity. And then, Your Honor, that
25 statute is providing for what or who the applicant is and who

1 was actually issued the license.

2 Mr. Parker was trying to say that everybody that's
3 an owner of an applicant, they'd have to be listed. What I
4 think, and I object to, is the loose determination that an
5 entity cannot be the person to whom the license is issued.

6 THE COURT: Okay. I understand your position on
7 that, Mr. Graf.

8 MR. GRAF: Thank you.

9 THE COURT: Did anybody else want to say anything
10 for purposes of my record because you don't think you have
11 enough time to argue any objections and I wouldn't let you
12 make a speaking objection?

13 All right. So you can all have a break now.

14 MR. KOCH: Thank you, Your Honor.

15 (Court recessed at 2:32 p.m., until 2:41:49 p.m.)

16 MR. PARKER: All right. So it's Exhibit 46, I think
17 you said. Is that the number?

18 MR. KOCH: 446.

19 MR. PARKER: 446.

20 THE COURT: I admitted it already --

21 MR. PARKER: Thank you, Your Honor.

22 THE COURT: -- before the break pursuant to the
23 stipulation.

24 MR. PARKER: All right. So Shane --

25 We don't have Shane, Your Honor.

1 THE COURT: The A-V guys are allowed to have a
2 break. Here he comes.

3 (Pause in the proceedings)

4 THE COURT: Okay. Now we're ready.

5 MR. PARKER: Thank you, Your Honor.

6 THE COURT: Okay.

7 MR. PARKER: May I proceed?

8 THE COURT: You may.

9 MR. PARKER: So can we look at Exhibit 446, page 1,
10 please.

11 BY MR. PARKER:

12 Q It should be coming up, Mr. Pupo.

13 So this is the Marijuana Nevada email to Ramsey, is
14 it Davise? How do you pronounce that?

15 Oh. Is yours not on?

16 A It's not on the screen here.

17 MR. PARKER: May I approach?

18 THE COURT: You may. Are you going to use the turn
19 off and hopefully it comes back on method?

20 (Pause in the proceedings)

21 BY MR. PARKER:

22 Q All right. Do you recognize that email address in
23 terms of the sender? It says "From: Marijuana Nevada."

24 A Okay. Yes.

25 Q Is that from the Department of Taxation?

1 A That's one of our boxes, yes.

2 Q Okay. And it's dated September 9, 2018. So this is
3 during the application process, is that correct, after
4 applications are being -- the window in terms of submission of
5 applications? Wasn't it the 7th through the 20th?

6 A Yeah. Okay. I believe it was the 7th through the
7 20th.

8 Q All right. So it appears here that Mr. Ramsey was
9 being responded to by Mr. Plaskon; is that correct?

10 A Yes.

11 Q All right. And he indicates here that he cannot
12 answer the question being asked; is that correct?

13 MR. KOCH: Objection. Document speaks for itself.

14 THE COURT: Overruled.

15 THE WITNESS: It's that would not provide guidance
16 to individual applicants.

17 BY MR. PARKER:

18 Q Now, tell me. That seems at odds with what has been
19 said earlier in this trial -- or in this hearing. I was told
20 that, you know, you've had conversations and others have had
21 conversations with representatives of applicants, as well as
22 applicants. Why would Mr. Plaskon take this position on
23 September 9th, 2018?

24 MR. KOCH: Objection. Speculation.

25 THE COURT: Overruled.

1 THE WITNESS: He must have gotten instruction.

2 BY MR. PARKER:

3 Q Okay. Did you give any instruction to not provide
4 information to this person?

5 A No.

6 Q Are you familiar with Libra Wellness?

7 A Yes.

8 Q Do they have a medical marijuana license?

9 A I believe so, yes.

10 Q Did they apply for or receive a conditional
11 recreational license?

12 A I don't know.

13 Q All right. Was this the position taken by the
14 agency, your Department, on September 9th, that there would be
15 no more answers given?

16 MR. KOCH: Objection. Mischaracterizes the
17 document.

18 THE COURT: Overruled.

19 THE WITNESS: Yeah. I don't know that was
20 instructions.

21 BY MR. PARKER:

22 Q It says, "With that said, the Division cannot
23 provide guidance to individual applicants.

24 THE COURT: Hold on a second.

25 THE COURT RECORDER: I'm having a hard time hearing

1 the witness.

2 THE COURT: Mr. Pupo, I'm going to need you to speak
3 up again. I'm sorry.

4 THE WITNESS: Oh. I'm sorry. Let me move over
5 here. Sorry.

6 MR. PARKER: So want me to start from the beginning?

7 THE COURT RECORDER: Not from the beginning.

8 THE COURT: Please no. You can start over on this
9 sentence. That would be good.

10 BY MR. PARKER:

11 Q All right. "With that said, the Division cannot
12 provide guidance to individual applicants beyond what is
13 included in the instructions." Do you see that?

14 A Yes.

15 Q How, you would agree with me that's different than
16 what you've told -- how you responded to questions from Mr.
17 Miller. You said that questions came in all the time, people
18 needed clarification, you provided information; is that
19 correct?

20 A Yes.

21 Q All right. So tell me, when did the approach to
22 answering questions change, to your knowledge?

23 A Yeah. I don't know.

24 Q Okay. Would this be -- would you agree with me that
25 it would be unfair to allow certain applicants to get

1 information from your Department while others were denied
2 answers?

3 A Yes.

4 Q Okay. And would you agree with me that if certain
5 applicants are provided with information while others are not,
6 that potentially those who receive the information or answers
7 to their questions would have an advantage over those who were
8 not answered?

9 A Generally, yes, depending on the type of
10 information.

11 Q Okay. I want to go back to Exhibit 252, and I want
12 compare it to Exhibit 5.

13 THE COURT: Sir, can you touch the lower left-hand
14 corner of your monitor and see if you can clear those pink
15 marks for me.

16 THE WITNESS: Oh. You can see that? I wondering
17 what that was.

18 THE COURT: Lower left-hand corner. Thank you so
19 much.

20 BY MR. PARKER:

21 Q So back to the red language on both 272 [sic] and on
22 Exhibit 5. So on 272 this is what it says. Per Jorge you
23 can allow these monopolies to exist; is that correct? I'm
24 paraphrasing.

25 A No, I would not say that.

1 MR. PARKER: All right. Well, let's pan a little
2 bit -- to the left a little bit on Exhibit 252. 252. The one
3 on the bottom.

4 Your Honor, may I approach again?

5 THE COURT: You may.

6 BY MR. PARKER:

7 Q All right. It indicates there duplicate ownership
8 against [inaudible]. Is that correct?

9 A Yes.

10 Q All right. So there's a recognition of that point
11 by you that you had duplicate owners for certain locations;
12 correct?

13 A Yes.

14 Q And then you indicate in the red language there that
15 you're going to allow it; is that correct?

16 A Yes.

17 Q All right. Now, if you go to Exhibit 5, page 19, it
18 says here, "No applicant may be awarded more than one retail
19 store license in a jurisdiction locality unless there are less
20 applicants than licenses allowed in the jurisdiction."

21 A Yes.

22 Q You see that?

23 A Yes.

24 Q Now, when we talk about -- when we looked at the
25 Administrative Code I believe you agreed with me that an

1 applicant as reflected in the Administrative Code would
2 include a person or a group of persons; isn't that correct?
3 MR. KOCH: Objection. Legal conclusion.
4 Argumentative.
5 THE COURT: Overruled.
6 THE WITNESS: I don't think I agreed to that.
7 BY MR. PARKER:
8 Q Okay. That's what the Administrative Code says,
9 isn't that true, NAC 453D.272(5); right?
10 MR. KOCH: Objection. Legal conclusion.
11 THE COURT: Overruled.
12 BY MR. PARKER:
13 Q And if you want, I can bring it to you --
14 A Yes. Well, you took the binder.
15 Q That's why I said I'll have to bring it back.
16 MR. PARKER: May I approach, Your Honor?
17 THE COURT: You may.
18 THE WITNESS: Okay. I'm sorry. The question again?
19 BY MR. PARKER:
20 Q Yeah. Have you read that section again?
21 A Yes.
22 Q And that section deals with no monopolies; right?
23 A Yes.
24 Q Okay. And doesn't it describe persons and groups of
25 persons?

1 A Yes.

2 Q All right. And that's what I thought we said when
3 we left off. So if you had identified in your review of the
4 applications duplicative ownership and we have the portion of
5 the application, of Exhibit 5, that says, "No applicant may be
6 awarded more than one retail store," how do you reconcile a
7 single owner owning more than one location in the same
8 jurisdiction?

9 MR. KOCH: Objection. Calls for a legal conclusion,
10 Your Honor.

11 THE COURT: Overruled.

12 MR. KOCH: Also looks foundation.

13 THE COURT: Overruled.

14 THE WITNESS: Okay. So we if read on, it says, "or
15 more than 10 percent of the licenses for retail marijuana
16 stores allocable in the county. So in Clark County there are
17 80 licenses allocable in the county. Which means any group,
18 group of persons -- what else does it say -- person, group of
19 persons can have up to eight licenses.

20 BY MR. PARKER:

21 Q Okay. And so you're telling me your language in
22 Exhibit 5 that says "No applicant," you still meant that to
23 mean what?

24 A That --

25 Q Just the name of the company --

1 A The entity/individual.

2 Q -- couldn't be the same?

3 Okay. So could Essence have Essence LLC 1, 2, 3, 4,

4 5, 6, 7, 8, 9, 10, all the way up to 80, have 80 Essences,

5 just LLC 1 through 80 submit the same application and got them

6 all because it'd be a different LLC for each?

7 A They're separate and distinct entities --

8 Q Right.

9 A -- right, so they're -- each one would be considered

10 an applicant.

11 Q Which means they could have gotten all 80. There

12 could be 80 Essences, 1 through 80, LLC 1, 2, 3, all the way

13 through 80; is that correct? That would be your --

14 A Potentially. That's why we did the one retail

15 store. That's why we did this -- or that's why I did this, so

16 that wouldn't happen.

17 Q So --

18 A So that was my fear, that a license -- an entity --

19 I looked at it -- I did this in the interest of fairness, for

20 everyone to have an equal shot at getting a license in a --

21 basically two jurisdictions everyone wants, right, Clark

22 County and Washoe. Potentially if you look at it in a

23 scenario, if I allow an entity to -- let's say they maxed out

24 on points, right --

25 Q Right.

1 A -- and they could say, well, I want -- I have -- and
2 they say, I have one current retail store in Las Vegas and
3 there are 10 licenses in Las Vegas available. They say, all
4 right, well, I want 1 through 9, or, I want an additional --
5 I'm allowed 8,, so I want 7 licenses in Las Vegas. When you
6 play it out, instead of having 17 entities that won, we would
7 have been down to like 5; 5 entities would have gotten all the
8 licenses.

9 Q If you want to --

10 A Roughly.

11 Q I'm sorry, sir. Let me see if I can understand you.
12 If you wanted to provide the ability for more participants to
13 have conditional licenses, you simply could have enforced your
14 rule and said, one per owner, entity, regardless of ownership
15 interest; right? Just one. If you own more than one, I'm
16 sorry, you only get one; right? And then you --

17 A You mean total?

18 Q Right.

19 A Like if you're saying --

20 Q Just one per jurisdiction.

21 A And then they wouldn't be able to apply in that
22 jurisdiction; is that what you're saying?

23 Q That's right.

24 A Yeah. I guess potentially.

25 Q That would have been the easiest and the cleanest

1 way of ensuring that no more than one owner, regardless of the
2 number of companies he or she has an ownership in, would not
3 have more than one location in a jurisdiction; right?

4 MR. KOCH: Objection. Argumentative.

5 THE COURT: Overruled.

6 THE WITNESS: No. Potentially I think that would
7 have brought on a different set of problems.

8 BY MR. PARKER:

9 Q But that would prevent any monopolies or
10 duplications of ownership in any entity, right, in the same
11 jurisdiction?

12 A Well, monopolies going to be prevented anyway,
13 because you have to do the monopoly analysis.

14 Q Okay. And did you do the monopoly analysis here?

15 A Yes.

16 Q Right. But we still now have one owner that owns
17 more than one location in the same jurisdiction; right?

18 A Yes.

19 Q Right. But you could have prevented any of that by
20 simply saying, I don't care how many companies apply, if you
21 have an ownership in more than one you only get one location
22 for that owner per jurisdiction; right?

23 MR. KOCH: Objection. Argumentative. Lacks
24 foundation.

25 THE COURT: Overruled.

1 THE WITNESS: I could have. I think that would have
2 created more problems.

3 BY MR. PARKER:

4 Q Okay. Thank you.

5 MR. PARKER: Now, let's stay right here in terms of
6 Exhibit 252, Shane. I don't need the other email.

7 BY MR. PARKER:

8 Q You told Mr. Miller that you went to -- you were
9 offered ownership -- you were offered jobs by I believe one of
10 the owners that you allowed to have more than one location in
11 this jurisdiction; is that correct?

12 A Yeah. I don't characterize them as offers. They
13 were saying, hey, if you leave the State, make sure I'm the
14 first one to call, or, give me a call.

15 Q And who was that again? Was this the owner of
16 Essence?

17 A Yes.

18 Q Okay. And did anyone else or any of the other
19 owners from Essence -- did you meet with any of them?

20 A No.

21 Q Did you meet with any of the owners of Cheyenne or
22 Commerce Park?

23 A Regarding?

24 Q Any offers of employment.

25 A No.

1 Q Did you meet with any owners -- do you know the
2 owners of Commerce Park and Cheyenne?

3 A I know -- I know some.

4 Q Okay.

5 A Yeah. I don't know that I know all the owners.

6 Q What owners do you know?

7 A Mitch Britten and Phil Peckman.

8 Q Okay. And who are the owners that you're aware of
9 in terms of Essence Trop and Essence Henderson?

10 A Just Armen.

11 Q No one else have you met with or are familiar with
12 that own that company?

13 A Not that I'm familiar with.

14 Q Okay. And did the owners of both these companies
15 the ones that you know in common -- you've spoken to them,
16 you've gone to lunch with them and/or dinner with them; right?

17 A Yes.

18 Q All right. And you turned them both down on the
19 offers?

20 A I am not interested in staying in the marijuana
21 space here.

22 MR. PARKER: Thank you. I appreciate your time.

23 THE COURT: Sir, I'm going to switch gears, if it's
24 okay. Since the people on that side of the room have finished
25 asking questions, I'm going to ask some, because I need a

1 little bit better background and feel. So let's start at the
2 beginning.

3 When did you find out you were going to be involved
4 with the Marijuana Enforcement Division?

5 THE WITNESS: Well, initially there was no Marijuana
6 Enforcement Division. When the ballot passed, shortly after
7 the director at the time I believe went to IFC to ask for some
8 positions. I believe one of those positions was the deputy
9 director of -- to oversee the marijuana program. That person
10 was hired and was there for a while, she was struggling, and I
11 was a revenue tax manager at the time, and the director asked
12 me to assist. So it was, I don't know, shortly after -- I
13 believe it was shortly after the initiative passed.

14 THE COURT: After the initiative passed did you
15 reread it again when you learned you were going to have to be
16 involved with the Marijuana Enforcement Division?

17 THE WITNESS: Yes. I mean, along the way we tried
18 to read and interpret it several times.

19 THE COURT: You've mentioned Mr. Werbicky's name
20 again. Is he the assigned Deputy Attorney General for your
21 area in Department of Taxation?

22 THE WITNESS: You know, Your Honor, I don't know the
23 AG's Office has specifically assigned him, but he spends a lot
24 of time with us.

25 THE COURT: Okay. So when you read Ballot

1 Question 2 after you learned you were going to have to step in
2 and help out on Marijuana Enforcement Division did you do an
3 analysis over how that ballot question was going to impact
4 your ability to regulate the recreational marijuana space?

5 THE WITNESS: You know, Your Honor, in the beginning
6 -- again, I was the -- when I came in I was the revenue tax
7 manager. so I was brought in to -- the person that was the
8 deputy executive director at the time came from the outside,
9 wasn't an employee that was already with the Department. So I
10 came in to assist with let's say the infrastructure, IT work,
11 getting forms done, tried to set these things up for the
12 implementation of the program. And that's what I was kind of
13 guiding her through. Because she didn't even know who to
14 contact within the Department itself to get these things done.
15 So I was trying to say, well, we need to get the initial
16 applications done, we need to get the forms done, what about
17 the tax forms, you know, what's that going to look like. I
18 did a lot of that -- that type of work in the beginning.

19 THE COURT: Okay. So after she's not doing so well
20 and she leaves and you learn that you are stuck with it did
21 you do an analysis of Ballot Question 2 and what you were
22 going to have to do to administrator recreational marijuana?

23 THE WITNESS: Yeah. I don't know if we want to call
24 it an analysis. I read it and I tried rereading it and tried
25 rereading it again to try to interpret it the best I can with

1 the information. I looked at question, I said, okay, well,
2 you know, there's not a whole lot here, we're going to work
3 through it. And I tried working with my director at the time,
4 and she took -- she pretty much took the lead in getting the
5 -- a lot of things were happening at the time, the Governor's
6 Task Force kicked in, Governor Sandoval signed the executive
7 order. She took care of handling of bringing in the
8 contractor, the vendor, QuantumMark, and I kind of just
9 landed in that fold. As that developed with the vendor, then
10 I got introduced to that process.

11 THE COURT: So let me see if I can ask my question a
12 different way. At some point did you get involved in the
13 development of the regulations?

14 THE WITNESS: Yes, ma'am.

15 THE COURT: How did you get involved in that part?

16 THE WITNESS: So when that process I was just
17 explaining started to develop they were like, we're having a
18 meeting on these regulations and we've got the QuantumMark
19 vendor and I was also part of that Governor's Task Force. I
20 was on the Lab Subcommittee, and that's how I started getting
21 into the regulation process.

22 THE COURT: Okay. So you were told you had a
23 meeting about the regulations, and so you went. Was it just
24 your Department who was involved in proposing the regulations
25 and QuantumMark, or were there outside people there in the

1 regulation development process?

2 THE WITNESS: In those meetings it's just the
3 Department and QuantumMark.

4 THE COURT: Okay. So how did you ensure that the
5 regulations that were being developed were compliant with
6 Ballot Question 2?

7 THE WITNESS: Well, as a group we would bounce off
8 -- the initiative said, you will make regulations regarding
9 these items, right, and then QuantumMark assisted in that, as
10 well, right, and ensure that we were meeting the requirements.
11 And collectively, you know, we were bouncing off what we were
12 writing with the initiative.

13 THE COURT: So how many people were working on that
14 with QuantumMark besides you?

15 THE WITNESS: Besides -- you said besides
16 QuantumMark?

17 THE COURT: Besides you and QuantumMark.

18 THE WITNESS: I want to say about five.

19 THE COURT: So Mr. Gilbert --

20 THE WITNESS: So Mr. Gilbert, Kara Cronkhite, Shelly
21 Hughes, Deon Contine, and Deputy Director at the time Anna
22 Thornly.

23 THE COURT: Okay. So after you kick around how
24 you're going to comply with Ballot Question 2 and develop
25 these regulations to reasonably and conveniently regulate the

1 business of recreational marijuana where do your regulations
2 go next after you as a group have done your job?

3 THE WITNESS: So they go to the Nevada Task
4 Commission for adoption.

5 THE COURT: And so you have a public hearing?

6 THE WITNESS: We have public hearings. I think we
7 had more than one, because I believe that there were some
8 changes, some red lights --

9 THE COURT: So tell me about that.

10 THE WITNESS: I don't remember the specifics. There
11 were -- there were -- through the public comments and meetings
12 I believe there were some areas that were changed and redlined
13 to -- after the adoption to go to LCD, and then, you know, LCD
14 approved them. It took them a while to get the permanent regs
15 approved. And then once -- they went to Leg Commission for
16 final approval.

17 THE COURT: Okay. And then once that is then
18 completed the regulations were approved by the Tax Commission,
19 LCD signs off, you start implementation?

20 THE WITNESS: After, right, Leg Commission signs
21 off.

22 THE COURT: So let me go to my next --

23 THE WITNESS: After they're filed with the Secretary
24 of State, Your Honor.

25 THE COURT: They have to be official.

1 The application adaptation, when did you learn you
2 were going to be involved in the application adaptation for
3 recreational marijuana?

4 THE WITNESS: What do you mean by application
5 adaptation?

6 THE COURT: So you have an application from 2014
7 that you're going to modify, apparently.

8 THE WITNESS: Yes.

9 THE COURT: When did you first learn you were going
10 to be involved in that process?

11 THE WITNESS: For this -- for this application
12 period?

13 THE COURT: No. For the first one where we were one
14 for one --

15 THE WITNESS: From the very beginning? For the
16 initial one I don't even remember really being part of forming
17 that application.

18 THE COURT: Okay.

19 THE WITNESS: I was more coordinating. I had to
20 pull staff from Revenue, because there was no marijuana staff,
21 there was no marijuana budget.

22 THE COURT: Okay.

23 THE WITNESS: So I was coordinating the pulling
24 other Revenue officers to help review these applications and
25 things, so I kind of set up a war room with the computers and

1 -- that's the kind of stuff that I was doing. And then
2 they're like, okay, we're getting ready to accept
3 applications.

4 THE COURT: Why did you decide at that time to pull
5 Revenue officers to do the review?

6 THE WITNESS: We had no marijuana staff, no staff
7 dedicated to marijuana. There was no -- when we got the
8 charge of administering the program it didn't come with a
9 budget. So --

10 THE COURT: That happens a lot.

11 THE WITNESS: Yes, I know. Too often.

12 So at that time the -- if I remember correctly, the
13 director went to IFC, and we borrowed money to start getting
14 the things we needed, like IT. And I think that's where the
15 -- I think we got money for three positions.

16 THE COURT: Okay.

17 THE WITNESS: And I believe that was one the deputy
18 director -- don't hold me to that, but there were I believe
19 three positions that we got money for.

20 THE COURT: And you got Revenue officers who already
21 were experienced in the Department of Taxation and working
22 with other industries in collecting taxes, reviewing their tax
23 statements they were filing, and do enforcement if it was
24 necessary?

25 THE WITNESS: Yes, ma'am.

1 THE COURT: Okay.

2 THE WITNESS: I mean, the revenue officer position
3 embarks a lot of areas. It's a pretty complex job.

4 THE COURT: So those one-for-one licenses, revenue
5 officers were the reviewers?

6 THE WITNESS: So when it comes time to open it up
7 more to the second set of application processes when did you
8 learn you were going to become involved in the development and
9 modification of that application?

10 THE WITNESS: For the second --

11 THE COURT: The round that we just did. This round.

12 THE WITNESS: Oh. The round that we just did?

13 THE COURT: The one that's summer of 2018, September
14 2018 submissions.

15 THE WITNESS: I don't -- I don't remember a time
16 frame. I don't know -- when you say involvement --

17 THE COURT: I'm trying to be as broad as possible to
18 get every nugget of information out of you.

19 THE WITNESS: I'm just trying to explain -- I'll try
20 to explain it as best I can, Your Honor, to you. I wasn't
21 like on-the-ground involved with this is how the application
22 is going to be. You know, I went to my staff. They had
23 experience from 2014, they had done this, and, you know, we
24 had the information that said, hey, do it like 2014. They
25 took that application and adapted it to the recreational from

1 the medical.

2 THE COURT: And that's Mr. Gilbert and his group?

3 THE WITNESS: Yes, ma'am.

4 THE COURT: So explain to me as the person who got
5 stuck in charge even though you didn't ask for it how you made
6 sure that Mr. Gilbert and his group had the new application
7 they were developed in compliance with Ballot Question 2.

8 THE WITNESS: I tried to the best of my ability of
9 looking through -- you know, through the application and
10 bouncing it off the initiative as much as I could and the
11 regulations.

12 THE COURT: Okay. Prior to the discussion you had
13 with Mr. Werbicky about the questions and clarification issues
14 on the applications in the summer of 2018 had you ever had a
15 discussion with him about Ballot Question 2 and the
16 application? And that's a yes or a no. I don't want to know
17 any substance of the information.

18 THE WITNESS: No.

19 THE COURT: Okay. So how did you decide to use
20 temps to evaluate these applications in 2018?

21 THE WITNESS: Because that process was used by DPBH
22 in 2014.

23 THE COURT: But you'd use revenue officers for the
24 one-for-one.

25 THE WITNESS: Yes, ma'am, initially.

1 THE COURT: So why did you decide to use temps, as
2 opposed to people from inside the organization?

3 THE WITNESS: Honestly, Your Honor, I didn't even
4 know I could get temps at that time. I used the resources I
5 had. Everything was moving very fast. If you look at the
6 timeline, you know, we're in the middle of session, the
7 Governor's Task Force was going at the same time. Session at
8 the end was a mess. There were something like 20, 30
9 marijuana bills. Some were being held hostage. It was --
10 until the very last minute we didn't even know -- it was still
11 touch and go, yes, we're going to get time, no, we're going to
12 get it, we're not going to get it.

13 THE COURT: But that's how the legislature is every
14 session.

15 THE WITNESS: I've learned that along the way.

16 THE COURT: Okay. Once you have got the application
17 finalized -- and I'm going to use finalized in a generic term,
18 because I know there was this clarification in July, but I'm
19 talking about the July time frame when you have an application
20 that you think is good and there may be some clarifications
21 that go out in some format by your staff. That's the time
22 frame I'm talking about. Once you had that application done
23 what process did you establish for the receipt of
24 applications, and what procedures would be followed upon
25 receipt? Walk me through as many steps as you set up.

1 THE WITNESS: I didn't set that up, Your Honor. To
2 be honest with you, that was left up to Steve Gilbert and his
3 group. Again, they had done it before. I relied on them to
4 do it again.

5 THE COURT: So I'm going to ask you the elephant in
6 the room question. Do you understand that there are
7 significant differences legally in the difference between the
8 medical marijuana under 453A and the 453D which came from
9 Ballot Question 2?

10 THE WITNESS: Differences legally?

11 THE COURT: Yes.

12 THE WITNESS: I would assume so, yes.

13 THE COURT: So how did you account for those
14 differences? And since you're relying on Mr. Gilbert, who did
15 it one way for the 453A, and now we've got 453D, which is from
16 the ballot question which can't be amended or modified by
17 anybody for three years --

18 THE WITNESS: Right.

19 THE COURT: -- how are you going to make sure that
20 those two things -- that he doesn't do it just the way he did
21 it for 453A, but he complies with 453D and the ballot
22 question?

23 THE WITNESS: Right. So you refer back to the
24 initiative --

25 THE COURT: Right.

1 THE WITNESS: -- and see what's different --
2 THE COURT: Uh-huh.
3 THE WITNESS: -- and what we can do according to the
4 initiative, and then the rest basically came on those
5 regulations that came out of the initiative.
6 THE COURT: So you relied upon him to do it,
7 basically.
8 THE WITNESS: As far as the application you mean?
9 Yes.
10 THE COURT: No. And the procedure.
11 THE WITNESS: Yes.
12 THE COURT: Okay. All right. I'm done.
13 You're up, Mr. Shevorski.
14 MR. SHEVORSKI: Thank you, Your Honor.
15 THE COURT: Thank you, Mr. Pupo.
16 THE WITNESS: You're welcome, Your Honor.
17 THE COURT: I was just trying to get some more
18 broader understanding.
19 THE WITNESS: I understand.
20 CROSS-EXAMINATION
21 BY MR. SHEVORSKI:
22 Q 'Afternoon, Mr. Pupo. It's been a long day, I know.
23 I appreciate your time and your service to the State. I know
24 this can't be easy. Thank you for being here.
25 A You're welcome.

1 Q Let's start off where the Judge just finished, which
2 is the ballot question and was also something that my friend
3 Mr. Parker was interested in quite a bit. And he started off
4 with the ballot pamphlet, and that's Exhibit 2020. Do you
5 happen to have a paper copy of --

6 A No.

7 Q Might be able to pull it up for you. Let's go to
8 page 14 right where the question was asked of the voters. It
9 has the "yes" or "no" highlights. And please -- I know you've
10 probably reviewed this before. Just take a second to
11 familiarize yourself.

12 A Okay.

13 Q Okay. And my friend Mr. Parker asked you about why
14 you thought you could change what supposedly was the location
15 requirement, but not change age, the age of a person
16 authorized to use marijuana under the law. Let's read the
17 first part.

18 "Shall the Nevada Revised Statutes be amended to
19 allow a person 21 years or older to purchase, cultivate,
20 possess, or consume a certain amount of marijuana or
21 concentrated marijuana..." Let's stop there. You'd agree
22 with me, is it not, that in that question put to the voters
23 there is a specific policy choice that the voters are being
24 asked to review, and it's about who can use marijuana;
25 correct?

1 A Yes.

2 Q Now, with respect to the remainder of that question
3 do you see anything where the drafters of the initiative are
4 putting a choice about whether or not any kind of
5 qualification for licensure is being put to the voters there?

6 A No.

7 Q Do you see a policy choice in that question about
8 what kind of points should be awarded for certain categories
9 in the application process that's being put to the voters
10 there?

11 A No.

12 Q Do you see any commands to the Department of
13 Taxation in that question about how the Department of Taxation
14 should draft the application?

15 A No.

16 Q Do you see any command to the Department of Taxation
17 in that question about requirements for communicating for
18 prospective applicants?

19 A No.

20 Q Is it fair to say that in that ballot question, in
21 that question where they asked yes or no, it's the policy
22 choice as to whom can use marijuana in this state; correct?

23 A Yes.

24 Q And then people who wrote that question specifically
25 said all that's going to be -- is going to happen is that

1 there's going to be regulation, in the question itself put to
2 the voters?

3 A Wait. Say that again.

4 Q In the question put to the voters all it says is
5 there's going to be regulation. It doesn't say what the
6 details are; correct?

7 A Yes.

8 Q Now, my friend Mr. Parker talked about the
9 importance of location and the explanation and digest. If we
10 look at the bottom of page 14, and it's the paragraph that
11 starts "If the ballot is approved..." --

12 A Yes.

13 Q -- do you see any command to the Department of
14 Taxation there that location must be scored?

15 A No.

16 Q Do you see any command in that paragraph that Mr.
17 Parker asked you to look at that location has to be on the
18 application -- at conditional approval or any other kind of
19 approval from the Department of Taxation?

20 A No.

21 Q Let's go to the next paragraph. This is the
22 paragraph that starts on page 15. I'm sorry. Starts, "In
23 addition to licensing -- in addition to licensing the
24 Department of Taxation will be charged with adopting
25 regulations necessary to carry out the provisions of this

1 ballot measure. The regulations must address licensing
2 procedures, licensee qualifications." Do you see in that
3 paragraph any command to the Department of Taxation about the
4 specifics of the licensing procedures that must be applied?

5 A No.

6 Q Do you see any command about the specifics of the
7 licensing qualifications that must be applied?

8 A No.

9 Q Now let's talk about the backdrop that you would
10 assume the voters knew when this was happening. A lot of my
11 friends here are from the southern part of the state, but
12 there are other parts of the state, as well. And this is a
13 statewide ballot initiative. This is not a county ordinance
14 in Clark County; correct?

15 A Correct.

16 Q And each one of those counties, they have the power
17 themselves to pass ordinances throughout their existence;
18 correct?

19 A Yes.

20 Q And some of those counties, for example, let's talk
21 about them, Storey County. Are you familiar with Storey
22 County?

23 A Yes.

24 Q Pershing County?

25 A Yes.

1 Q Churchill County?

2 A Yes.

3 Q Douglas County?

4 A Yes.

5 Q Did they have ordinances at this time when the
6 ballot was being considered that made it unlawful to have
7 retail marijuana in that county?

8 A Yes. I believe so.

9 Q At the time the applications were being sent out,
10 let's say of July of 2018, in those rural counties do you know
11 whether or not it was still unlawful according to local
12 ordinances to have retail marijuana?

13 A Yes. I believe so.

14 Q Now I want you to assume a hypothetical. A person
15 wants to open a retail marijuana establishment in a rural
16 county where there is an existing ordinance that says no. And
17 that person goes about their business, petitions the county,
18 and demands, there's a statewide ballot initiative, I can't
19 enter into a lease to find a building, I can't buy a property
20 to open a retail marijuana establishment because you have this
21 ordinance that prohibits me from exercising my rights to open
22 a retail marijuana establishment in your county and the county
23 says no. Would you expect that applicant to put on their
24 application a physical address when the county has said, it's
25 illegal in my county to open that establishment?

1 A No.

2 Q That applicant may have to sue that county, correct,
3 and say -- and to get relief; correct?

4 A They may have to.

5 Q It may go up to our friends the Nevada Supreme
6 Court, who have no timeline to decide whether or not the
7 county is correct or the applicant is correct. Do you
8 understand that?

9 A Yes.

10 Q And you would presume that the voters knew all of
11 that, because those ordinances in the rural counties were in
12 existence at the time, were they not?

13 A Yes.

14 Q My friend Mr. Parker also talked about the
15 Governor's Task Force. And that is Exhibit 2009. And he
16 cited to you page 2500. And he looked at -- I'm not going to
17 call it a subpart, that's too lawyerly -- let's call it Number
18 (7) --

19 THE COURT: Of the Guiding Principles and Goals.
20 BY MR. SHEVORSKI:

21 Q -- of the Guiding Principles and Goals.

22 A Yes.

23 Q "Take action that is faithful to the text of
24 Question 2." Now, back in the mists of time, as I like to
25 say, there was a fellow called John Ritter who testified in

1 this action. He's associated with one of the plaintiffs, and
2 I don't point at people, but he's over on that side of the
3 table. And if you go to page 2515 -- and I'll represent to
4 you that he is on the Governor's Task Force. Are you familiar
5 with Mr. Ritter?

6 A Yes.

7 Q Okay. And the rating criteria on the applications
8 provision, the Task Force recommends that the impartially
9 numerically scored process used by the medical marijuana
10 program be revised for retail marijuana stores to remove
11 consideration of location and focus only on the applicant
12 qualifications for operation of a marijuana establishment.
13 There was no dissent on the recommendation. Do you believe
14 that the Governor's Task Force and the people who wrote that
15 sentence were being dishonest when they said they were being
16 faithful to the text of Question 2?

17 A No.

18 Q Let's go to our friend the statute which we've spent
19 too much time with. It's 453D. NRS. And let's go to NRS
20 453D.210(4). It says, "Upon receipt of a completed [sic]
21 marijuana license application the Department shall within
22 90 days issue the appropriate license if the license
23 application is approved."

24 If you didn't have the power to issue conditional
25 licenses, why would the voters have chosen the -- the drafters

1 of the initiative chosen the word "appropriate"? It would
2 just say "license," wouldn't it? That would be it.

3 A I would say so.

4 Q There wouldn't be anything appropriate about it.
5 You've got 90 days; right, sir?

6 A Yes, sir.

7 Q Let's go to 453D.200(1). It says, "Not later than
8 January 1st, 2018, the Department shall adopt all regulations
9 necessary or convenient to carry out the provisions of this
10 chapter."

11 What did you -- you've read that, have you not, sir?

12 A Yes.

13 Q Many times; correct?

14 A Yes.

15 Q What did you understand that to mean?

16 A That we would write regulations necessary to
17 administer the program.

18 Q Or convenient; correct?

19 A Right, convenient.

20 Q What does convenient mean to you?

21 A Not to be burdensome either to the State or the
22 industry.

23 Q And you would look at the conditions on the ground,
24 correct, to determine whether or not ambiguous phrase in the
25 initiative may take a regulation to fit the conditions on the

1 ground, correct, in the particular counties where licensees
2 wanted to do business?

3 A Yes, I would say so.

4 Q And you knew that because it was public knowledge
5 that in many of the communities there were ordinances on the
6 books that made it impossible to open up a retail marijuana
7 establishment; correct?

8 A Yes.

9 Q That subpart (a) of the same provision, "The
10 regulations shall include procedures for the issuance,
11 renewal, suspension, and revocation of a license to operate a
12 marijuana establishment."

13 (Pause in the proceedings)

14 BY MR. SHEVORSKI:

15 Q Because the Department of Taxation was given the
16 power to develop procedures for issuances -- issuance of
17 license, renewal, suspension, revocation, what did you
18 understand from your perspective that power to mean in terms
19 of whether or not you could draft conditional licenses or you
20 were required by the initiative to grant a final license
21 within 90 days?

22 A So the 90 days is we have to make a decision within
23 90 days the license could be granted or denied -- or, yeah,
24 not approved. You know, I believe -- you know, the Department
25 believes that they granted us the authority to issue, renew,

1 suspend, and revoke a license. We believe that that authority
2 allows for a license to be conditional.

3 Q Because that would be part of the procedures you
4 were empowered to create for issuance of licensure; correct?

5 A Yes.

6 Q Let's look at Exhibit 5A. And I'm on page 17 of 34.
7 I believe it was my friend Mr. Parker who talked about a
8 command from the regulations to tell the applicants about the
9 points. Is there anything in the initiative, a command from
10 the voters that says the Department of Taxation shall disclose
11 the point breakdown for scoring the competitive bidding
12 process?

13 A No.

14 Q Is there anything in the initiative, the command
15 from the voters that tells the Department of Taxation how it
16 ought to describe the categories that are going to be scored,
17 tells it what words to use?

18 A No, there's not.

19 Q My friend Mr. Parker appears to disagree with how
20 the Department of Taxation drafted that particular page on 5A.
21 Do you know of any provision in 453D that commands you do it a
22 different way?

23 A No.

24 Q The command from the voters was simply under
25 453D.210(6) to create a competitive scoring -- numeric and

1 competitive bidding process; correct? I'm paraphrasing.

2 A Yes.

3 Q There's nothing in that section, correct, that tells
4 you how many points you must or must not give for a particular
5 category; correct?

6 A Correct.

7 Q Now, I'm not sure if you're aware of this, but Judge
8 Gonzales has served as the Business Court judge in Clark
9 County in the Eighth Judicial District for quite a long time,
10 so I'm not going to test her patience by bringing out Chapter
11 78 of the Nevada Revised Statutes. Because I tried that once,
12 and I won't do it again.

13 THE COURT: Sorry.

14 MR. SHEVORSKI: Not at all, Your Honor.

15 BY MR. SHEVORSKI:

16 Q If I represented to you, and Judge Gonzales is
17 listening, that there is -- when the Nevada Legislature in
18 Chapter 78 wants to describe the board of a corporation and
19 the people who work on it it uses the phrase "board of
20 directors." Do you have any reason to disagree with that?

21 A No, I don't.

22 Q In the definition section of Chapter 78 it says that
23 a "director" or "trustee" are synonymous terms.

24 MR. SHEVORSKI: And I'm paraphrasing, Judge
25 Gonzales.

1 THE COURT: It's okay, Counsel.

2 BY MR. SHEVORSKI:

3 Q Do you have any reason to disagree with that?

4 A No.

5 Q And that was existing Nevada law. Now, you would

6 assume that the people who drafted the initiative knew that,

7 wouldn't you?

8 A I would.

9 Q So if we go to NRS 453D.200(6), it says, "The

10 Department shall conduct a background check of each

11 prospective owner, officer and board member of a marijuana

12 establishment license applicant." Do you see the word

13 "director" there?

14 A No.

15 Q So they could have chosen, the people who drafted

16 the initiative and the voters approved this, if you wanted --

17 if they wanted to limit the phrase board member to a director,

18 they would have used that term; correct?

19 A I would assume so.

20 Q Now, with respect to the training on organizational

21 structure that was done for the Manpower associates, you

22 didn't do that training, did you, sir?

23 A No.

24 Q That was somebody else?

25 A Yes.

1 Q So if it was the case that the Department of
2 Taxation did training on how to evaluate advisory board
3 members, you wouldn't know anything about that; correct?

4 A Correct.

5 Q Back when my friend, Mr. Miller, was starting off
6 his examination of you, he mentioned the sword of Damocles
7 that is essentially hanging over every state that has voted to
8 allow retail marijuana and indeed medical marijuana. Do you
9 recall that?

10 A Yes.

11 Q And he mentioned the now rescinded Cole memo?

12 A Yes.

13 Q Do you read the newspaper?

14 A When I can.

15 Q Fair to say that even this year and even the month
16 of May, there's been some development with the federal
17 government on whether or not to amend the Controlled
18 Substances Act. Are you familiar with that?

19 A Yes.

20 Q And that Senator Schumer has once again proposed a
21 bill in the United States Senate to legalize retail marijuana
22 and remove cannabis from Schedule I of the Controlled
23 Substances Act. Do you know that?

24 A Yes.

25 Q And it's now -- you may know this, you may not, it

1 is with the Senate Judiciary Committee at this moment.

2 A Yeah, I don't know where it's at.

3 Q So even though we've seen the Cole memo, we have
4 some guidance about SARs that we'll get to in a little bit,
5 you may have had some experience with those over the past
6 almost two decades, it's pure speculation, is it not, how the
7 federal government is going to respond to the regulations
8 proposed or adopted in any state, let alone Nevada?

9 A Yes.

10 Q It may be next week that Senator Warren, who knows
11 something about financial regulation, decides to propose a
12 bill regarding the restrictions that exist or may not exist
13 regarding financing for marijuana businesses; correct?

14 A Yes.

15 Q And it's pure speculation whether or not such a bill
16 will be passed or not. We don't know the position of the
17 federal government as we sit here today?

18 A That's correct.

19 Q Right now cannabis is a Schedule I -- on the
20 Controlled Substances Act is a Schedule I controlled
21 substance, but the position of the federal government may
22 change, will it not?

23 A It may.

24 Q My friend, Mr. Miller, talked about SARS. Now,
25 you're not a consumer finance attorney, are you?

1 A No.

2 Q You don't spend your late evenings reading the Bank
3 Secrecy Act of 1970?

4 A No, I try not to.

5 Q Some people do or have been forced to. Now, my
6 friend, Mr. Miller, said that the failure of Nevada to have
7 effective regulations may cause a SAR. Do you know if -- to
8 be issued. Do you know if that's true or not?

9 A I'm sorry, can you repeat that again?

10 Q Certainly. My friend, Mr. Miller, said that if
11 Nevada has inadequate regulations that may cause a financial
12 institution to issue a SAR. Do you know what a SAR is?

13 A Somewhat, yes.

14 Q What is your understanding of a SAR?

15 A It's where a bank reports suspicious activity on an
16 account. And there's I believe maybe three different types of
17 SARs, a limited SAR, I think there's a termination SAR. There
18 might be another one.

19 Q If that were to -- the different types of SARs
20 you're talking about don't come from the Bank Secrecy Act
21 itself, correct? They come based upon an interpretation of
22 the Bank Secrecy Act by the regulatory body that interprets
23 it; correct?

24 A I believe so.

25 Q Because there is an open issue about how the

1 financial industry is or should interact with this nascent
2 cannabis industry as states of their own accord, principally
3 through initiatives, have decided to legalize marijuana in one
4 form, whether medical or retail; correct?

5 A Yes.

6 MR. SHEVORSKI: Your Honor, may I please have the
7 ELMO?

8 THE COURT: You may.

9 (Pause in the proceedings)

10 BY MR. SHEVORSKI:

11 Q So for the record, this is part -- this is -- there
12 are many different regulations applicable to SARs, whether or
13 not they are a credit union that happens to participate in the
14 Federal Reserve. This is -- I'll represent to you that this
15 is the particular part of the Code of Federal Regulations that
16 deals with national banks.

17 A Okay.

18 Q Okay. It says SARs -- we're on subpart (c). "SARs
19 required. A national bank shall file a SAR with the
20 appropriate Federal law enforcement agencies and the
21 Department of the Treasury on the form prescribed by the OCC"
22 -- that's the Office of the Comptroller of the Currency.
23 You're familiar with that?

24 A Yes.

25 Q "In accordance with the form's instructions." So

1 when Mr. Miller was talking before to you about SARs, I want
2 to make sure you're clear that that's what he's talking about.
3 He's talking about a particular form required by the
4 Department of Treasury that a national bank or another bank
5 subject to the Bank Secrecy Act must send to the Department of
6 Treasury. Are we on the same page?

7 A Yes.

8 MR. SHEVORSKI: Let's go to -- the same regulation,
9 Your Honor, subpart (2).

10 BY MR. SHEVORSKI:

11 Q Now, my friend Mr. Miller's conversation with you
12 was against the backdrop of nefarious persons who may own an
13 interest in an applicant by purchasing shares. Do you know --
14 let's look at the first requirement of 12 CFR 21.11. It says,
15 "Violations aggregating \$5,000 or more where a suspect can be
16 identified. Whenever the national bank detects any known or
17 suspected federal criminal violation." Do you know whether or
18 not purchasing a share in a listed cannabis company is a
19 violation of federal law?

20 A I don't think so.

21 Q So the very first requirement is not met if someone
22 purchases -- in and of itself if someone purchases a share in
23 a cannabis company?

24 A No.

25 Q There would not be a SAR. There's no danger to

1 Nevada's nascent cannabis industry if a person purchases a
2 share in an applicant that happens to be a listed company;
3 correct?

4 A Correct.

5 Q Now, I'll represent to you for the purpose of this
6 question that the Bank Secrecy Act was passed for the purpose
7 -- one of the purposes was to counter money laundering. And
8 it may be that the cartel that Mr. Miller was talking about
9 purchased that share for a nefarious purpose. Now, look at
10 the monetary requirement. Is there a monetary requirement
11 there for a SAR to be triggered?

12 A Yes.

13 Q What is it?

14 A \$5,000 or more.

15 Q Or more. Also, does the bank have to know or
16 suspect that that purchase of a share through a national bank
17 constitutes criminal activity under federal law?

18 A Yes.

19 Q Earlier my friends were saying that the very fact
20 that you don't conduct a background check on every single
21 shareholder of a listed company could endanger Nevada's
22 nascent industry because a cartel member might purchase one
23 share of a listed company that owns part or all of the
24 applicant. After reading the Code of Federal Regulations, is
25 that true?

1 A No.

2 Q Do you know of a company that -- strike that. Have
3 you ever heard of Marlboro cigarettes?

4 A Yes.

5 Q Have you ever heard of the Standard and Poor's 500?

6 A Yes.

7 Q I'll represent to you that the Altria Group is the
8 owner of the brand Marlboro.

9 A Yes.

10 Q Do you know whether or not the Altria Group has made
11 an investment in a listed cannabis company in Canada to the
12 tune of 1.4 billion?

13 A No, I'm not sure.

14 Q Do you think they were -- let's assume that that
15 happened. Do you think they were violating federal law by
16 doing that?

17 A No.

18 Q Now, I'll also represent to you that the Altria
19 Group is a member of the S&P 500. Have you heard of a company
20 called Vanguard?

21 A Yes.

22 Q Do you know whether or not Vanguard allows you to
23 purchase an index fund that will give you -- that will track
24 the S&P 500?

25 A I believe so.

1 Q And just assume that it's true that Altria Group now
2 owns to the tune of 1.4 billion a cannabis company called
3 Cronos Group, which is listed -- is a publicly listed company
4 on the equivalent of the Canadian S&P. By purchasing the
5 Vanguard Group index fund and using a national bank to do it,
6 would you think that person believes that they're violating
7 federal law?

8 A I wouldn't think so.

9 Q If the Altria Group owned an interest in one of the
10 applicants, do you think the voters of our initiative intended
11 that every single shareholder of the Altria Group had to be
12 listed on the application for a retail marijuana
13 establishment?

14 A I don't think so.

15 Q In the ballot initiative itself, and you've read it
16 countless times, did the drafters of the initiative make any
17 attempt to define owner?

18 A No.

19 Q My friend, Mr. Miller, showed you snapshots of
20 gaming law and he talked about suitability, and my friend, Mr.
21 Parker, brought that up as well. Do you recall if he showed
22 you any provision where the Gaming Commission mandates that
23 every single shareholder of a listed company, regardless of
24 how much they own, is required to be subject to a suitability
25 determination?

1 A No.

2 Q My friend, Mr. Miller, first mentioned 463.170. Do
3 you recall that? And subpart 1, specifically. I'm going to
4 let you have a look at that and let me know when you're
5 through.

6 THE COURT: And I think you still have my book, sir,
7 if you need to use it.

8 MR. KOCH: Just zoom it in. It's kind of small on
9 there.

10 THE WITNESS: Is 463 included in here? Yes. Okay.
11 Can you move it over a little bit more?

12 MR. SHEVORSKI: Certainly.

13 THE WITNESS: There you go. Right there.

14 MR. SHEVORSKI: Is that better?

15 THE WITNESS: Yes.

16 BY MR. SHEVORSKI:

17 Q And so please review it and let me know. Just
18 subpart 1.

19 A Okay.

20 Q Just the last -- "The burden of proving an
21 applicant's qualification to receive any license, be found
22 suitable or receive any approval required by this chapter is
23 on the applicant." There's nothing in that provision, sir,
24 and correct me if I'm wrong, that states who is required --
25 required to be found suitable by the Gaming Commission;

1 correct?

2 A Correct.

3 Q Let's look at a section my friend, Mr. Miller,
4 didn't talk about, which is 463.530. And the title of this,
5 just read along with me, is "Individual licensing of officers
6 and directors of corporations other than publicly traded
7 corporations; other persons required to be licensed
8 individually." And please have a look at that and let me know
9 when you're through.

10 A Okay.

11 Q It says, "All officers and directors of a
12 corporation, other than a publicly traded corporation" --
13 we'll get to them in a moment -- "which holds or applies for a
14 state gaming license must be licensed individually according
15 to the provisions of this chapter, and if in the judgment of
16 the Commission the public interest will be served by requiring
17 any or all of the corporation's individual stockholders,
18 lenders, holders of evidence of indebtedness, underwriters,
19 key executives, agents or employees to be licensed, the
20 corporation shall require those persons to apply for a
21 license." Would you agree with me, sir, that the Commission
22 is leaving it up to their discretion whether to require
23 stockholders of a corporation, even one that isn't publicly
24 traded, to apply for a license and therefore be subject to
25 suitability requirements?

1 A Yes, it's up to their discretion.

2 Q Let's look at one my friend, Mr. Miller, did talk
3 about. It's 463.5735.

4 A Can you drop it a little bit? No, the other way.

5 Q Can you see the top?

6 A Now over a little bit. Okay.

7 Q Sorry. And my friend, Mr. Miller, asked you about
8 subpart 2, so let's start there.

9 A Okay.

10 Q Are you done?

11 A Yes.

12 Q Thank you, sir. Now, correct me if I'm wrong, but
13 it looks to me in subpart 2 that says nothing about who is
14 required to submit to a suitability determination, but rather
15 it says who must submit to the jurisdiction of the Commission;
16 correct?

17 A Yes.

18 Q Now let's go to part 4. Strike that. Let's stay on
19 2 for a second. It says, "All members seeking to hold a 5
20 percent or less ownership interest in a limited liability
21 company, other than a publicly traded limited liability
22 company," those are the persons who are required to submit to
23 the jurisdiction of the Commission. It says nothing about
24 people who might own a publicly traded limited liability
25 company; correct?

1 A Correct.

2 Q They're exempted from that. Maybe we'll find out
3 what happens to them in a second. Let's go look at subpart 4.
4 Can you see that okay, sir?

5 A Yes.

6 Q "A publicly traded corporation which is a member of
7 a limited liability company is not required to be licensed,
8 but shall comply with NRS 463.635 to 463.645." Is it fair to
9 say that the provision that my friend, Mr. Miller, was talking
10 about simply doesn't apply to publicly traded corporations?

11 A Correct.

12 Q Let's go to NRS 463.643 and we're going to stay on
13 subpart 1, (a) through (b). Let me know when you're through.

14 A Okay.

15 Q "Each person who acquires, directly or indirectly,
16 beneficial ownership of any voting security or beneficial or
17 record ownership of any non-voting security in a publicly
18 traded corporation which is registered with the Commission may
19 be required to be found suitable." Now, based upon your
20 reading of that section I just read to you, is it mandatory or
21 discretionary for that person to be required to be found
22 suitable?

23 A It's discretionary.

24 Q You can tell that by the use of the word "may;"
25 correct?

1 A Correct.

2 THE COURT: As opposed to the word "shall."

3 MR. SHEVORSKI: That's a good point.

4 BY MR. SHEVORSKI:

5 Q Let's look on to paragraph 3 to see about people who
6 may own even more than one share. And let me know when you're
7 through.

8 A Okay.

9 Q With respect to subpart 3, there's a notification
10 requirement; correct?

11 A Yes.

12 Q Now, and this deals with people who own more than 5
13 percent of the publicly traded corporation?

14 A Yes.

15 Q Does it look like the Gaming Commission is doing its
16 own investigation to determine whether or not that person owns
17 more than 5 percent?

18 A No.

19 Q They're requiring that person to be honest with them
20 and notify them; correct?

21 A Yes.

22 Q Let's go to subpart 4. No, strike that. Going back
23 to subpart 3, there's no requirement from the Commission that
24 the person owning 5 percent or more have to submit to a
25 suitability determination by the Commission; correct? There's

1 nothing in that section that requires that?

2 A Correct.

3 Q Let's go to subpart 4.

4 A Can you scoot it up a little --

5 Q Of course.

6 A Or is written notice the last -- okay. Okay.

7 Q Now, these are -- how much of a publicly traded

8 corporation do you have to have for the Commission to mandate

9 that you submit to a suitability determination?

10 A At least 10 percent.

11 Q Now, looking at that paragraph, is the Commission

12 out there investigating who has 10 percent or not?

13 A It doesn't look like it.

14 Q It's up to the applicant to report to the

15 Commission, correct, once they've obtained that 10 percent

16 threshold?

17 A Yes.

18 THE COURT: Well, and the regulated entity.

19 MR. SHEVORSKI: And the regulated entity. Fair

20 point, Your Honor. Our federal friends might have something

21 to say about that.

22 BY MR. SHEVORSKI:

23 Q Now, these statutes enacted for gaming, they were in

24 existence at the time of the ballot initiative; correct?

25 A Yes.

1 Q So presumably the voters knew that in a heavily
2 regulated industry such as gaming even the Commission does not
3 mandate suitability determinations unless the person acquires
4 10 percent or more. They left it up to the discretion of the
5 Gaming Commission; correct?

6 A Correct.

7 Q If our friends, the Altria Group, owned one of the
8 applicants that are part of this process, would it be possible
9 to do a background check on every single shareholder of the
10 Altria Group?

11 A No. I think that's a pretty impossible task.
12 Shares change by the second.

13 Q They may. Have you ever heard of high frequency
14 trading?

15 A Uh, no.

16 Q We'll leave it, then. Maybe the Judge has.

17 A There was a lot of talk and a lot of questions about
18 -- the premise was that applicants were confused about whether
19 or not to put a physical address in their application. Do you
20 recall those questions?

21 A Yes.

22 (Pause in the proceedings)

23 THE COURT: You've got a half hour more. Come on.

24 MR. SHEVORSKI: Very good, Your Honor. I apologize.

25 THE COURT: It's okay.

1 BY MR. SHEVORSKI:

2 Q Do you know if Serenity Wellness was confused?

3 A I don't know.

4 Q What about MM Development, were they confused?

5 A I don't know.

6 Q My friend, Mr. Miller, mentioned Mr. Viellion, and

7 I'll represent to you that he's associated with GBS.

8 MR. SHEVORSKI: Why don't we look at -- what exhibit

9 is that, Ms. Haar?

10 MS. HAAR: 2,019.

11 MR. SHEVORSKI: 2,019. May I approach, Your Honor?

12 THE COURT: You may.

13 BY MR. SHEVORSKI:

14 Q I'll represent to you this document is in evidence,

15 so feel free to look at it. Now, who is the applicant there?

16 A GBS Nevada Partners, LLC.

17 Q Now, throughout your questioning today we've heard a

18 lot of talk about exhibit -- about two different applications,

19 Exhibit 5 versus 5A. Do you recall that discussion?

20 A Yes.

21 Q I believe you testified that you weren't really

22 familiar with 5A; correct?

23 A Correct.

24 Q But you are familiar that there were going to be

25 clarifications coming out; correct?

1 A Correct.

2 Q Okay. And feel free to look at Exhibit 5A if you
3 need to. Can you tell from there which -- whether Mr.
4 Viellion -- excuse me, GBS Nevada Partners was using Exhibit 5
5 or Exhibit 5A? Does it look like they got the clarified
6 language?

7 A Yes.

8 Q Now, there was a lot of talk that Mr. Viellion was
9 quite upset that he spent a lot of money going out and getting
10 addresses. Does that appear to be an address in the quadrant
11 there or is that -- are those cross streets?

12 A Those are cross streets.

13 MR. SHEVORSKI: That's all I have, Your Honor.
14 Thank you.

15 THE COURT: Anyone else on the defendants in
16 intervention side of the tables?

17 Mr. Koch.

18 MR. KOCH: Yes. I will go as quickly as I can and
19 see if we can get done today, but we'll hope.

20 CROSS-EXAMINATION

21 BY MR. KOCH:

22 Q So, Mr. Pupo, my David Koch. I represent Nevada
23 Organic Remedies. You're familiar with that entity, you know
24 who they are?

25 A Yes.

1 Q We've talked about them some today; right?

2 A Yes.

3 Q And through the course of the questioning you've had
4 by Mr. Miller, who questioned you all day yesterday, did a
5 pretty good job of questioning and you answered a lot of those
6 questions, there were a couple of mistakes that he made;
7 right? He sometimes pointed to the wrong exhibits, sometimes
8 pointed to the wrong statute. Do you remember some of those
9 instances that occurred?

10 A Yes.

11 Q Sometimes his staff would help clarify and get him
12 on the right spot. Other times, though, he just kind of moved
13 on and said let's just not talk about that exhibit. Do you
14 remember any of those instances?

15 A Yes.

16 Q In spite of all that, do you think Mr. Miller did a
17 pretty good job of questioning you?

18 A Yes.

19 Q Mr. Parker today, the same thing. He did a great
20 job, asked lots of good questions, got lots of good answers.
21 Other times, though, he'd point to the wrong statute, wrong
22 subsection, wrong place as far as where he was looking. Do
23 you remember that?

24 A Yes.

25 Q And notwithstanding those mistakes, do you think he

1 did a decent job questioning you?

2 A Yes.

3 Q Some of those mistakes we talked about, you pointed
4 to what you called the human element. Those types of
5 mistakes, would you characterize those as the human element,
6 perhaps?

7 A Sure.

8 Q Now, let me show you something. We are not going to
9 admit this into evidence, but I will represent to you the
10 State produced back to us the handwritten score sheets for my
11 client, Nevada Organic Remedies. This is the stack of pages
12 that is allocated to Nevada Organic Remedies, about 1,500
13 pages. Have you ever looked at the handwritten sheets for
14 Nevada Organic Remedies?

15 A No.

16 Q You were shown some of those sheets. I think Mr.
17 Miller had you look at some of those and looked at the
18 building plans in particular. You saw where he wrote down 7
19 and 8 and then it was put over into the tally sheet
20 incorrectly. Do you remember that?

21 A Yes.

22 Q And actually it looked like some of those scores my
23 client got shortchanged at least a point, it looked like. Do
24 you remember looking at that?

25 A Yes.

1 Q Can I get that point back today if I come and ask
2 you?
3 A No.
4 Q That point total, it's set, it's not going to
5 change, is that right?
6 A That's right.
7 Q Even if I ask you really nicely?
8 A Even if you ask me really nicely.
9 Q Now, I bet we could go through this stack of
10 documents here for the next week or so. The judge wouldn't
11 let us. We'd probably have to do that in the hallway. But we
12 could go through this stack of documents and find all sorts of
13 little things in these handwritten notes and probably come up
14 with a bunch of mistakes that might be in there, based upon
15 that process. Do you think there might be more than that one
16 mistake that Mr. Miller showed you as far as some sort of
17 calculation or other error?
18 A Potentially, yes.
19 Q Okay. And do you think it would be appropriate if I
20 took you out in the hall and reviewed these handwritten sheets
21 and asked for changes to be made for Nevada Organic Remedies
22 based upon the mistakes that you and I found together?
23 A No.
24 Q Why not?
25 A It disrupts the process. It's not fair to the other

1 applicants.

2 Q Do you think the evaluators, based upon the
3 information you've been able to review and observe, did a
4 pretty good job of scoring these applications?

5 A I do.

6 Q And you were not there watching them, looking over
7 their shoulders. In spite of that fact, do you still believe
8 that that's true, that they did a decent job?

9 A Yes.

10 Q And what do you base that upon?

11 A Reports back from my staff. You know, I believe
12 that they were comfortable with the process. I believe they
13 were comfortable with the evaluators. They would read all the
14 documents. I believe that overall, yes, they did a fair job.

15 MR. KOCH: Okay. I'd like to pull up Exhibit --
16 well, Proposed Exhibit 5044. This is an appeal letter.

17 THE COURT: Any objection to 5044?

18 MR. KEMP: No, Your Honor.

19 THE COURT: It will be admitted.

20 (Defendants' Exhibit 5044 admitted)

21 BY MR. KOCH:

22 Q Exhibit 5044 is a letter from the Department of
23 Taxation to MM Development Company dated January 10th, 2019.
24 And it looks like you signed this letter.

25 A Yes.

1 Q Can you tell us what this letter is?

2 A It's a letter to -- replying to their request for
3 appeal to the Nevada Tax Commission.

4 Q Did MM Development send a request or a notice of
5 appeal to the Nevada Tax Commission?

6 A Yes.

7 Q And you were the one tasked to respond to that
8 notice?

9 A Yes.

10 Q And what was your response to that notice of appeal?

11 A That there's no allowance for an appeal.

12 Q And you cited NRS 233B.127, it looks like?

13 A Yes.

14 Q Regarding adjudication of contested cases, they do
15 not apply to the grant, denial or renewal of a license unless
16 notice and opportunity for hearing are required by law to be
17 provided to the applicant before the grant, denial or renewal
18 of the license. Are you quoting the statute there?

19 A Yes.

20 Q And you think that statute applied to the notice of
21 appeal that was sent to your office?

22 A Yes.

23 Q Do you think the determination that you made that
24 the notice -- there would be no appeal of that process was
25 proper?

1 A Yes.

2 Q And do you believe you followed the law in making
3 that determination?

4 A Yes.

5 Q You went on to say, "The Department scored timely
6 submitted applications using an impartial and numerically
7 scored competitive process in accordance with NRS 453D.210 6."
8 That's the part of the initiative that we looked at many times
9 here, is that right?

10 A Yes.

11 Q And do you believe that the Department indeed timely
12 -- or scored timely submitted applications as is stated there?

13 A Yes.

14 Q And did it impartially?

15 A I believe so.

16 Q Let me just ask you about that partiality. We
17 talked a lot about a lot of the contact or communications you
18 may have had with owners or representatives. You did not
19 participate personally at all in the scoring of the
20 applications, did you?

21 A Not at all.

22 Q Did you ever call any of the evaluators and say,
23 hey, why don't you add another 10 points on to such and such's
24 application?

25 A No.

1 Q You never did anything like that?

2 A Never.

3 Q So an appeal is not permitted, and for us to kind of

4 weed through all these applications looking at points, what

5 should have been done, it's kind of a useless exercise; right?

6 A I believe so.

7 Q I think the judge would probably agree with that.

8 So let's talk about what might matter here today and that's

9 the initiative and the language that is there. First of all,

10 let's turn to Proposed Exhibit 5042. It's just the initiative

11 that was submitted to the Secretary of State.

12 MR. KEMP: No objection.

13 MR. KOCH: I'd move to admit 5042.

14 THE COURT: It will be admitted.

15 (Defendants' Exhibit 5042 admitted)

16 BY MR. KOCH:

17 Q 5042 is the original initiative as submitted to the

18 Secretary of State. Do you know when the initiative was

19 drafted?

20 A I don't know.

21 Q At the top right there there's a file date. Can you

22 read that?

23 A Right. It's April 23rd, 2014.

24 Q All right. That's filed with the Secretary of State.

25 Are you aware of that?

1 A Yes.

2 Q At that time it was actually our good friend Ross
3 Miller was the Secretary of State, I believe. But I don't
4 think that has anything to do with this initiative. I don't
5 think he wrote it. But he received that statute and it was
6 put into place or recorded or filed at that time. Are you
7 aware of that?

8 A Yes.

9 Q All right. April 2014, what was the state of the
10 marijuana industry in the state of Nevada, to the best of your
11 knowledge, on that date?

12 A I have no clue. I really wasn't involved in
13 marijuana at all.

14 Q Do you know if recreational marijuana was permitted
15 in the state of Nevada in April of 2014?

16 A I'm sorry?

17 Q Do you know if recreational marijuana sales were
18 permitted under the law in April of 2014?

19 A Not recreational.

20 Q Do you know when the first medical marijuana
21 applications were submitted to have a medical marijuana
22 establishment?

23 A I don't. Sometime in 2014.

24 Q In 2014. August 2014, does that sound about right?

25 A It could be, yes. I don't --

1 Q Would it surprise you if this initiative that was
2 drafted, it was actually drafted prior to any applications for
3 medical marijuana establishments being submitted and approved
4 by the Department or the Division of Public and Behavioral
5 Health? Is that what it is?

6 A Right. Uh-huh.

7 Q Okay. That this was drafted prior to that time?

8 A No.

9 Q And do you have any opinion or idea of what the
10 drafters of this statute had in mind when it came to the
11 marijuana industry in 2018?

12 A No.

13 Q Do you think that they could see into the future
14 four years out and see what that marijuana industry might look
15 like four years from then?

16 A I doubt it.

17 Q In 2014, are you aware of any publicly traded
18 companies that operated marijuana establishments in the state
19 of Nevada?

20 A I don't believe there were any at the time.

21 Q Mr. John Ritter was here earlier and he testified
22 that even after medical was passed most of the companies
23 sitting here today, they weren't profitable really until the
24 Early Start Program rolled out in 2017 and then once that came
25 off some profits started being made. Would it surprise you if

1 any publicly traded companies were eager to buy in in 2014 to
2 the medical marijuana program?

3 A Yes.

4 Q And do you know when the first publicly traded
5 company became an owner or operator of a medical marijuana
6 company establishment in the state of Nevada?

7 A Of a medical marijuana?

8 Q Any, medical or recreational.

9 A No, I don't know when the first one was.

10 Q Was it before 2019, do you know?

11 A I'm sure it was.

12 Q Okay. 2014, 2015? You don't have any ideas of --

13 A I don't. I don't have any idea.

14 Q Would it surprise you if any publicly traded company
15 came into Nevada prior to recreational marijuana, the Early
16 Start Program being approved?

17 A Yes.

18 Q Especially when there was so little profit to be
19 made, is that right?

20 A That's right.

21 Q All right. So let's -- and I guess I asked that for
22 the context of it would be somewhat surprising in 2014 when
23 this initiative was filed with the Secretary of State if
24 anyone could have contemplated a publicly traded company being
25 addressed specifically in this initiative and the statute that

1 would come out of this initiative. Would that be surprising
2 to you if they contemplated that?

3 A Yes.

4 Q All right. So let's look at the statute and the
5 initiative that we have been talking about. We can stick with
6 this initiative here. Let's go down to Section 5. All right,
7 we're on Section 5 and subsection (6). This is the powers and
8 duties of the Department. This is one of the sections that we
9 have talked about ad nauseam.

10 MR. KOCH: Keep going down to (6), Brian. All
11 right. So here's 6. This is part of the initiative.
12 Actually, sorry, Section 5, subsection (6), which is two
13 paragraphs above what you've highlighted.

14 BY MR. KOCH:

15 Q This is, "The Department shall conduct a background
16 check of each prospective owner, officer and board marijuana
17 of a marijuana establishment license applicant." We've read
18 that many, many times. That's what became 453D.200,
19 subsection 6. Are you aware of that?

20 A Yes.

21 Q Okay. Is the term or phrase "background check"
22 defined anywhere in the initiative that you're aware of?

23 A No.

24 Q What was that?

25 A It's not defined.

1 Q No definition at all?

2 A No.

3 Q Would it surprise you if in fact this is the only

4 mention of background check in the entire initiative at all?

5 A Yeah.

6 Q When you read that, do you know what a background

7 check is?

8 A Yes.

9 Q What do you understand it to be?

10 A A check of a prospective owner, officer or board

11 member's background or history, criminal history.

12 Q All right. When it says background, could I get on

13 Facebook and check out their background, do something like

14 that?

15 A Yeah, I don't think that's what is intended, but.

16 Q It doesn't say that; right?

17 A It doesn't say that. Right.

18 Q You have a lot of backgrounds. We could look at the

19 background of a photograph. That would be pretty absurd,

20 checking the background of a photo. That's not what it means;

21 right?

22 A Right.

23 Q You understood it to mean checking for a criminal

24 history, is that right?

25 A That's right.

1 Q Even though it doesn't say that?

2 A Yes.

3 Q And you made that judgment, an exercise of your

4 judgment based upon the words that are there?

5 A Yes.

6 MR. KOCH: Let's keep that open and we're going to go

7 to 5040-- let's go to 5043.

8 THE CLERK: Proposed.

9 MR. KOCH: Proposed 5043.

10 THE COURT: Any objection to 5043?

11 MR. KOCH: This is about a pamphlet, I believe, that

12 we looked at several times, but this has the full thing.

13 THE COURT: It's already in on 2020, but okay.

14 MR. KOCH: 2020 doesn't have the full thing.

15 THE COURT: Any objection?

16 MR. KEMP: No, Your Honor.

17 THE COURT: It will be admitted.

18 (Defendants' Exhibit 5043 admitted)

19 MR. KOCH: Okay. 5043 --

20 THE COURT: Sixteen minutes.

21 MR. KOCH: Let's actually jump to page 14 first.

22 Can we go to 14? And we can take off the other -- Brian, take

23 off the other one.

24 BY MR. KOCH:

25 Q All right. So page 14 is where Question 2 starts

1 and Mr. Shevorski asked you quite a bit about that, what the
2 Question says there. And now I didn't find any reference to
3 background check until page 24. There's actually four
4 mentions of background check in this entire ballot pamphlet.
5 One of them is what we just looked at, Section 5, subsection
6 (6), and there's three more in one paragraph. If we can go to
7 page 24. And 24, this is under the fiscal analysis that this
8 initiative may have. You're aware there's a fiscal analysis
9 that's conducted when an initiative is proposed?

10 A Yes.

11 Q And so page 24, paragraph number 2 is the only other
12 reference to background check in this entire pamphlet. It
13 says, "Question 2 requires the Department of Taxation to
14 conduct a background check of each prospective owner, officer
15 and board member of a marijuana licensed establishment."
16 Question 2 also requires the operator of each marijuana
17 establishment "to determine the criminal history of each
18 worker or volunteer for suitability of employment." One more
19 reference there. I want to ask you, though, about the last
20 sentence there. It talks about the cost and the last sentence
21 starting with "However." "However, the Fiscal Analysis
22 Division cannot determine the process that the Department of
23 Taxation will choose to conduct these background checks."
24 Do you believe the Department of Taxation had the ability to
25 choose the process to conduct the background checks referenced

1 in the statute?

2 A Yes.

3 Q And what is stated here, you believe that there was
4 some discretion that would be involved that the Department
5 could have in determining how and when to conduct those
6 background checks?

7 A Yes.

8 Q Now, what's interesting, we kind of skipped over, we
9 said Question 1 in this packet that's all about guns and we
10 don't need to look at that, but let's actually -- it may be
11 interesting but it may be helpful, let's go back to Question
12 -- the very first numbered page 1 of this packet. Number
13 page 1 has a summary and what is Question 1 called?

14 A The Background Check Initiative.

15 Q A little bit ironic, perhaps, that the question that
16 we skipped over is actually called the Background Check
17 Initiative. Do you know what that was about?

18 A No, I don't.

19 Q Let's go to the next page.

20 THE COURT: I do. I do.

21 MR. KOCH: The judge knows. Maybe she can testify
22 next.

23 THE COURT: No, no.

24 MR. KOCH: All right, we won't call the judge.

25 THE COURT: And how the FBI does or does not want to

1 cooperate.

2 MR. KOCH: All right.

3 MR. SHEVORSKI: No comment, Your Honor.

4 MR. KOCH: Sounds like a lot in here have some bad
5 memories related to this Question.

6 BY MR. KOCH:

7 Q So, Question 1 talks about the requirement and the
8 ability to conduct a federal background check on the potential
9 buyer of a gun. Do you see that?

10 A Yes.

11 Q And I -- thankfully through the ability to search on
12 a computer, I saw 95 different references to background check
13 in this Question in the pamphlet that is described there,
14 including -- if we go to page 2, here if we look at the bottom
15 of this page there's definitions that are provided, I believe.
16 Oh, it's probably a little bit later. We're going to go to
17 the next page. Let me see the hard copy of the exhibit.

18 THE COURT: So it says, "The background check will
19 be conducted using the NIC Background Check System
20 administered by the FBI." Is that the part you want?

21 MR. KOCH: There we go. That's --

22 THE COURT: Look at Brian. He found it for you.

23 MR. KOCH: Well done, Brian. Thank you.

24 BY MR. KOCH:

25 Q So this -- you see that this initiative actually

1 defined the process that the background check would be
2 conducted by. The actual process is laid out there. Do you
3 see that?

4 A Yes.

5 Q Okay. And presumably the drafters of Question 2
6 could have done the same thing, determined how that background
7 check would be conducted; right?

8 A Sure.

9 Q Okay. They didn't do that?

10 A No.

11 Q All right. And so, did you have any guidance on how
12 to conduct the background check in the statute that you saw?

13 A No.

14 Q Now, here's where there's something that's
15 interesting. 453D, chapter -- NRS 453D, we've been looking at
16 this on and on and on and you've looked at the book. Let me
17 just hand you, I've got a printout of 453D. I promise you
18 it's the same as what's in the book.

19 MR. KOCH: If I can approach, Your Honor?

20 THE COURT: You may.

21 BY MR. KOCH:

22 Q Okay. 453D came about from the initiative and if we
23 look at the start of those, the first page, what does it say
24 next to NRS 453D.010, Short Title? What does that say in the
25 brackets?

1 A "This section was proposed by an initiative petition
2 and approved by the voters at the 2016 General Election and
3 therefore is not subject to legislative amendment or repeal
4 until after November 22, 2019."

5 Q All right. In fact, that same bracketed section is
6 listed next to the title of each of the code sections that are
7 referenced there. Do you see that?

8 A Yes.

9 Q Actually not all of them, because if we go to the
10 second page, all of them until we get to 453D.205. And this
11 is the first one I see in this chapter. In fact, this is the
12 only section of Chapter 453D that was not a part of the
13 initiative that was in effect at the time that the application
14 process took place. And we can look at it, but do you see any
15 reference there on 453D.205 to the initiative being applicable
16 to this?

17 A No.

18 Q Okay. And then the rest of them there, if you keep
19 looking down have the same initiative language except for .310
20 and .320 which talk about vending machines and sales and
21 advertising, which are not effective until 2020. Do you know
22 about those --

23 A Yes.

24 Q -- rules coming up?

25 A Yes.

1 Q Okay. Let's go into the body, then, of that statute
2 and see what it says. NRS 453D.205. And tell me when you're
3 there.

4 A Okay.

5 MR. KOCH: 205, Brian. 205.

6 BY MR. KOCH:

7 Q All right, 205. First of all, can you tell me,
8 underneath that statute there's a parenthetical that says
9 added. What does that say?

10 A "Added to the NRS by 2017."

11 Q Right. 3711.

12 A 3711.

13 Q Do you know what that means?

14 A I believe it's the 2017 legislative session --

15 Q Right.

16 A -- and I believe 3711 is the statutes of Nevada.

17 Q And so this statute was added to the NRS in 2017, is
18 that right?

19 A Yes.

20 Q Do you know why this statute -- well, let's read the
21 title here first. "Department or marijuana establishment
22 authorized to require a person to submit fingerprints when
23 conducting background check or determining criminal history."
24 Do you know why this statute was added to the NRS in 2017?
25 And if you need to take a look at what it says, go ahead and

1 take a look at it.

2 A I believe it was to -- and I may be wrong, but if I
3 remember correctly I believe it was to give the Department the
4 authority to use the FBI.

5 Q Okay.

6 A For criminal -- for the background checks.

7 Q And it specifically says, "When conducting a
8 background check," like you mentioned, "pursuant to subsection
9 6 of 453D.200, the Department may require each prospective
10 owner, officer and board member of a marijuana establishment
11 license applicant to submit a complete set of fingerprints and
12 permission." Do you know why the legislature -- do you have
13 any idea why they felt it necessary to add that to the
14 statute?

15 A I don't -- I don't remember what the reasoning was.

16 Q Did this statute assist the Department of Taxation
17 in conducting background checks for purposes of licensing and
18 regulation of marijuana establishments?

19 A Right. That's correct. The issue was, I think back
20 then, as the Department of Taxation we didn't have the
21 authority to conduct background checks. We needed to get the
22 authority because DPPH had the authority under 453A and there
23 was no authority to use FBI for the Department of Taxation.
24 We had to apply for our own account.

25 Q And this statute gave you that authorization?

1 A Yes.

2 Q It didn't exist in the as written 2015 initiative,
3 did it?

4 A No.

5 Q So something had to change in order for you to
6 complete the background checks that are called for in Section
7 6 of the initiative?

8 A Yes.

9 Q Do you think that was an appropriate addition to the
10 statute that was made by the legislature?

11 A Yes.

12 Q And did you ask each owner, officer and board member
13 to submit a complete set of fingerprints for the background
14 checks?

15 A Yes.

16 Q So that was necessary in order to complete those
17 background checks, is that right?

18 A Yes.

19 Q And these fingerprints, have you ever asked a
20 corporation to submit corporate fingerprints for a background
21 check?

22 A A corporation?

23 Q Right. Corporate -- you referenced, what was it,
24 Marlboro's owner, whatever it was.

25 MR. SHEVORSKI: Altria Group.

1 MR. KOCH: What is it?

2 MR. SHEVORSKI: Altria Group.

3 BY MR. KOCH:

4 Q Altria Group. Do you think the Altria Group could
5 submit Altria Group fingerprints to the Department?

6 A I suppose they can.

7 Q Whose fingerprints would those be?

8 A The owners, officers and board members.

9 Q Right. So you don't conduct a background check of
10 the corporation itself as a separate entity from the officers,
11 owners and board members, do you?

12 A No.

13 Q And are fingerprints referenced anywhere in the
14 initiative that you're aware of?

15 A No.

16 Q So this was an addition in order to allow the
17 Department to carry out the requirements of the initiative, is
18 that right?

19 A Yes.

20 Q Okay. I'm going to run out of time, but let me ask
21 you about the next section.

22 THE COURT: You've got four minutes.

23 MR. KOCH: Okay.

24 BY MR. KOCH:

25 Q We've talked a lot about this shall conduct a

1 background check. We've talked a lot about the words owner,
2 officer and board member. But in 453D.200, subsection 6,
3 there's a word that we haven't really talked much about at all
4 and that comes right before owner. Let's look at 6, if we can
5 get there.

6 THE COURT: That would be "prospective"?

7 MR. KOCH: That would be "prospective."

8 BY MR. KOCH:

9 Q We have not talked about the word prospective very
10 much in this -- I don't know how long we've been here, but
11 it's been a long time.

12 THE COURT: This is Day 10.

13 MR. KOCH: Day 10. Okay.

14 BY MR. KOCH:

15 Q Prospective. Is there any definition of prospective
16 -- prospective owner, officer and board member that's provided
17 in this statute or the initiative?

18 A No.

19 Q Do you think that word might be important?

20 A Sure.

21 Q Do you have an understanding of what the word
22 prospective means?

23 A Potential owner.

24 Q Potential owner? All right. I'm going to --

25 THE COURT: You brought a Black's Law Dictionary?

1 MR. KOCH: A Black's Law Dictionary. I don't
2 usually use this. I had it on my bookshelf and I thought I've
3 got to bring it today and I'm glad I can use it and take it
4 back and not bring it again.

5 BY MR. KOCH:

6 Q Let me read to you the definition of prospective
7 from Black's Law Dictionary. Black's Law says prospective
8 means "in the future, looking forward, contemplating the
9 future." Would you agree with that definition?

10 A Yes.

11 Q And so we could read that statute to say the
12 Department shall conduct a background check of each future
13 owner, officer and board member of a marijuana establishment
14 license applicant, couldn't we?

15 A Yes.

16 Q Do you think that the Department could conduct
17 background checks of future owners, officers and board members
18 of an applicant?

19 A No.

20 Q Let's say somebody goes out next year and purchases
21 -- an example, LivFree. We've heard some testimony about
22 LivFree, that there was an announcement perhaps made last fall
23 that they were in negotiations to purchase and Mr. Kemp, I
24 think, told us that within the last couple of weeks a deal was
25 formalized, closed, that something happened to complete the

1 sale of LivFree to a publicly traded company. Do you know if
2 that sale was listed in LivFree's application in September of
3 2018?

4 A I don't know.

5 Q If that sale did not take place until May of 2019,
6 did the Department check the backgrounds of each of those
7 owners, officers and board members that are now going to take
8 place in May of 2019 when it conducted its application review
9 in September of 2018?

10 A No.

11 Q Could it do that?

12 A Not if they weren't listed in the application.

13 Q Okay. Let's say -- we're talking about publicly
14 traded companies. Who can buy a share of publicly traded
15 stock?

16 A Anyone.

17 Q Anyone. Okay. So I go out today and I buy a share
18 of a Canadian company that owns one of the parties that's
19 listed here. I'm now an owner of that company; right? I
20 might sell it to someone tomorrow. Do you know who I'm going
21 to sell it to tomorrow?

22 A No.

23 Q Now, if I decide to buy another share in the future,
24 I'm a prospective owner, aren't I?

25 A Yes.

1 Q Anybody in this room may be a prospective owner
2 because maybe in the future at some time they might buy that
3 share of stock; right?

4 A Yes.

5 Q So did the Department conduct background checks of
6 everyone in the United States when it carried out its
7 obligation to conduct background checks here?

8 A Definitely not.

9 Q What about everyone in the country of Canada?

10 A Definitely not.

11 Q That would be absurd, wouldn't it?

12 A Yes.

13 Q It would be ridiculous to require the Department to
14 carry out that type and scope of background checks?

15 A I believe so.

16 Q And there would have to be something done to rein
17 that in to be able to control the scope of background checks
18 in order to make it reasonable for the Department to actually
19 carry out that requirement, is that right?

20 A That's correct.

21 MR. KOCH: Okay. Why don't we break here and we'll
22 pick up from there.

23 THE COURT: All right. So we're going to break, so
24 that means you can get up.

25 Before counsel leaves the room, Dulce goes on

1 vacation and so she may not be here when we resume. What I am
2 going to encourage you to do is one person from each group,
3 and I don't care how you define group, come see Dulce, I would
4 prefer you to it together, to identify for all of your records
5 what exhibits are or are not admitted, because I am not
6 prepared to rely on whatever substitute clerk they send me
7 when Dulce is gone for accurate information. So I'd prefer
8 you guys take a minute to meet with Dulce and try and resolve
9 that.

10 Are we having a hearing Tuesday or Wednesday or
11 both?

12 MR. BULT: So, I talked to all counsel and here's
13 the report. So we're going to file our TRO tomorrow at noon.
14 The opposition will be filed by close of business. The
15 hearing will be 8:45 on Tuesday.

16 THE COURT: Close of business Monday?

17 MR. BULT: Yes, ma'am, Your Honor.

18 THE COURT: Okay.

19 MR. BULT: And then on the release of the bond
20 objection from Rusty, he's going to get his opposition --

21 MR. GRAF: Clear River.

22 MR. BULT: Clear River. I apologize. By close of
23 business on Monday, and then that hearing will also be on
24 Tuesday morning at 8:45.

25 THE COURT: So I will not see you all on Wednesday,

1 only on Tuesday at 8:45?

2 MR. BULT: Yes.

3 THE COURT: All right.

4 MR. CRISTALLI: Your Honor, with regard to the issue
5 of the bond, you did execute an order after Mr. Graf, I think,
6 raised his objection this morning, which I wasn't here for.
7 You have signed it and I have it, but I don't want to do
8 anything with it.

9 THE COURT: Well, but it's only setting the date,
10 isn't it?

11 MR. CRISTALLI: No. I think this was the release.

12 THE COURT: I think -- isn't it the one that had a
13 hearing date on it?

14 MR. CRISTALLI: No, this is the release, I think.

15 THE COURT: I thought you gave me one that had a
16 hearing date. Maybe I had too many pieces of paper.

17 MR. CRISTALLI: Okay. Maybe I'm wrong. I just want
18 to make sure.

19 THE COURT: Yeah. So this is what I signed.

20 MR. CRISTALLI: Okay. I'm sorry. Okay.

21 THE COURT: Okay. Got it?

22 MR. CRISTALLI: [Unintelligible].

23 THE COURT: There were two checked boxes and I
24 didn't check either, but I wrote in the answer on the second
25 one.

1 MR. GRAF: So nothing is getting released, right?
2 THE COURT: No, nothing was getting released.
3 MR. GRAF: Okay.
4 THE COURT: We're having a hearing Tuesday morning
5 at 8:45.
6 All right. Does anybody have a scheduling conflict
7 next month? July.
8 MR. GRAF: What do you mean by next month?
9 THE COURT: That's July.
10 MR. GRAF: Yes.
11 MS. SHELL: Yes.
12 MR. KOCH: Yes. [Inaudible].
13 THE COURT: Okay. I have calendar calls Tuesday
14 morning after you leave me at 8:45. I am trying -- at the
15 moment I'm shooting for the week of the 8th, but if somebody
16 is out the week of the 8th, that's not going to work.
17 MR. KOCH: I'll be back on the 10th, but.
18 THE COURT: How many more days do you need? Not
19 hours, days. How many more? Best guess. I know Mr. Gentile
20 still has an expert that he wants to call. We need to finish
21 Mr. Pupo and then I've got four other witnesses that you've
22 told me about.
23 MR. GENTILE: Two.
24 THE COURT: No.
25 MR. GENTILE: Three. Seriously. I mean --

1 THE COURT: Three?

2 MR. GENTILE: Yeah, I think so. I mean, the other
3 four witnesses are primarily Mr. Shevorski's, as I understand.

4 THE COURT: And he is always very efficient in his
5 use of time.

6 (Colloquy among counsel)

7 MR. SHEVORSKI: One thing I would say, Your Honor,
8 is I don't know what the intervenors -- if they have
9 witnesses. I haven't talked to them about that, so.

10 MR. KOCH: My witness has been called. I don't have
11 anybody else.

12 MR. SHEVORSKI: I don't know what anybody else plans
13 to do.

14 THE COURT: Okay. So I'm looking for three days.

15 MR. KEMP: Your Honor, I think the big issue is what
16 the State intends to do in terms of Hernandez and Cronkhite.

17 MR. SHEVORSKI: After Mr. Miller's examination,
18 we're for sure calling them.

19 THE COURT: Okay. So three to four days. Then
20 after we finish the evidence, how long will you need to argue?

21 MR. GENTILE: Oh, I'm going to make -- you know,
22 from our side I think we can cut it off. I think that we can
23 share --

24 THE COURT: Yes, you can share it, but the question
25 is how long? Do I need a whole day of argument? Do I need a

1 half day of argument? Can you do it in an hour for all of
2 you?

3 MR. KEMP: I think a half day would be wise, Your
4 Honor.

5 (Colloquy among counsel)

6 MR. GENTILE: I think a half day with the strict
7 enforcement of the Peek rule.

8 MR. GRAF: If you're going to do plaintiffs,
9 defendants, and intervenors, then, yeah, I think that's
10 appropriate.

11 THE COURT: Okay. So I'm looking for five days.
12 Okay, I will work on that and I will let you know what I find
13 out. If the jury trial I'm in starting on Monday resolves, I
14 will immediately notify you. I have a case that I guess Mr.
15 Kahn is no longer involved in. It's a non-jury trial
16 involving some balloons and a bicycle, but it will only take
17 three days. And then I have a bunch of HOA foreclosure cases.

18 (Court recessed at 4:50 p.m., until
19 a date and time to be determined)

20 * * * * *

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INDEX

| <u>NAME</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
|-------------|---------------|--------------|-----------------|----------------|
|-------------|---------------|--------------|-----------------|----------------|

PLAINTIFFS' WITNESSES

| | | | | |
|------------|---|--------|---|---|
| Jorge Pupo | 6 | 96/125 | - | - |
|------------|---|--------|---|---|

* * *

EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
|--------------------|-----------------|
|--------------------|-----------------|

PLAINTIFFS' EXHIBIT NO.

| | |
|-----|----|
| 306 | 52 |
| 307 | 46 |

* * *

DEFENDANTS' EXHIBIT NO.

| | |
|------|-----|
| 5042 | 132 |
| 5043 | 138 |
| 5044 | 129 |

* * *

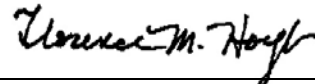
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146

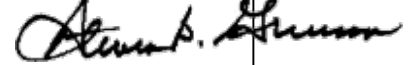


FLORENCE M. HOYT, TRANSCRIBER

6/21/19

DATE

040



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

9 ETW MANAGEMENT GROUP LLC, a
10 Nevada limited liability company; GLOBAL
11 HARMONY LLC, a Nevada limited liability
12 company; GREEN LEAF FARMS
13 HOLDINGS LLC, a Nevada limited liability
14 company; GREEN THERAPEUTICS LLC, a
15 Nevada limited liability company; HERBAL
16 CHOICE INC., a Nevada corporation; JUST
17 QUALITY, LLC, a Nevada limited liability
18 company; LIBRA WELLNESS CENTER,
19 LLC, a Nevada limited liability company;
20 ROMBOUGH REAL ESTATE INC. dba
21 MOTHER HERB, a Nevada corporation;
22 NEVCANN LLC, a Nevada limited liability
23 company; RED EARTH LLC, a Nevada
24 limited liability company; THC NEVADA
25 LLC, a Nevada limited liability company; and
26 ZION GARDENS LLC, a Nevada limited
27 liability company,

28 Plaintiffs,

vs.

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

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

Case No.: A-19-787004-B

Dept. No.: XI

**INTERVENOR DEFENDANT
GREENMART OF NEVADA NLV
LLC'S ANSWER TO PLAINTIFFS'
SECOND AMENDED COMPLAINT**

Intervenor Defendant GreenMart of Nevada NLV LLC, (“Defendant”) by and through its undersigned counsel, McLetchie Law, hereby answers Plaintiffs’ Second Amended Complaint as follows:

Defendant denies each and every allegation in the Second Amended Complaint (“SAC”) except those allegations which are hereinafter admitted, qualified, or otherwise answered.

PARTIES

1. Answering paragraph 1 of the SAC, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

2. Answering paragraph 2 of the SAC, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

3. Answering paragraph 3 of the SAC, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

4. Answering paragraph 4 of the SAC, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

5. Answering paragraph 5 of the SAC, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

6. Answering paragraph 6 of the SAC, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

7. Answering paragraph 7 of the SAC, Defendant is without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis denies these allegations.

1 8. Answering paragraph 8 of the SAC, Defendant is without sufficient
2 knowledge or information as to the truth or falsity of the allegations contained therein, and
3 on that basis denies these allegations.

4 9. Answering paragraph 9 of the SAC, Defendant is without sufficient
5 knowledge or information as to the truth or falsity of the allegations contained therein, and
6 on that basis denies these allegations.

7 10. Answering paragraph 10 of the SAC, Defendant is without sufficient
8 knowledge or information as to the truth or falsity of the allegations contained therein, and
9 on that basis denies these allegations.

10 11. Answering paragraph 11 of the SAC, Defendant is without sufficient
11 knowledge or information as to the truth or falsity of the allegations contained therein, and
12 on that basis denies these allegations.

13 12. Answering paragraph 12 of the SAC, Defendant is without sufficient
14 knowledge or information as to the truth or falsity of the allegations contained therein, and
15 on that basis denies these allegations.

16 13. Answering paragraph 13 of the SAC, Defendant is without sufficient
17 knowledge or information as to the truth or falsity of the allegations contained therein, and
18 on that basis denies these allegations.

19 14. Answering paragraph 14 of the SAC, Defendant admits the Department of
20 Taxation was and is an agency and political subdivision of the State of Nevada.

21 15. Answering paragraph 15 of the SAC, Defendant is without sufficient
22 knowledge or information as to the truth or falsity of the allegations contained therein, and
23 on that basis denies these allegations.

24 16. Answering paragraph 16 of the SAC, Defendant is without sufficient
25 knowledge or information as to the truth or falsity of the allegations contained therein, and
26 on that basis denies these allegations.

27 ///

28 ///

JURISDICTION AND VENUE

17. Answering paragraph 17 of the SAC, no response is required as the allegations contained therein are Plaintiffs' legal conclusions.

18. Answering paragraph 18 of the SAC, no response is required as the allegations contained therein are Plaintiffs' legal conclusions.

II.

GENERAL ALLEGATIONS

19. In response to paragraph 19 of the SAC, Defendant repeats and reasserts all prior responses as though fully set forth herein.

The Statutory Scheme Governing Retail Marijuana Licenses

20. Answering paragraph 20 of the SAC, Defendant admits these allegations.

21. Answering paragraph 21 of the SAC, Defendant answers that that this is a legal conclusion to which no response is required. To the extent that a response is required, the Department denies the allegations contained therein.

22. Answering paragraph 22 of the SAC, no response is required as the allegations contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or regulations. To the extent a response is required and the allegations correctly state the laws or regulations referenced therein, Defendant admits these allegations.

23. Answering paragraph 23 of the SAC, no response is required as the allegations contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or regulations. To the extent a response is required and the allegations correctly state the laws or regulations referenced therein, Defendant admits these allegations.

24. Answering paragraph 24 of the SAC, no response is required as the allegations contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or regulations. To the extent a response is required and the allegations correctly state the laws or regulations referenced therein, Defendant admits these allegations.

25. Answering paragraph 25 of the SAC, no response is required as the allegations contained therein are Plaintiffs' legal conclusions or statements regarding the

1 content of laws or regulations. To the extent a response is required and the allegations
2 correctly state the laws or regulations referenced therein, Defendant admits these allegations.

3 ***The DOT's Adoption of Flawed Regulations that Do Not Comply with Chapter 453D***

4 26. Answering paragraph 26 of the SAC, Defendant is without sufficient
5 knowledge or information as to the truth or falsity of the allegations contained therein, and
6 on that basis denies these allegations.

7 27. Answering paragraph 27 of the SAC, Defendant is without sufficient
8 knowledge or information as to the truth or falsity of the allegations contained therein, and
9 on that basis denies these allegations.

10 28. Answering paragraph 28 of the SAC, Defendant is without sufficient
11 knowledge or information as to the truth or falsity of the allegations contained therein, and
12 on that basis denies these allegations.

13 29. Answering paragraph 29 of the SAC, Defendant is without sufficient
14 knowledge or information as to the truth or falsity of the allegations contained therein, and
15 on that basis denies these allegations.

16 30. Answering paragraph 30 of the SAC, Defendant is without sufficient
17 knowledge or information as to the truth or falsity of the allegations contained therein, and
18 on that basis denies these allegations.

19 31. Answering paragraph 31 of the SAC, Defendant is without sufficient
20 knowledge or information as to the truth or falsity of the allegations contained therein, and
21 on that basis denies these allegations.

22 32. Answering paragraph 30 of the SAC, no response is required as the
23 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
24 content of laws or regulations. To the extent a response is required and the allegations
25 correctly state the laws or regulations referenced therein, Defendant admits these allegations.

26 33. Answering paragraph 33 of the SAC, no response is required as the
27 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
28 content of laws or regulations. To the extent a response is required and the allegations

1 correctly state the laws or regulations referenced therein, Defendant admits these allegations.

2 34. Answering paragraph 34(a)-(i) of the SAC, no response is required as the
3 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
4 content of laws or regulations. To the extent a response is required and the allegations
5 correctly state the laws or regulations referenced therein, Defendant admits these allegations.

6 35. Answering paragraph 35 of the SAC, Defendant is without sufficient
7 knowledge or information as to the truth or falsity of the allegations contained therein, and
8 on that basis denies these allegations.

9 36. Answering paragraph 36 of the SAC, no response is required as the
10 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
11 content of laws or regulations. To the extent a response is required, Defendant states that
12 Section 80(5) of the regulations should be considered in its full context and denies the
13 accuracy of the allegations.

14 37. Answering paragraph 37 of the SAC, no response is required as the
15 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
16 content of laws or regulations. To the extent a response is required and the allegations
17 correctly state the laws or regulations referenced therein, Defendant admits these allegations.

18 ***Plaintiffs Receive Arbitrary Denials of their Applications for Retail Marijuana Licenses***

19 38. Answering paragraph 38 of the SAC, no response is required as the
20 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
21 content of law or regulations. To the extent a response is required and the allegations
22 correctly state the laws or regulations referenced therein, Defendant admits these allegations.

23 39. Answering paragraph 39 of the SAC, Defendant is without sufficient
24 knowledge or information as to the truth or falsity of the allegations contained therein, and
25 on that basis denies these allegations.

26 40. Answering paragraph 40 of the SAC, Defendant is without sufficient
27 knowledge or information as to the truth or falsity of the allegations contained therein, and
28 on that basis denies these allegations.

1 41. Answering paragraph 41 of the SAC, Defendant is without sufficient
2 knowledge or information as to the truth or falsity of the allegations contained therein, and
3 on that basis denies these allegations.

4 42. Answering paragraph 42 of the SAC, Defendant is without sufficient
5 knowledge or information as to the truth or falsity of the allegations contained therein, and
6 on that basis denies these allegations.

7 43. Answering paragraph 43 of the SAC, Defendant is without sufficient
8 knowledge or information as to the truth or falsity of the allegations contained therein, and
9 on that basis denies these allegations.

10 44. Answering paragraph 44 of the SAC, Defendant is without sufficient
11 knowledge or information as to the truth or falsity of the allegations contained therein, and
12 on that basis denies these allegations.

13 45. Answering paragraph 45 of the SAC, Defendant is without sufficient
14 knowledge or information as to the truth or falsity of the allegations contained therein, and
15 on that basis denies these allegations.

16 46. Answering paragraph 46 of the SAC, Defendant is without sufficient
17 knowledge or information as to the truth or falsity of the allegations contained therein, and
18 on that basis denies these allegations.

19 47. Answering paragraph 47(a)-(d) of the SAC, no response is required as the
20 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
21 required, Defendant denies these allegations.

22 48. Answering paragraph 48 of the SAC, no response is required as the
23 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
24 required, Defendant denies these allegations.

25 49. Answering paragraph 49 of the SAC, no response is required as the
26 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
27 required, Defendant denies these allegations.

28 ///

1 50. Answering paragraph 50 of the SAC, no response is required as the
2 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
3 required, Defendant denies these allegations.

4
5 **FIRST CLAIM FOR RELIEF**

6 **Violation of Substantive Due Process**

7 51. Answering paragraph 51 of the SAC, Defendant repeats and realleges its
8 answers to paragraphs 1 through 50 above, and incorporates the same herein by reference as
9 though fully set forth herein.

10 52. Answering paragraph 52 of the SAC, no response is required as the
11 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
12 content of laws or regulations. To the extent a response is required and the allegations
13 accurately state the laws or regulations referenced therein, Defendant admits these
14 allegations.

15 53. Answering paragraph 53 of the SAC, no response is required as the
16 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
17 content of laws or regulations. To the extent a response is required and the allegations
18 accurately state the laws or regulations referenced therein, Defendant admits these
19 allegations.

20 54. Answering paragraph 54 of the SAC, no response is required as the
21 allegations contained therein are Plaintiffs' legal conclusions.

22 55. Answering paragraph 55 of the SAC, no response is required as the
23 allegations contained therein are Plaintiffs' legal conclusions.

24 56. Answering paragraph 56 of the SAC, Defendant is without sufficient
25 knowledge or information as to the truth or falsity of the allegations contained therein, and
26 on that basis denies the allegations.

27 57. Answering paragraph 57 of the SAC, no response is required as the
28 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is

required, Defendant denies these allegations.

58. Answering paragraph 58 of the SAC, no response is required as the allegations contained therein are not factual in nature and/or contain legal conclusions. To the extent a response is required, Defendant denies these allegations.

59. Answering paragraph 59(a)-(f) of the SAC, no response is required as the allegations contained therein are not factual in nature and/or contain legal conclusions. To the extent a response is required, Defendant denies these allegations.

60. Answering paragraph 60 of the SAC, no response is required as the allegations contained therein are not factual in nature and/or contain legal conclusions. To the extent a response is required, Defendant denies these allegations.

61. Answering paragraph 61 of the SAC, no response is required as the allegations contained therein are not factual in nature and/or contain legal conclusions. To the extent a response is required, Defendant denies these allegations.

62. Answering paragraph 62 of the SAC, no response is required as the allegations contained therein are not factual in nature and/or contain legal conclusions. To the extent a response is required, Defendant denies these allegations.

SECOND CLAIM FOR RELIEF

Violation of Procedural Due Process

63. Answering paragraph 63 of the SAC, Defendant hereby repeats and realleges its answers to paragraphs 1 through 62 above, and incorporates the same herein by reference as though fully set forth herein.

64. Answering paragraph 64 of the SAC, no response is required as the allegations contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or regulations. To the extent a response is required and the allegations accurately state the laws or regulations referenced therein, Defendant admits these allegations.

///

1 65. Answering paragraph 65 of the SAC, no response is required as the
2 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
3 content of laws or regulations. To the extent a response is required and the allegations
4 accurately state the laws or regulations referenced therein, Defendant admits these
5 allegations.

6 66. Answering paragraph 66 of the SAC, no response is required as the
7 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
8 required, Defendant is without sufficient knowledge or information regarding the truth or
9 falsity of the information contained therein, and on that basis denies these allegations.

10 67. Answering paragraph 67 of the SAC, no response is required as the
11 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
12 required, Defendant is without sufficient knowledge or information regarding the truth or
13 falsity of the information contained therein, and on that basis denies these allegations.

14 68. Answering paragraph 68 of the SAC, no response is required as the
15 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
16 content of laws or regulations. To the extent a response is required and the allegations
17 accurately state the laws or regulations referenced therein, Defendant admits these
18 allegations.

19 69. Answering paragraph 69 of the SAC, Defendant is without sufficient
20 knowledge or information as to the truth or falsity of the allegations contained therein, and
21 on that basis denies these allegations.

22 70. Answering paragraph 70 of the SAC, no response is required as the
23 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
24 required, Defendant is without sufficient knowledge or information as to the truth or falsity
25 of the allegations contained therein, and on that basis denies these allegations.

26 71. Answering paragraph 71 of the SAC, no response is required as the
27 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
28 required, Defendant is without sufficient knowledge or information as to the truth or falsity

1 of the allegations contained therein, and on that basis denies these allegations.

2 72. Answering paragraph 72 of the SAC, no response is required as the
3 allegations contained therein are not factual in nature and/or contain legal conclusions. To
4 the extent a response is required, Defendant denies these allegations.

5 73. Answering paragraph 73 of the SAC, no response is required as the
6 allegations contained therein are not factual in nature and/or contain legal conclusions. To
7 the extent a response is required, Defendant denies these allegations.

8 74. Answering paragraph 74 of the SAC, no response is required as the
9 allegations contained therein are not factual in nature and/or contain legal conclusions. To
10 the extent a response is required, Defendant denies these allegations.

11 **THIRD CLAIM FOR RELIEF**

12 **Violation of Equal Protection**

13 75. Answering paragraph 75 of the SAC, Defendant repeats and realleges its
14 answers to paragraphs 1 through 74 above, and incorporates the same herein by reference as
15 though fully set forth herein.

16 76. Answering paragraph 76 of the SAC, no response is required as the
17 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
18 content of laws or regulations. To the extent a response is required and the allegations
19 accurately state the laws or regulations referenced therein, Defendant admits these
20 allegations.

21 77. Answering paragraph 77 of the SAC, no response is required as the
22 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
23 content of laws or regulations. To the extent a response is required and the allegations
24 accurately state the laws or regulations referenced therein, Defendant admits these
25 allegations.

26 78. Answering paragraph 78 of the SAC, no response is required as the
27 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
28

1 required, Defendant is without sufficient knowledge or information as to the truth or falsity
2 of the allegations contained therein, and on that basis denies these allegations.

3 79. Answering paragraph 79 of the SAC, no response is required as the
4 allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is
5 required, Defendant is without sufficient knowledge or information as to the truth or falsity
6 of the allegations contained therein, and on that basis denies these allegations.

7 80. Answering paragraph 80 of the SAC, Defendant admits only insofar as the
8 term "Factors," as used by Plaintiffs, accurately comports with those laws and regulations
9 referenced in the definition of the term "Factors."

10 81. Answering paragraph 81 of the SAC, no response is required as the
11 allegations contained therein are not factual in nature and/or contain legal conclusions. To
12 the extent a response is required, Defendant denies these allegations.

13 82. Answering paragraph 82 of the SAC, no response is required as the
14 allegations contained therein are not factual in nature and/or contain legal conclusions. To
15 the extent a response is required, Defendant denies these allegations.

16 83. Answering paragraph 83(a)-(f) of the SAC, no response is required as the
17 allegations contained therein are not factual in nature and/or contain legal conclusions. To
18 the extent a response is required, Defendant denies these allegations.

19 84. Answering paragraph 84 of the SAC, no response is required as the
20 allegations contained therein are not factual in nature and/or contain legal conclusions. To
21 the extent a response is required, Defendant denies these allegations.

22 85. Answering paragraph 85 of the SAC, no response is required as the
23 allegations contained therein are not factual in nature and/or contain legal conclusions. To
24 the extent a response is required, Defendant denies these allegations.

25 86. Answering paragraph 86 of the SAC, no response is required as the
26 allegations contained therein are not factual in nature and/or contain legal conclusions. To
27 the extent a response is required, Defendant denies these allegations.

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1 **FOURTH CLAIM FOR RELIEF**

2 **Declaratory Judgment**

3 87. Answering paragraph 87 of the SAC, Defendant repeats and realleges its
4 answers to paragraphs 1 through 86 above, and incorporates the same by reference herein as
5 though fully set forth herein.

6 88. Answering paragraph 88 of the SAC, no response is required as the
7 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
8 contents of laws or regulations. To the extent a response is required and the allegations
9 accurately state the laws or regulations referenced therein, Defendant admits these
10 allegations.

11 89. Answering paragraph 89 of the SAC, Defendant is without sufficient
12 knowledge or information regarding the truth or falsity of the allegations contained therein,
13 and on that basis denies these allegations.

14 90. Answering paragraph 90 of the SAC, no response is required as the
15 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the
16 contents of laws or regulations. To the extent a response is required and the allegations
17 accurately state the laws or regulations referenced therein, Defendant denies these
18 allegations.

19 91. Answering paragraph 91 of the SAC, no response is required as the
20 allegations contained therein are not factual in nature and/or contain legal conclusions. To
21 the extent a response is required, Defendant denies these allegations.

22 92. Answering paragraph 92(a)-(f) of the SAC, no response is necessary as the
23 allegations contained therein are not factual in nature and/or contain legal conclusions. To
24 the extent a response is required, Defendant denies these allegations.

25 93. Answering paragraph 93 of the SAC, no response is required as the
26 allegations contained therein are not factual in nature and/or contain legal conclusions. To
27 the extent a response is required, Defendant denies these allegations.

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1 94. Answering paragraph 94 of the SAC, no response is required as the
2 allegations contained therein are not factual in nature and/or contain legal conclusions. To
3 the extent a response is required, Defendant denies these allegations.

4 95. Answering paragraph 95 of the SAC, no response is required as the
5 allegations contained therein are not factual in nature and/or contain legal conclusions. To
6 the extent a response is required, Defendant denies these allegations.

7 96. Answering paragraph 96 of the SAC, no response is required as the
8 allegations contained therein are not factual in nature and/or contain legal conclusions. To
9 the extent a response is required, Defendant admits these allegations.

10 97. Answering paragraph 97 of the SAC, no response is required as the
11 allegations contained therein are not factual in nature and/or contain legal conclusions. To
12 the extent a response is required, Defendant denies these allegations.

13 98. Answering paragraph 98 of the SAC, no response is required as the
14 allegations contained therein are not factual in nature and/or contain legal conclusions. To
15 the extent a response is required, Defendant is without sufficient information or knowledge
16 as to the truth or falsity of the allegations contained therein, and on that basis denies these
17 allegations.

18 **GENERAL DENIAL**

19 To the extent a further response is required to any allegation set forth in the SAC,
20 Defendant denies such allegation.

21 **ANSWER TO PRAYER FOR RELIEF**

22 Answering the allegations contained in the entirety of Plaintiffs' prayer for relief,
23 Defendant denies that Plaintiffs are entitled to the relief sought therein or to any relief in this
24 matter.

25 **AFFIRMATIVE DEFENSES**

26 Defendant, without altering the burdens of proof the parties must bear, asserts the
27 following affirmative defenses to Plaintiffs' SAC, and all causes of action alleged therein,
28 and specifically incorporates into these affirmative defenses its answers to the preceding

1 paragraphs of the SAC as if fully set forth herein.

2 **FIRST AFFIRMATIVE DEFENSE**

3 Defendant expressly reserves the right to amend this answer to bring counterclaims
4 against Plaintiffs.

5 **SECOND AFFIRMATIVE DEFENSE**

6 The SAC and all the claims for relief alleged therein, fails to state a claim upon
7 which relief can be granted.

8 **THIRD AFFIRMATIVE DEFENSE**

9 Plaintiffs have not been damaged directly, indirectly, proximately, or in any manner
10 whatsoever by any conduct of Defendant.

11 **FOURTH AFFIRMATIVE DEFENSE**

12 The State of Nevada, Department of Taxation is immune from suit when
13 performing the functions at issue in this case.

14 **FIFTH AFFIRMATIVE DEFENSE**

15 The actions of the State of Nevada, Department of Taxation were all official acts
16 that were done in compliance with applicable laws and regulations.

17 **SIXTH AFFIRMATIVE DEFENSE**

18 Plaintiffs' claims are barred because Plaintiffs have failed to exhaust administrative
19 remedies, if any.

20 **SEVENTH AFFIRMATIVE DEFENSE**

21 The actions of the State of Nevada, Department of Taxation, were not arbitrary or
22 capricious, and the State of Nevada, Department of Taxation had a rational basis for all the
23 actions taken in the licensing process at issue.

24 **EIGHTH AFFIRMATIVE DEFENSE**

25 Plaintiffs have failed to join necessary and indispensable parties to this litigation
26 under Nev. R. Civ. P. 19, as the Court cannot grant any of Plaintiffs' claims without affecting
27 the rights and privileges of those parties who received the licenses at issue as well as other
28 third parties.

1 **NINTH AFFIRMATIVE DEFENSE**

2 The claims, and each of them, are barred by the failure of Plaintiffs to plead those
3 claims with sufficient particularity.

4 **TENTH AFFIRMATIVE DEFENSE**

5 Plaintiffs have failed to allege sufficient facts and cannot carry the burden of proof
6 imposed on them by law to recover attorney's fees incurred to bring this action.

7 **ELEVENTH AFFIRMATIVE DEFENSE**

8 Injunctive relief is not available to Plaintiffs, because the State of Nevada,
9 Department of Taxation has already completed the task of issuing conditional licenses.

10 **TWELFTH AFFIRMATIVE DEFENSE**

11 Plaintiffs have no constitutional right to obtain privileged licenses.

12 **THIRTEENTH AFFIRMATIVE DEFENSE**

13 Plaintiffs are not entitled to judicial review on the denial of a privileged license.

14 **FOURTEENTH AFFIRMATIVE DEFENSE**

15 Mandamus is not available to compel the members of the executive branch to
16 perform non-ministerial, discretionary tasks.

17 **FIFTEENTH AFFIRMATIVE DEFENSE**

18 Declaratory relief will not give the Plaintiffs the relief they are seeking.

19 **SIXTEENTH AFFIRMATIVE DEFENSE**

20 Pursuant to the Nevada Rules of Civil Procedure, all possible affirmative defenses
21 may not have been alleged herein insofar as sufficient facts were not available after
22 reasonable inquiry upon the filing of this answer and, therefore, Defendant hereby reserves
23 the right to amend this answer to allege additional affirmative defenses if subsequent
24 investigation warrants.

25 **SEVENTEENTH AFFIRMATIVE DEFENSE**

26 Plaintiffs lack standing to seek the relief they request.

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PRAYER FOR RELIEF

WHEREFORE, Defendant prays for judgment as follows:

1. Plaintiffs take nothing by way of their SAC.
2. The SAC, and all causes of action alleged against Defendants alleged therein be dismissed with prejudice.
3. For reasonable attorney's fees and costs be awarded to Defendant.
4. For any such other and further relief the Court deems just and proper under the circumstances.

DATED this the 24th day of June, 2019.

/s/ Alina M. Shell

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 2019, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT in *ETW Management Group LLC, et al. v. State of Nevada, Department of Taxation, et al.*, Clark County District Court Case No. A-19-787004-B, to be served electronically using the Odyssey File & Serve system, to all parties with an email address on record.

/s/ Pharan Burchfield

An Employee of McLetchie Law

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 30 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
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| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 7 | ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT AND COUNTERCLAIM | 1 | 3/15/2019 | 000093-000107 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 14 | APPENDIX OF EXHIBITS TO NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 5 thru 7 | 5/9/2019 | 000532-000941 |

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| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |
| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |
| 342 | BENCH TRIAL - DAY 19 | 327 thru 328 | 8/17/2020 | 045940-046223 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 343 | BENCH TRIAL - DAY 20 | 329 | 8/18/2020 | 046224-046355 |

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| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 354 | BENCH TRIAL - PHASE 1 | 332 | 9/8/2020 | 046667-046776 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |

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| 367 | CIRCLE S FARMS LLC'S JOINDER TO OPPOSITIONS TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 10/1/2020 | 046941-046943 |
| 365 | CLARK NATURAL MEDICINAL SOLUTIONS LLC, NYE NATURAL MEDICINAL SOLUTIONS LLC CLARK NMSD LLC AND INYO FINE CANNABIS DISPENSARY L.L.C.'S JOINDER TO NEVADA WELLNESS CENTER'S MOTION TO AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046932-046933 |
| 12 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 5/7/2019 | 000252-000269 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 4 | COMPLAINT | 1 | 1/4/2019 | 000037-000053 |
| 5 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 1 | 1/4/2019 | 000054-000078 |
| 1 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/10/2018 | 000001-000012 |
| 3 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/19/2018 | 000026-000036 |
| 6 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 1/16/2019 | 000079-000092 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |

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| 45 | CORRECTED FIRST AMENDED COMPLAINT. | 34 | 7/11/2019 | 003950-003967 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR | 55 | 2/25/2020 | 006952-006958 |

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| | WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | | | |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 11 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 4/16/2019 | 000237-000251 |
| 17 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT | 8 | 5/16/2019 | 001025-001037 |
| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS | 59 thru 60 | 4/14/2020 | 007401-007717 |

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| | COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | | | |
| 16 | DEFENDANT IN INTERVENTION'S OPPOSITION TO PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER | 8 | 5/10/2019 | 000975-001024 |
| 287 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |
| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |

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| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 374 | DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 10/30/2020 | 048131-048141 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |

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| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITITES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

| | | | | |
|-----|----------------------------|--------------------|-----------|---------------|
| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

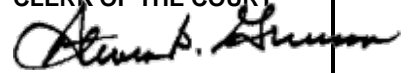
| | | | | |
|-----|----------------------------|--------------------|-----------|---------------|
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
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| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
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| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
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| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
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| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
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| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC,)
et al.,)

Plaintiffs,)

vs.)

STATE OF NEVADA DEPARTMENT OF)
TAXATION,)

Defendant.)

CASE NO. A-19-786962-B
DEPT NO. XI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

THURSDAY, JUNE, 20, 2019

EVIDENTIARY HEARING - DAY 10

VOLUME I OF II

RECORDED BY: JILL HAWKINS, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL V. CRISTALLI, ESQ.
ROSS J. MILLER, ESQ.
WILLIAM S. KEMP, ESQ.
NATHANAEL R. RULIS, ESQ.
ADAM K. BULT, ESQ.
MAXIMILIEN D. FETAZ, ESQ.
THEODORE PARKER, III, ESQ.

FOR THE DEFENDANT:

KETAN D. BHIRUD, ESQ.
STEVEN G. SHEVORSKI, ESQ.
THERESA M. HAAR, ESQ.
BRIGID M. HIGGINS, ESQ.
ERIC D. HONE, ESQ.
DAVID R. KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
RUSTY J. GRAF, ESQ.
JOSEPH A. GUTIERREZ, ESQ.

I N D E X

W I T N E S S E S

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JORGE PUPO

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262 10

LAS VEGAS, CLARK COUNTY, NEVADA, JUNE 20, 2019, 9:15 A.M.

*** * * * ***

THE COURT: -- get the motion for release of cash bond from Serenity? So it's your -- you care. Come read this.

MR. GRAF: I've got it, right.

THE COURT: Well, no, I want you to read it now. And while we're waiting for Dominic or Mr. Cristalli to get here, we'll look at it. And then give it back to me when you finish reading it. It says we overpaid. I just want to make sure everybody agrees we overpaid.

(Pause in the proceedings)

MR. GRAF: We're going to object, Your Honor.

THE COURT: Yeah. You are?

MR. GRAF: Yes.

THE COURT: Okay.

MR. GRAF: We were planning on filing a written motion to object to the release of the (indiscernible). So are you going to set that for hearing?

THE COURT: Once I have Mr. Cristalli and Mr. Gentile here, yes, because I'm not giving Mr. Miller -- I'm not going to do it today.

MR. GRAF: No. Okay. I would like to (indiscernible) put on when it's occurred, Your Honor, and the opportunity to file an opposition --

THE COURT: Will you come back after your hearing?

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1 MR. GRAF: I am. It should only be real quick.

2 THE COURT: So maybe before lunch, we'll decide when
3 to set it.

4 MR. GRAF: Yes, ma'am. Thank you.

5 THE COURT: Is Mr. Pupo here? Come on up, Mr. Pupo.
6 It's a new day. It's a new day so we have to reswear you.

7 MR. PUPO: I'm sorry?

8 THE COURT: It's a new day, so we have to reswear
9 you. And, again, sir, if you need to stand up during the
10 testimony because you're uncomfortable or you need to take a
11 break, you let me know. Okay.

12 THE CLERK: Please raise your right hand.

13 **JORGE PUPO**

14 [having been called as a witness and being first duly sworn,
15 testified as follows:]

16 THE CLERK: Thank you. Please be seated. Please
17 state and spell your name for the record.

18 THE WITNESS: It's Jorge Pupo. And that's J-o-r-g-e.
19 Last name is P-u-p-o.

20 THE CLERK: Thank you.

21 THE COURT: Before Mr. Miller starts, Mr. Cristalli
22 and Mr. Gentile, before you got here, I asked if any of the
23 defendants had an objection to your motion for release of bond.
24 I was told they did. So before lunch, we will discuss when I
25 schedule that for hearing. So don't let me forget. I have it

1 sitting up here so we can put a date in there, and I can sign
2 it.

3 Mr. Miller, you're up.

4 CONTINUED DIRECT EXAMINATION

5 BY MR. MILLER:

6 Q Good morning.

7 A Good morning.

8 MR. MILLER: Pull up the same Exhibit 5 that we were
9 on.

10 BY MR. MILLER:

11 Q Do you recall that when we were going through a
12 hypothetical scenario as to how scoring may be applied based on
13 your understanding of the rules in the evaluation process --
14 and this particular slide deals with the scoring criteria for
15 building plan details. Do you recall that we had run previous
16 examples where we had two different sets of applicants, one
17 was -- which was a fine (phonetic) criteria. It was responsive
18 to the application that was under the -- would have been under
19 the understanding that a physical address would be required,
20 and another set of applicants that knew a physical may have
21 been required but it wouldn't be scored; is that correct? Do
22 you remember that?

23 A Yes.

24 Q All right. So the exhibit here I'm showing you --
25 the demonstrative exhibit I'm showing you, this individual has

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1 responded in the application to the tab there where it was
2 requested. And in response to the request for adequacy of
3 size, they have gone through and done a market analysis of how
4 many people might be within a certain radius of that physical
5 location, who are over 21, and might be able to access that
6 facility. Do you see that?

7 A Yes.

8 Q And they also have several locations that they
9 proposed. Do you see that?

10 A Yes.

11 Q And they've provided different figures based on their
12 analysis for some of those locations; is that correct?

13 A Yes.

14 Q Next slide.

15 You can also see that you responded to them with a
16 demographic analysis for adequacy of size, including the makeup
17 of a community where this proposed location would be placed.
18 Do you see?

19 A Barely, but, yes.

20 Q Okay. Next slide.

21 Building plan details. They could have provided
22 specific floor plans that are designed for that location. So
23 in Location 1, we see that it's a completely different layout
24 than their Locations 2 and 3. And it explained on their
25 applications the limitations for doing that because they

1 selected a particular address. Do you see that?

2 A Yeah.

3 Q All right. Next slide.

4 And incorporated specific security plans that would
5 be different and would meet the needs of the community. And
6 you see how Location 1 reflects completely different camera
7 angles that they would be able to access and would be provided
8 on Locations 2 and 3?

9 A Yes.

10 Q And those camera angles and the security details were
11 required as part of the application; is that correct?

12 A Yes.

13 Q And that was part of the criteria that the evaluators
14 were expecting to score?

15 A Yes.

16 Q Next slide.

17 So here we have the applicant that was -- may have
18 been under the understanding that the physical location
19 wouldn't have been scored; correct?

20 A (No audible response.)

21 Q So as we discussed, this individual could have just
22 put any size facility that they deemed appropriate; correct?

23 A Yes.

24 Q All right. And when they include their operations
25 and resource plans, it could have been completely theoretical,

1 so they could have put anything they wanted; correct?

2 A Yes.

3 Q And in terms of security plans, they could have put
4 anything under the sun, including that they were going to have
5 SEAL Team 6 monitoring the location to make sure that it was
6 absolutely secured; correct?

7 A I suppose, yes.

8 Q And they weren't constrained in terms of budget or
9 construction timeline challenges that others may have faced;
10 correct?

11 A I don't know if I would say "constrained," but they
12 were to provide a budget.

13 Q Okay. But when they came up with a budget, they
14 could have put any proposed numbers that they wanted; correct?

15 A Yes.

16 Q Okay. Next slide.

17 If they had put that criteria, they wouldn't have
18 been scored any differently, according to your testimony, than
19 the applicant that was constrained to the physical address?

20 A Correct.

21 Q Next slide -- oh, that's it. Thank you. I thought
22 we had one more slide.

23 THE COURT: And you got Barbie into one of your
24 slides, so --

25 MR. MILLER: I did.

1 THE COURT: We got the princesses and now we've got
2 Barbie.

3 MR. SHEVORSKI: I'm not as good at those, Your Honor.

4 THE COURT: You're not as good at the Barbies?

5 MR. SHEVORSKI: No.

6 THE COURT: Give your daughters time.

7 MR. MILLER: All right. Please pull up Exhibit 262.

8 THE CLERK: Proposed.

9 THE COURT: Any objection?

10 MR. SHEVORSKI: I'm sorry, Your Honor. Are these
11 your Notices of Appeal?

12 MR. MILLER: Yeah.

13 MR. SHEVORSKI: I've only got up to 261, but if it's
14 a Notice of Appeal, that's fine.

15 THE COURT: They'll be admitted.

16 (Plaintiffs' Exhibit Number 262 admitted)

17 MR. MILLER: Can you see the letter (inaudible)
18 request dated February 26th?

19 MR. SHEVORSKI: Ross, I have no objections to your
20 Notice of Appeal.

21 MR. MILLER: Thank you.

22 THE COURT: And I already admitted it.

23 MR. SHEVORSKI: I guess it's already admitted.

24 THE COURT: I admitted it already. We're trying to
25 get ahead of the game so we can get finished with this witness

1 today.

2 MR. MILLER: Got it.

3 (Pause in the proceedings)

4 BY MR. MILLER:

5 Q Okay. Well, so you're aware that -- you may or may
6 not have been aware that I sent you a letter on behalf of my
7 clients requesting the records; right? We discussed that
8 previously --

9 A Yes.

10 Q -- or (indiscernible)? And you denied that request;
11 correct?

12 THE CLERK: Mr. Miller?

13 BY MR. MILLER:

14 Q Are you aware that your department denied that
15 request?

16 THE CLERK: I'm sorry. Is this Serenity -- is the
17 Bates number for 262.4953531, is that the one we -- right?

18 MR. MILLER: Good question.

19 THE COURT: I can't read the Bates number on the
20 bottom of that. Sorry.

21 THE CLERK: Is this the correspondence between
22 Gravitas and --

23 THE COURT: It is 495 on the bottom.

24 THE CLERK: Okay. Thank you.

25 MR. MILLER: Yes.

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1 THE CLERK: Sorry.

2 THE COURT: Thank you for blowing that up, Shane.

3 EXHIBIT TECHNICIAN: You're welcome. And I don't
4 find a letter with that date on it.

5 MR. MILLER: Okay.

6 BY MR. MILLER:

7 Q So we requested e-mails to and from staff,
8 contractors, agents, regarding scoring. We requested e-mails,
9 text messages; reasons, analysis, or rationale for issuing or
10 denying licenses; e-mails showing or describing how or when the
11 assigned point values were provided; e-mails describing or
12 detailing how the regulations were implemented.

13 We were told by your department that we should wait
14 until the transparency bill was passed. We still haven't
15 received any of the communications. So are you aware that that
16 information still has not been provided to us?

17 A No.

18 Q But you intend to comply with the public records
19 request?

20 A Within the law, yes.

21 Q Okay. Can we show Exhibit 206.

22 Sir, you're familiar in this PowerPoint, where they
23 provided training, that the first several pages of each day,
24 they went through several slides where it would indicate and
25 stress the importance of confidentiality in the process. Are

1 you aware of that?

2 A No.

3 Q No. Well, you haven't reviewed any of these
4 materials?

5 A No, I've never reviewed this.

6 Q You understand that was an important area in your
7 department, was stressing the confidentiality of this process
8 to all the evaluators?

9 A Yes, I do -- I do know that was, you know, passed on
10 to the evaluators.

11 Q Okay. And what would the purpose of stressing
12 confidentiality have been to the evaluators?

13 A To the evaluators?

14 Q Uh-huh.

15 A I would assume it's to preserve the integrity of the
16 process.

17 Q And that would have also applied to the impartiality;
18 is that right?

19 A Yes.

20 Q And an impartial process means that everyone should
21 have access to the same rules; is that right?

22 A Yes.

23 Q And an impartial process would mean that everybody
24 has access to the same instructions; is that correct?

25 A Yes.

1 Q Well, you made changes on how information about rules
2 and instructions were communicated to applicants relative to
3 the process that was run in 2014 to evaluate applications; is
4 that correct?

5 A Wait. Say that again.

6 Q You made changes how you ran the process this time,
7 in 2018, relative to how you conducted it in 2014, as to how
8 you communicated the rules and regulations to applicants?

9 A Yes, I believe so.

10 Q Pull up Exhibit 5002. Can we go to Section 3. On
11 the application instructions -- a little bit lower, for the
12 application instructions -- okay. Here.

13 Deadline for submitting questions. Do you see that?

14 THE COURT: And this is the medical application?

15 BY MR. MILLER:

16 Q 6/20/2014, this is the medical application from 2014.

17 THE COURT: Thank you.

18 MR. MILLER: Thank you.

19 THE WITNESS: Yes, I see that.

20 BY MR. MILLER:

21 Q Okay. And the answers would be posted to the website
22 on July 7th?

23 A Yes.

24 Q So does this appear that they had a formal process
25 for submitting questions and a uniform process for posting

1 answers to those questions on their website -- on their
2 application, rather?

3 A Yes.

4 Q All right. And you did not incorporate that as part
5 of the process here; correct?

6 A Correct.

7 Q And, sir, are you aware that in helping to develop
8 the process by which to evaluate the applications, Quantummark
9 had a process in 2014 that they recommended be implemented in
10 order to deal with questions and answers from applicants? Are
11 you aware of that?

12 A No.

13 Q Pull up the -- is it 206, is that what it is, the
14 2014 PowerPoint. It's Bates Number 21424. That would be -- I
15 believe that's 250. It says 21424.

16 Do you see here this is taken from the -- it's 2014
17 PowerPoint materials that were provided to training
18 evaluators -- it was provided to evaluators at that time. Do
19 you see there's, like, a flowchart that's identified. Do you
20 see this?

21 A Yes.

22 Q All right. It says, Number 1, is request for
23 applications posted to the website. And then move to
24 questions --

25 THE COURT: Mr. Miller, you've got to be near a mic.

1 MR. MILLER: All right.

2 BY MR. MILLER:

3 Q Number 2 says questions submitted from applicants --

4 THE COURT: That's not near a mic. That's just
5 raising your voice.

6 BY MR. MILLER:

7 Q Sir, can you read the next step for me.

8 A Sure. Which one are we on? Number 2?

9 Q Number 3.

10 A Three. Division reviews list of questions.
11 Number 4, division removes duplicates, categorizes, and
12 develops list of questions for response. Number 5, division
13 develops answers to questions, 6/20 through 7/1/2014.
14 Number 6, division reviews responses with DPBH and AG for
15 approval on responses. Number 7, responses approved, and if
16 no, division reviews answers to the questions; if yes, the
17 answers are posted on division website on or before 7/7/2014.
18 And then it ends there.

19 Q And your department chose not to follow that process
20 at all; is that right?

21 A I wouldn't say we chose to. I wasn't aware of that
22 process.

23 Q You weren't aware of this process, but your
24 department didn't follow anything like that, did they?

25 A No.

1 Q All right. What process did you implement in order
2 to deal with questions and answers from applicants as part of
3 the application?

4 A I don't think we followed a process per se. We had
5 gone through, you know, almost 70 public meetings around there.
6 You know, we had the Governor's Task Force which had several
7 subcommittees and workshops and regulation workshops where they
8 all had, you know, opportunity to comment and ask questions.
9 And I believe we had an open public comment period for -- I
10 believe it was well over a month, maybe even two, to make
11 comments. But we didn't set forth a process, a Q and A process
12 as it's described here.

13 THE COURT: So, sir, to make comments to what?

14 THE WITNESS: Comments to the regulations. Basically
15 any comment. We're inviting comments regarding the regulations
16 as a whole.

17 THE COURT: I just wanted to make sure I understand
18 what you had a comment process for.

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: Thank you. Sorry for the interruption,
21 Mr. Miller.

22 MR. MILLER: No, that --

23 BY MR. MILLER:

24 Q So as I understand it, you believe that --

25 THE WITNESS: Sorry.

1 THE COURT: It's okay. The marshal's phone went off
2 last week.

3 THE WITNESS: I keep telling it to turn off and it
4 won't.

5 MR. SHEVORSKI: Gavel?

6 THE COURT: If you use your gavel, you've lost
7 control.

8 THE WITNESS: Okay. I'm sorry.

9 BY MR. MILLER:

10 Q So I understand your response, you believe that
11 through the process of these public workshops and the task
12 force and the hearings that you conducted, that all the
13 applicants would have understood the rules that would have
14 applied to this application; is that correct?

15 A I don't know if they would have understood. They had
16 the opportunity to ask for clarifications on the regulations
17 and participate in the process.

18 Q Okay. So if they had questions during that process
19 that were unresolved, where they still had areas that needed
20 further clarification, what was the process in order to get
21 answers then?

22 A Well, they can submit -- you know, submit their
23 concerns and we would try to resolve them.

24 Q And how could they submit their concerns?

25 A They could have written to the Department. They

1 could have picked up the phone and called. We're very
2 accessible, you know, from the director on down, and voiced
3 their concerns.

4 Q Okay. Not looking at concerns. What if they just
5 had questions about how to interpret some provision of the
6 rules?

7 A Questions were being taken through our marijuana
8 inbox, and then I believe Ky was -- Ky or our PIO was
9 responding to questions.

10 Q Okay. So questions were taken under the marijuana
11 inbox -- was the process, is that correct, if you wanted to ask
12 a question?

13 A Yes.

14 Q All right. And could you ask questions through any
15 other way or just that marijuana inbox?

16 A I believe everyone is pretty much directed to the
17 marijuana inbox.

18 Q Okay. So there weren't any communications outside of
19 the marijuana inbox?

20 A Well, like I said earlier, I received some calls.

21 Q Okay. So there were communications outside the
22 marijuana inbox?

23 A Yes.

24 Q So it was allowed to have communications outside the
25 marijuana inbox that Ky would have responded to?

1 A Yes.

2 Q And --

3 A It's my understanding he received calls as well.

4 Q All right. And who else received calls asking for
5 clarification?

6 A I believe maybe Steve Gilbert.

7 Q And who else?

8 A I don't know.

9 Q You're not sure?

10 A Not sure.

11 Q Was there any directive within the Department as to
12 who had the authority to answer calls about the application?

13 A No, I don't think so.

14 Q So anybody in the Department could have fielded a
15 call with a question about the application and try to do the
16 best they could to provide that applicant information?

17 A I believe if someone received a call -- you know, if
18 an admin received a call, whatever, they would forward or
19 direct that call to either Steve Gilbert or Ky.

20 Q Okay. So the process was that if anyone receives a
21 call with a question about the application, they should direct
22 it to Steve Gilbert or Ky?

23 A Yes.

24 Q But not to you?

25 A No, they weren't directed to me. I normally received

1 direct calls.

2 Q And do you know how many calls Steve Gilbert or Ky
3 Plaskon would have received?

4 A I have no idea.

5 Q So that wasn't documented?

6 A Not to my knowledge.

7 Q And when they received those calls, what was the
8 process in order to respond to an applicant with a question
9 that they had?

10 A You know, I'm not sure. They -- we'd direct them to
11 submit their questions through the marijuana inbox. They may
12 have answered the question on the phone. I don't know what --
13 how they were directed.

14 Q So you don't know whether or not, you know, they
15 recorded the question that was asked and distributed it through
16 the Department to make sure that it was a uniform answer?

17 A I don't -- I don't think they would have -- they
18 would have recorded the question on a, you know, phone call or
19 whatever. They probably handled it on the spot. If it went to
20 the inbox, there would be a record of it.

21 Q Okay. What was the process to make sure that the
22 answers that Ky and Mr. Gilbert were providing were the same?

23 A It's my understanding that they were a very general
24 response. So they may have a certain set general response.

25 Q Okay. Is that general response documented somewhere?

1 A You know, I don't -- I don't know that, if Steve or
2 Ky have it recorded somewhere.

3 Q So it could have very well been different responses
4 that they provided to applicants, for all you know; correct?

5 A Potentially, yeah.

6 Q And what about the communications with you? Is there
7 any process to make sure that the information that you were
8 giving to applicants, if you were higher up in the Department
9 and had more authority, was the same information that Ky and
10 Mr. Gilbert provided?

11 A No. I mean, if -- I don't think there was a time
12 where I had to pass something on to them as -- you know,
13 regarding a question.

14 Q So you don't recall any instances where you fielded a
15 question and felt that it needed to be communicated to Ky or
16 Mr. Gilbert?

17 A I would -- I would -- there was the time when I was
18 getting these calls about the -- you know, what if I owned a
19 building, what if I lease, something like that. I would tell
20 them, "Hey, I'm getting these questions. We need to attempt to
21 clarify this."

22 Q Okay. So you had a discussion about the physical
23 location questions, that you remember?

24 A Yes.

25 Q What did you tell Mr. Plaskon and Mr. Gilbert about

1 the conversation that you had?

2 A That I was getting those type of questions and that
3 we needed to make an attempt to clarify it.

4 Q When did you have that conversation with Mr. Plaskon
5 and Mr. Gilbert?

6 A Well, I don't know.

7 Q Was it before the application was released?

8 A No. It was after.

9 Q So after the application was released. This was on
10 July 5th; correct?

11 A Right.

12 Q Okay. Are you aware of whether or not that
13 conversation occurred before July 30th, when the Department
14 issued a different version of the application?

15 A Well, it was around that time. We think that's
16 where -- where I was saying yesterday, I didn't know that they
17 didn't put out the -- like a second application. I thought
18 that that communication for clarification was going to be put
19 out, like, in a memo to -- or on Listserv or something like
20 that. But that -- apparently that change was put on the
21 application, and that second application came out with that
22 wording, if owned or leased property, put here.

23 Q Okay. So you became aware that there were some
24 questions about whether or not a physical location would be
25 scored by the application. And you directed Mr. Gilbert and

1 Mr. Plaskon to do what? What did you direct them to do in
2 response to that?

3 A That we were going to clarify or attempt to clarify
4 these items. There was another question regarding the word
5 "construction," I believe -- or, you know, versus "general
6 floor plans." So I think -- I don't remember how many
7 clarifying points we wanted to make. And then I asked them to
8 make those clarifications and communicate it.

9 Q So you provided them with criteria related to what a
10 physical location would require, and what was the other detail?

11 A Not whether it was required.

12 Q It was -- sorry?

13 A I'm sorry?

14 Q Physical location was scored; correct?

15 A No. There was a question -- we were getting calls
16 like, they say: Hey, I own this building or I lease this
17 building. You know, do I put this address here or where do I
18 put it.

19 Q All right.

20 A So then -- and then there was a -- I remember a
21 question regarding the word "construction" because I believe
22 that was changed to general floor plans in the regs. So I know
23 I -- those are two items I remember that we wanted clarified.
24 So my instruction to them was, you know -- and I don't know if
25 they had some items as well. I think they brought up some

1 items. Don't remember what they are. But a clarification was
2 -- were, like, three, four, five items, something like that.
3 My instruction to them was this gets us clarified and
4 communicated. That's why I thought they did it by Listserv.

5 Q And when that occurred, did you ever follow up to see
6 what kind of answer that they provided to the applicants?

7 A No. I trust them to do what they had to do.

8 Q So it wasn't important enough to you to say, look,
9 these questions came up, and I'd better review it to make sure
10 that they had accurately communicated that they were given the
11 response so they follow the applicants by way of this rule?

12 A It's not that it's not important to me. I have
13 people that work for me that are high grades in State service,
14 professional level, and I expect them to do what they need to
15 do and do it right.

16 Q And you delegate it, that task for them to do, to
17 communicate to the applicants --

18 A Yes.

19 Q -- is that correct?

20 When you got that -- any of these questions at all,
21 do you remember reviewing any of them with the attorney
22 general's office?

23 THE COURT: And don't tell us what they told you, if
24 you did.

25 MR. MILLER: Thank you, Your Honor.

1 THE WITNESS: Yes.

2 BY MR. MILLER:

3 Q Which ones? Which one or ones do you recall?

4 A I don't -- I believe all of them.

5 Q You reviewed all the responses with the attorney
6 general's office?

7 A All the points where we're going to make the
8 clarifications.

9 Q Okay, sir. Sorry. That's the wrong question, but
10 let's stick there.

11 So you provided guidance to Mr. Gilbert and
12 Mr. Plaskon that they should come up with a response; is that
13 right?

14 THE COURT: He called it a clarification.

15 BY MR. MILLER:

16 Q So the question is about getting clarifications, the
17 eight criteria that you described in your earlier testimony;
18 right?

19 A Right, clarifications to those inquiries were where
20 we were getting.

21 Q And you believe that that was vetted with the
22 attorney general's office?

23 A The clarifications, yes.

24 Q And how do you know that that was vetted?

25 A I went over them with the AG's office.

1 Q So you had one meeting with Mr. Plaskon and
2 Mr. Gilbert. Did you have a subsequent meeting with the
3 attorney general's office or were they present at that meeting?

4 A No, it was separate.

5 Q Okay. So you went over the responses with the
6 attorney general's office or the questions?

7 A I don't know what I could say.

8 THE COURT: So we don't want to know the substance of
9 your communications with the attorney general, but if you
10 sought legal advice related to the way to respond to a
11 question, you can say, yes, you did, but not tell us what you
12 did as a result or what the AG told you.

13 THE WITNESS: Okay.

14 THE COURT: Does that help?

15 THE WITNESS: That -- that helps some.

16 THE COURT: Okay.

17 THE WITNESS: Some.

18 THE COURT: And if you want a minute to consult with
19 your counsel about how to answer the question without waiving
20 the privilege, I would be happy to give you a short recess to
21 address that issue so you can navigate that difficult privilege
22 issue. And you just have to ask me for that, sir.

23 THE WITNESS: Yes, I'd like a few minutes.

24 THE COURT: Okay. So I'm going to have a requested
25 recess for you to address the privilege issue that is present

1 in the answer.

2 MR. SHEVORSKI: Thank you, Your Honor.

3 THE COURT: Five minutes, guys.

4 (Proceedings recessed at 9:48 a.m., until 9:54 a.m.)

5 THE COURT: Mr. Pupo, did you have an opportunity to
6 consult with your counsel?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: Do you feel like you understand the issue
9 related to privilege?

10 THE WITNESS: Yes.

11 THE COURT: Okay. Mr. Miller, we're going to try and
12 navigate the privilege issue since the witness has had an
13 opportunity to consult with his counsel.

14 MR. MILLER: So is that question before the witness,
15 Your Honor?

16 THE COURT: It is still before the witness.

17 MR. MILLER: Okay. All right.

18 THE WITNESS: Okay. Can you repeat the question?

19 THE COURT: No, you can't have a read back, because
20 we are on video.

21 MR. MILLER: Right. It's not -- I get it.

22 BY MR. MILLER:

23 Q You had a communication with the attorney general's
24 office, I believe, as you testified; is that right?

25 A Yes.

1 Q Okay. And did you consult with the attorney
2 general's office about the questions that had been asked or
3 about the response that your department ultimately issued?

4 MR. SHEVORSKI: Your Honor, I think that gets a
5 little too close about the substance of communications between
6 counsel and client.

7 THE COURT: So how about we ask it this way: Sir,
8 did you consult with the attorney general's office before you
9 gave direction to Ky and Mr. Gilbert on how to respond?

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: Okay.

12 BY MR. MILLER:

13 Q And when did that meeting occur?

14 A I don't remember the date.

15 Q Okay. Were Mr. Gilbert or Mr. Plaskon also in
16 attendance at that meeting?

17 A No.

18 Q All right. And did it occur in person?

19 A Yes.

20 Q And who from the attorney general's office did you
21 meet with?

22 A What --

23 MR. SHEVORSKI: That's a fair question.

24 THE COURT: The identity of the deputy attorney
25 general that you talked to?

1 THE WITNESS: Yes. Robert Werbicky.

2 BY MR. MILLER:

3 Q So as I said, you reviewed the information with the
4 attorney general's office and then you relayed that information
5 to Mr. Gilbert and Mr. Plaskon?

6 MR. SHEVORSKI: Counsel, you --

7 BY MR. MILLER:

8 Q You related a direction --

9 THE COURT: So and then you told Mr. Plaskon and Mr.
10 Gilbert what you wanted them to do?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: Okay.

13 MR. SHEVORSKI: Thank you, Your Honor.

14 BY MR. MILLER:

15 Q And after that occurred, you had no more follow-up as
16 to what response was provided to the applicants, correct?

17 MR. SHEVORSKI: Objection. Vague, Your Honor.

18 THE COURT: Overruled.

19 THE WITNESS: Yeah, I don't recall or I don't
20 remember if I, you know, reviewed the document -- I don't
21 believe so.

22 BY MR. MILLER:

23 Q You don't believe you reviewed the response that was
24 ultimately provided --

25 A I don't remember reviewing what they put out.

1 Q And you testified that you weren't aware of how they
2 communicated that information to the applicants, correct?

3 A Yes, that's correct.

4 Q All right. So you're not aware of whether or not
5 that information was related to all applicants; is that also
6 true?

7 A I believed that they were going to put out a list to
8 all applicants.

9 Q So other than the areas that you just identified that
10 would have been clarified in that response, how many other
11 areas that pertain -- of questions that pertain to the
12 application did your office receive questions on and you
13 believed your office provided some type of response to?

14 A I don't remember the number. I'm guessing something
15 like five, maybe.

16 Q Maybe five other areas that your office provided
17 responses to?

18 A I believe we -- there were maybe, like, five areas
19 that we provided clarification on the application.

20 Q Okay. And which areas are those?

21 A I don't remember. Like I say, I remember there was a
22 construction one.

23 Q The construction one, what was the question?

24 A Regarding -- I believe there was -- I believe the
25 application said construction plans, maybe? And it was changed

1 to general floor plan. That's the main one I remember. I
2 don't remember what the other ones were.

3 Q There was a question from -- relating to there were
4 construction plans, and you believe that the application
5 required just floor plans; is that correct?

6 A General floor plans.

7 Q General floor plans. And do you know how that
8 question was presented? Who did it come from?

9 A I don't remember.

10 Q Okay. So is that a question you recall that you
11 received, or was it filtered by somebody else on your staff?

12 A I don't remember. It's -- could have a call I
13 received, it could have been something that was collected by Ky
14 and Steve Gilbert. And they told me this was a common question
15 or something to that effect.

16 Q Okay. And do you believe that it was a common
17 question? Did it seem like it was coming from -- do you recall
18 it sitting here today, do you recall that that's the question
19 that -- what was asked by multiple applicants?

20 A You know, I don't know. I know that it was something
21 that we felt we needed to clarify and we attempted to clarify.
22 So I, you know, I don't know if it was common -- uncommon or
23 just something that we felt needed to be clarified.

24 Q Okay. And how did you provide clarification in that
25 area?

1 A So same thing, the clarifications were provided to
2 Steve Gilbert and Ky, and I thought they were going to put them
3 out to applicants on all list -- on the listservs.

4 Q Okay. So in that instance, when you became aware of
5 questions that may have been posed by an applicant, did you
6 review that question with the attorney general's office?

7 A Okay. Say that again?

8 Q Did you that review that question that we were just
9 talking about here with the attorney general's office?

10 A Which question?

11 Q The one relating to the construction plan and how it
12 might relate to the general field plan -- game plan?

13 A So my recollection is we had -- it wasn't, like,
14 piecemeal. We had a set number of areas that we felt needed to
15 be clarified in the application, and then that was reviewed.

16 Q So you believe that --

17 A The clarification was put out at one time for, like,
18 the five or six areas, whatever it was.

19 Q Okay. So maybe I didn't ask that question. So other
20 than the criteria that we discussed, where you met with Mr.
21 Werbicky and then directed Mr. Plaskon and Mr. Gilbert to
22 provide a response, other than the criteria that was part of
23 that discussion, do you remember any other questions being
24 asked from applicants that may have resulted in a response
25 being provided from your department?

1 A No.

2 Q So everything that was asked up to that point when
3 you met with Mr. Werbicky would have been addressed, you
4 believe, through the notification that was ultimately sent out
5 at your direction?

6 A As far as I recall.

7 Q And you don't have any documentation, correct, as to
8 how many questions might have come in to the department asking
9 for clarification?

10 A No, not that I know of other than probably the email
11 record from the marijuana inbox.

12 Q Okay. And we asked for those emails, right, and
13 you're going to provide those?

14 A Yes, I guess. Uh-huh.

15 Q And since it was a common one, that when the
16 questions came into the inbox there, that you would distribute
17 those questions throughout the department?

18 A No, I believe Ky was responsible for responding to
19 the marijuana inbox.

20 Q Okay. So if the question came into the marijuana
21 inbox, then Ky was tasked with giving the response?

22 A Yes.

23 Q Okay. And do you recall Ky asking you the
24 clarification on any of the questions that came into the
25 marijuana inbox?

1 A It's possible. I don't remember any specific
2 instance.

3 Q Are you aware whether or not Ky would have discussed
4 it with Mr. Gilbert as to any questions that came in through
5 the marijuana inbox before providing a response?

6 A He may have. That would probably -- that would be
7 his go-to person.

8 Q Okay. And if a question came in through the
9 marijuana inbox, your understanding that Mr. Plaskon would have
10 answered that question directly to that applicant?

11 A I believe so.

12 Q And would he then make that information available to
13 all applicants?

14 A I don't know.

15 Q But that wasn't part of the process that you directed
16 him for, correct?

17 A No.

18 Q I want to show you Exhibit 251.

19 MR. MILLER: Was that admitted?

20 THE CLERK: It's admitted.

21 MR. MILLER: Okay.

22 BY MR. MILLER:

23 Q 401859. Page 2, it says, you know, I'll read it
24 here. All applicant questions were directed to the EIO to
25 receive a consistent message. See that part?

1 A Yes, Number 18?

2 Q Yes. Can you read that for us?

3 A All applicant questions were directed to the EIO to
4 receive a consistent message, a message from the EIO was that
5 applicants should include as much information as possible for
6 all sections.

7 Q So this is an email from Mr. Plaskon; is that
8 correct?

9 A From where? Okay. Yes.

10 Q Yes, is that true?

11 A Yes.

12 Q All right. And what's -- what was the date of that
13 email?

14 A January 15, 2019.

15 Q And who's it to?

16 A Stephanie Klapstein, Steve Gilbert, and myself.

17 Q Okay. What was the general purpose of this email?

18 MR. PARKER: Your Honor, may I approach? Just to
19 take a look.

20 THE COURT: To read it?

21 MR. PARKER: Yes, please.

22 THE COURT: You may.

23 THE WITNESS: Yeah, I don't remember what this is
24 for.

25 / / /

1 BY MR. MILLER:

2 Q Is this an email that was sent out after the
3 applications process had been completed, correct?

4 A Yes.

5 Q And this is, you know, it was sent out after you had
6 announced the winners?

7 A Yes, right.

8 Q And this is an email that's sent in January, so it
9 was before -- that was after this lawsuit had been filed,
10 correct?

11 A Yes.

12 Q All right. So is this email not provide a response
13 that could be distributed to any parties as to the process that
14 occurred?

15 A I'm sorry?

16 Q Review the email. I'm just looking for a
17 characterization of what you think this email is intended to
18 convey.

19 MR. SHEVORSKI: Your Honor, is there a paper copy of
20 that so you can see the whole thing without it being slow.

21 THE COURT: Yes. What's this number again?

22 MR. SHEVORSKI: 251. I think it's a little
23 challenging to read.

24 THE COURT: So my guess, sir, is it's going to be
25 near here.

1 THE CLERK: It's at the very bottom of the cart, Your
2 Honor.

3 THE COURT: I'm sorry, it's at the very bottom of the
4 cart, sir, because it's a multipage document. You may want to
5 look at the paper copy.

6 THE WITNESS: Okay.

7 THE COURT: That aren't right there? Ramsey, cart by
8 the witness. 251?

9 (Pause in proceedings.)

10 THE COURT: So, Mr. Shevorski, he has the binder. I
11 don't know if that will be helpful.

12 MR. SHEVORSKI: Thank you, Your Honor. We'll see.

13 THE WITNESS: Okay.

14 BY MR. MILLER:

15 Q So what's your understanding of the purpose of this
16 email?

17 A Looks like it's, basically, a timeline of some
18 actions that were taken by the department, except for the
19 application process and -- you got some sort of timeline or
20 step-by-step of what the process was?

21 Q Okay. And in the documentation of step-by-step of
22 what the process was, that would apply to an explanation of the
23 department's process for the evaluation of these applications;
24 is that correct?

25 A I don't think it's the full picture of the training

1 step by step that they took. So it's a step-by-step of the
2 training, it looks like.

3 Q It's a -- does it not provide information that would
4 have been respected that relate to interested parties as to
5 what process the Department (indiscernible) in evaluating these
6 applications?

7 A No, I don't believe so.

8 Q No? What does it do?

9 A I'm sorry?

10 Q What is it saying I'll do that?

11 A Yeah, it could have been a request from someone that
12 wanted this information. I don't know, I -- a lot of these
13 things I just get cc'd on. I don't remember a particular
14 request for this information.

15 Q Got it. But that section, all applicant questions
16 were directed to the EIO to receive a consistent message,
17 that's not true, is it? It's not accurate.

18 A I think generally it is. I mean, I did receive calls
19 that weren't directed to the EIO.

20 Q Is that all applicant questions are directed to the
21 EIO to receive a consistent message, that's not accurate,
22 right?

23 A Right.

24 Q You're aware of many instances where that procedure
25 wasn't followed, correct?

1 A Yes.

2 Q Are you familiar with the State's Division of
3 Purchasing -- Department of Purchasing?

4 A Somewhat.

5 Q Okay. You've interacted with them before, correct?

6 A Not directly.

7 Q None of the board examiners of the -- they administer
8 and gone through the process of getting state contracts
9 approved, correct?

10 A Do you know in 15 years, I've never on the board of
11 examiners.

12 Q You have not, huh?

13 A Right.

14 Q Amazing. You avoided that torture.

15 A Yeah.

16 Q But you were aware of the process that in order to
17 get contracts approved in the state, you'd have to bring it to
18 the board of examiners, correct?

19 A Generally, I think there's a threshold, a dollar
20 threshold that may not have to go through the board of
21 examiners.

22 Q Right. But if it's under \$10,000, you have -- you
23 may not have to go through the board of examiners. But we have
24 reviewed contracts that the department head approved
25 (indiscernible) testimony yesterday that were over \$10,000; you

1 recall that, correct?

2 A I don't recall reviewing a contract.

3 Q Okay. Well, you recall that we discussed the money
4 that was allocated to you from the interim finance committee
5 and in order to contract with the employees of Manpower,
6 correct?

7 A Yes.

8 Q All right. And you're aware that also required a
9 contract of employment for each of those individuals that would
10 have then been reviewed by the board of examiners?

11 A I'm not sure that process -- I don't get involved in
12 that, we have our fiscal department deals with that.

13 Q Got it. Got it. Have you had any involvement with
14 the State's Department of Purchasing, then? You aware of their
15 role?

16 A In -- yeah, I'm aware of their role.

17 Q What is their role?

18 A They manage state contracts.

19 Q And what's the purpose of having the State Department
20 of Purchasing manage those contracts; you aware of that?

21 A Generally, I guess.

22 Q Okay. And are you aware that those contracts that
23 govern by entire chapter of statutes?

24 A Yes.

25 Q Okay. And the driving purpose behind many of those

1 statutes is to provide -- make sure that when -- through the
2 contract process, there's impartiality and fairness; is that
3 correct?

4 A I believe so, yes.

5 Q Okay. The mission of the Purchasing Department, the
6 State of Nevada Purchasing Division is a public purchasing
7 entity securing goods and services to govern and is statewide.
8 The staff of the purchasing division maintains the highest
9 standard professional ethics and professional integrity
10 including, but not listening -- limited to the following:

11 No employee shall engage in any action,
12 communication, or relationship that compromises or gives the
13 appearance of compromising their ability to reach fair and
14 impartial decisions regarding any procurement or procurement
15 process.

16 The employees will refrain of soliciting or accepting
17 money, loans, credits, or prejudicial discounts in the
18 acceptance of gifts, entertainment, gratuities or services from
19 present or potential suppliers?

20 Gratuities, gifts, and other considerations as a
21 result of any past, current, or future business relationship to
22 any employee or a member of their family is prohibited. Each
23 employee will abide by the laws of the state of Nevada and the
24 United States of American, including, without limitation, NRS
25 Chapter 333, NRS Title 8, NRS 281.441.

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1 Then it cites another statute. You're generally
2 familiar with the purchasing department's role in providing and
3 adhering to that mission, did you not?

4 A Generally.

5 Q Okay. Are you aware that the Department of
6 Purchasing maintains an RFP template? Are you familiar with
7 the term RFP?

8 A Yes.

9 Q Okay. And it's a Request for Proposal, right?

10 A Yes.

11 Q (Indiscernible) contract, it is a template that may
12 be used; is that correct?

13 A Yes.

14 Q All right. And you're familiar with the Department
15 of Purchasing maintains a template that could be used by
16 departments or divisions within the state of Nevada that those
17 departments could then modify before they quote out a bid?

18 A I recently learned that, yes.

19 Q Okay. I'm going to show you Exhibit 261.

20 THE COURT: What's 261?

21 MR. MILLER: It's the state's proposal.

22 THE COURT: Any objection?

23 THE CLERK: Proposed.

24 MR. SHEVORSKI: No, Your Honor.

25 THE COURT: Be admitted.

1 (Plaintiffs' Exhibit Number 261 admitted)

2 BY MR. MILLER:

3 Q Sir, you said you recently became familiar with this
4 document?

5 A Not the -- I -- yeah, basically. Yes.

6 Q Have you had an opportunity to review it?

7 A No.

8 Q Okay. Would you like to review it now?

9 A Sure.

10 Q Okay.

11 THE COURT: You want the hard copy, sir?

12 THE WITNESS: Yes, ma'am.

13 THE CLERK: It's in the same binder.

14 THE COURT: It's in the same binder you're already
15 in.

16 THE WITNESS: What's the number? I'm sorry, what's
17 the number?

18 MR. MILLER: 261.

19 BY MR. MILLER:

20 Q Sir, it's not necessary to read the entire contract.
21 (Indiscernible.) I'll help you. I'll just read specific parts
22 for -- if you could just -- generally flip through it.

23 A (Witness complies.) Okay.

24 Q When you flipped through it, does it appear as
25 thought it's generally similar to applications from both 2014

1 and 2018 in terms of layout?

2 A I don't believe so.

3 Q Where does it look like it's not similar?

4 A Form and content.

5 Q Okay. There are provisions that provide for
6 instructions and maybe the same headings as you see in 2014 and
7 2018?

8 A Not the headings. I guess generally the 6.2, 6.21,
9 6.2-something, you know, that -- that looks similar.

10 Q All right. And on page -- Bates stamp 938, 939, the
11 tasks and the date and time, that doesn't look generally
12 familiar to you relative to the medical marijuana application
13 or the recreational marijuana application?

14 A 939 looks familiar to what you showed me earlier from
15 the 2014 application.

16 Q I'm sorry?

17 A 939 looks familiar to what we saw earlier on the
18 application.

19 Q Okay. What about near the end, Bates stamp 964?

20 A Okay.

21 Q See that, sir?

22 A Yes.

23 Q It's identified here as Attachment I, Federal Laws
24 and Authorities.

25 A Yes.

1 Q Do you recognize that?

2 A Yes.

3 Q Okay. Do you recognize that as appearing in the 2018
4 application?

5 A Yes, I don't -- yeah. Without going through each
6 point, I would say generally, yeah, it looks like the document.
7 Similar.

8 Q Similar?

9 A Similar, if not the same.

10 Q Okay. Looks pretty close to the same --

11 A Yes.

12 Q -- is that fair?

13 A Yes.

14 Q All right. And read for me at the top there's a
15 highlighted section in blue; what does that say?

16 A You want me to read the highlighted section or below
17 it.

18 Q Yes.

19 A Both?

20 Q Just the highlighted section.

21 A Just the highlighted section?

22 Note to RFP preparer: This attachment is included
23 only if the project is fairly funded. Agency shall review to
24 delete those laws and authorities are not necessary to their
25 project contract.

JD Reporting, Inc.

1 Q Okay. So we discussed the fact that this -- it's
2 Attachment J in the 2018 application, was not included in the
3 2014 version, correct, of the application?

4 A Right.

5 Q But it was, obviously, included in the 2018; is that
6 right?

7 A Yes, it appears so.

8 Q And your knowledge, you testified that you weren't
9 sure where that came from, but does it look like --

10 A Right.

11 Q -- it's substantially similar, right? Might have
12 been pulled from the RFP?

13 A Looks like yes.

14 Q Okay. So it looks like at least somebody in the
15 department may have reviewed the state's RFP packet before your
16 application (indiscernible), right?

17 A It appears that way.

18 Q In reviewing that -- this template, there's some
19 other sections, obviously, they would have chose not to
20 include; is that a fair statement?

21 A I'm sorry, can you say that again?

22 Q We'll just skip to it. Let's -- to -- I'll strike
23 that.

24 Go to Bates stamp 938, 939.

25 A (Witness complies.)

1 Q 938, yeah. Start at the very top.

2 A (Witness complies.) Okay.

3 Q See here, sir, under Section 7.1, they have criteria
4 that an agency could follow for questions and answers. It
5 says -- there's a first set of questions and answers, in lieu
6 of a (indiscernible) conference, your agency (indiscernible)
7 jobs have questions and/or comments in writing received either
8 by email or facsimile, questions are referenced, they identify
9 an RFP number, they've addressed to the State of Nevada. And
10 there's provided a deadline for submitting questions. And then
11 all questions and comments should be addressed in writing and a
12 response emailed or faxed sent to vendors on or about the date
13 specified; see that? Under Section 7.1?

14 A 7.1. Yes.

15 Q And they identify a process where you could have a
16 second set of questions and answers, right? And they give you
17 instructions on how that would be conducted, right?

18 A Yes.

19 Q If you look at the bottom of it, they've got
20 deadlines that would be for submitting first set of questions.
21 Flip to the next page, (indiscernible) how you would post those
22 answers to a Web site, deadlines for submitting second set of
23 questions.

24 A Yes.

25 Q And you would post those answers to the website.

1 Turning your attention to 940, page 940, page 12, of that
2 document. Look under 9.1.13. Can you read that for us?

3 A Shows: For purposes of addressing questions
4 concerning this RFP, the sole point of contact shall be the
5 contact that's specified on page 1 of this RFP upon issuance of
6 this RFP, other employees and representatives of the agencies
7 identified in the RFP shall not answer questions or otherwise
8 discuss the contents of this RFP with any prospective vendor to
9 the representatives. Failure to observe this restriction may
10 result in disqualification of any subsequent proposal per NAC
11 333.155(3). This restriction does not preclude discussions
12 between affected parties for the purposes -- or for the purpose
13 of conducting business unrelated to this procurement.

14 Q And that regulation, 333.155(3), are you familiar
15 with that provision?

16 A No.

17 Q Okay. Can you -- NAC 333.155.

18 MR. MILLER: You have that, Shane?

19 UNIDENTIFIED SPEAKER: I do not.

20 MR. MILLER: Okay.

21 BY MR. MILLER:

22 Q It provides that -- before that, it says in here:
23 Request for proposal, the agency -- the administrator using
24 agency must designate the person to answer questions concerning
25 the contract that will be awarded by competitive selection

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1 pursuant to the request for proposals. Except as otherwise
2 provided in NAC 333.165, the percent must be the only contact
3 person throughout the process of awarding the contract.

4 The person that wishes to submit a proposal or a
5 representative of such a person shall not ask questions of or
6 otherwise discuss the contents of a request for proposals with
7 an employee or representative of a using agency identified in
8 the request for proposals as the agency for list of purchases
9 to be made unless the employee or representative of the using
10 agency is the person designated by the using agency as the
11 contact person pursuant to Subsection 1.

12 And here's the provision that they cite that would be
13 a penalty for a violation of that: The administrator of the
14 division or the chief of the using agency may disqualify a
15 proposal submitted by a person who violates the provisions of
16 Subsection 2.

17 Your department didn't follow that at all, right?

18 A No. This application process is not through the
19 purchasing division.

20 Q Okay. But you acknowledge that there's a standard of
21 set of criteria that are used in the state of Nevada for
22 competitive contracts, correct?

23 A Yes, through the purchasing division.

24 Q And you didn't follow that?

25 A No.

JD Reporting, Inc.

1 Q You didn't designate a sole point of contact that
2 would have received all the questions and disseminated all that
3 information to all the applicants, correct?

4 A Correct.

5 Q And even though you didn't use the Department of
6 Purchasing, nothing would have prevented you from having that
7 department come in and help you administer this process, right?

8 A Right.

9 Q So you could have asked the division or person to
10 come in and help administer this so that I would have been a
11 fair process for everybody, correct?

12 A I believe so.

13 Q You indicated that you thought that your department
14 was accessible, right?

15 A Yes.

16 Q And able to answer questions, correct, from
17 applicants?

18 A Yes.

19 Q And does that include yourself, you're accessible to
20 all applicants?

21 A I try to be, yes.

22 Q At all times?

23 A At all times.

24 Q Okay. You think all applicants had equal means of
25 getting a hold of you?

1 A Yes, I believe so.

2 Q So the -- all applicants have access to a direct
3 phone line where you could be reached?

4 A I believe so.

5 Q All applicants have access to your email address?

6 A Yes, I believe so.

7 Q All applicants have access to your cell phone?

8 A I don't believe so.

9 Q How many cell phones do you have?

10 A Two.

11 Q Okay. And is there a personal cell phone that you
12 carry?

13 A Yes.

14 Q And is there a cell phone that the State pays for?

15 A Yes.

16 Q Okay. So you had one of each; you've got a personal
17 phone and a State cell phone?

18 A Yes.

19 Q And that's it, no other cell phones?

20 A No other cell phones.

21 Q Okay. And you believe that the applicants had
22 access -- some applicants had access to your State cell phone;
23 is that correct?

24 A Yes.

25 Q Okay. But not all?

1 A No, not all.

2 Q Okay. And did some applicant have access to your
3 private cell phone?

4 A Yes.

5 Q But not all applicants, obviously, didn't have access
6 to your private cell phone either, right?

7 A I don't believe so.

8 Q And did you use your State issued cell phone to
9 communicate with applicants about the application?

10 A I'm sorry?

11 Q Did you ever use your State issued cell phone to
12 communicate with applicants about the application?

13 A I don't believe so.

14 Q Okay. Did you ever use your State cell phone to
15 communicate with any applicant representatives about the
16 contents of the application?

17 A I don't believe so.

18 Q You ever use your personal cell phone to communicate
19 with applicants or applicants' representatives about the
20 contents of the application?

21 A I don't believe so.

22 Q Okay. Do you believe all communication happen on the
23 phone or through email?

24 A Yes.

25 Q Okay.

1 A Well, you said on the phone or through email? No.

2 Q No? How else did communications take place?

3 A In person.

4 Q Person? In person also. All right. Do you recall
5 calls on either your private or personal cell phone that's a
6 private or State issued cell phone from any applicants asking
7 questions for clarification on an application?

8 A Okay. Say it again?

9 Q Do you recall receiving any calls on either of your
10 cell phones from applicants or their representatives with
11 questions about the application?

12 A Generally, I think I did.

13 Q All right. And did you communicate with them on just
14 your State phone or did you also communicate with them on your
15 personal phone?

16 A I think it was my personal phone.

17 Q Okay. So primarily the questions that you received
18 on your personal phone were -- that's where they asked
19 questions; is that right? Want me to restart that question?

20 How many calls do you think you received on your
21 personal phone with questions about the application?

22 A I don't know. I have no idea.

23 Q A lot?

24 A I wouldn't say a lot.

25 Q It wasn't an irregular occurrence?

1 A Yeah, I think it was a rare occurrence.

2 Q Okay. If it was a rare occurrence, who do you
3 remember talking to on your personal cell phone with questions
4 about the application?

5 A Amanda Connor. She's really the only one I kind of
6 remember.

7 Q Did this conversation --

8 A On the phone.

9 Q I'm sorry?

10 A On the phone, that's the only one I can remember.

11 Q Okay. So Amanda Connor was able to call your
12 personal cell phone and ask questions about the application.
13 Did you give her responses to those questions?

14 A She really only kept bugging me and annoying me about
15 one question.

16 Q Okay. What question was that?

17 A Physical location. Physical address.

18 Q What was the question that Amanda Connor asked you
19 with respect to physical address?

20 A It was something to the effect of is physical address
21 required or do they need a physical address if it's not scored.

22 Q Okay. You said she kept bugging you. When did she
23 first call you and ask you a question about physical address?

24 A I believe it was a email, maybe.

25 THE COURT: Can I interrupt? How did you know -- how

1 did she know it wasn't going to be scored?

2 THE WITNESS: It's in the regs, Your Honor.

3 THE COURT: Where in the regs?

4 THE WITNESS: Doesn't exactly say you won't be
5 scored, says land -- I believe it says land use or zoning is
6 not part of the criteria.

7 THE COURT: Right.

8 THE WITNESS: Right. So physical location is not
9 part of the scoring criteria.

10 THE COURT: So you think the fact that land use and
11 zoning aren't going to be considered means physical location
12 under the regs is not going to be considered as part of the
13 application process for qualification?

14 THE WITNESS: The -- I don't remember the exact
15 wording, but --

16 THE COURT: So how did Ms. Connor know --

17 THE WITNESS: -- basically, yes.

18 THE COURT: -- physical location wasn't going to be
19 scored?

20 THE WITNESS: Well, because it was also part of
21 the -- all the conversations between -- in the governor's task
22 force and the workshops. And that's something that I believe
23 industry wanted, was that the physical location wasn't part of
24 the scoring criteria.

25 THE COURT: Sorry for the interruption, Mr. Miller.

1 MR. MILLER: No problem.

2 BY MR. MILLER:

3 Q Discussed this yesterday, you keep referencing that
4 it's part of the governor's task force that provided a
5 recommendation of that physical location, right?

6 A I believe so, yes.

7 Q All right. And you're aware that Amanda Connor was
8 one of the co-chairs of the subcommittee to evaluate the
9 regulations that would have been included in the criteria,
10 right?

11 A Yeah, that's what you told me yesterday. I didn't
12 recall she was a co-chair.

13 Q And are you also aware that Amanda Connor was one of
14 the three individuals that wrote the arguments in support of
15 the ballot question to ask recreational marijuana in the first
16 place?

17 A No.

18 Q Okay. She was certainly present at all the rest of
19 the hearings that your office would have conducted, right?

20 A Yes.

21 Q And you're telling her that --

22 A I believe so.

23 Q -- she nevertheless still had a question about how
24 physical -- post-physical location was going to be evaluated as
25 part of my scoring criteria, correct?

1 A Right. I mean, she -- she said she just want to
2 confirm, because her clients were asking.

3 Q Okay. And she sent you an email, I think you were
4 starting to --

5 A I believe I received an email.

6 Q Okay. When was that?

7 A Oh, I don't know.

8 Q Prior to the application being released is what you
9 told us yesterday, I believe; is that correct?

10 A Prior to the application? Yeah, I believe so.

11 Q First and you said she pestered you. What was the
12 next communication that you had with her?

13 A Oh, I don't know.

14 Q She asked that question via email and what did you
15 tell her?

16 A That location wasn't scored. That, you know, they've
17 basically -- they just put -- they need to put an address
18 because the application requires an address.

19 Q Okay. And you thought that answer was pretty clear?

20 A I thought so.

21 Q Okay. So then she contacted you again. How did that
22 communication -- did she call you, email you, do you recall?

23 A Probably another email.

24 Q Other email? What did she ask that time?

25 A Same thing.

1 Q She asked the same question again?

2 A Yes.

3 Q All right. And what did you say?

4 A I don't know the specifics. I don't remember
5 specific, but it was something like probably for the millionth
6 time that, you know, location's not scored.

7 Q So eventually were you able --

8 A Something to that effect.

9 Q If eventually we're able to obtain these emails, you
10 think that answer's going to be in there, right?

11 A Yes.

12 Q Okay. And you communicated with her over the phone
13 at some point, when did that occur?

14 A I don't know.

15 Q You don't know? Was it before the application was
16 released?

17 A Yes. I believe so.

18 Q Okay. What did you discuss on that conversation?

19 A I don't know. She calls me a lot. A lot of
20 different things, and not always -- I mean, regarding the
21 application itself, that's probably the only question I got
22 from her.

23 Q So the only questions you got from Amanda Connor were
24 the two emails that were -- that you received prior -- about
25 this -- (indiscernible) location were the two emails that you

1 received prior to the application being released?

2 A Yeah, I don't know if it was two, could have been
3 three, I don't know.

4 Q In either of those communications or -- did she ever
5 persuade you or try to persuade you change the location
6 requirement?

7 A No.

8 Q Did she at any subsequent point have any conversation
9 with you about issuing any guidance about changing the proposed
10 physical location requirements?

11 A No.

12 Q Let me show you Exhibit 238.

13 THE COURT: 238?

14 MR. MILLER: Yes.

15 BY MR. MILLER:

16 Q You're aware that -- turn to July 17th.

17 THE CLERK: I'm sorry, that's proposed.

18 MR. MILLER: Proposed, sorry.

19 THE COURT: Any objection?

20 MR. SHEVORSKI: No objection, Your Honor.

21 THE COURT: Be admitted.

22 (Plaintiffs' Exhibit Number 238 admitted)

23 THE CLERK: Thank you.

24 BY MR. MILLER:

25 Q July 17. Is this a copy of your calendar entries

1 that would have been provided to us as part of our request?

2 A Yes.

3 Q And who maintains these calendar entries?

4 A My assistant and sometimes other people send an
5 invite and just accept them.

6 Q And you accept them? Okay. All right. So we note
7 that the application that was released on July 5th and on July
8 30th, are you aware now that the department issued, according
9 to your directive, some clarification on a number of things.

10 On July 17th, looks like you had a calendar entry,
11 you went to dinner with Amanda Connor on the 6th at 7:00; is
12 that right?

13 A Yes.

14 Q All right. Who else, if anyone, was present at that
15 dinner?

16 A If I remember, her husband, Derek (phonetic).

17 Q Okay. It was just the three of you?

18 A Yes.

19 Q And you went to Hank's?

20 A I believe I went there, yes.

21 Q Okay. You believe you went there, or did you go
22 there?

23 A No, I went there.

24 Q Okay. And the three of you were at dinner, do you
25 recall discussing anything about the application?

1 A No.

2 Q The application didn't come up at all?

3 A Not at all.

4 Q All right. On July 19th, we have a calendar entry
5 there. You had another dinner with Amanda Connor at Bacho
6 Sushi?

7 A Yeah. I didn't go to that.

8 Q So you skipped that one?

9 A Right.

10 Q Do you recall where that invite came from?

11 A No.

12 Q Do you recall why you didn't go to that dinner?

13 A No.

14 Q Do you know what the purpose of that dinner would
15 have been?

16 A No.

17 Q Okay. On July 20th, 12:00 p.m., lunch meeting with
18 Amanda Connor at Claim Jumper. Did you have lunch with Amanda
19 Connor that day?

20 A Don't remember.

21 Q Can't recall if you went to the Claim Jumper with
22 Amanda Conner at noon that day?

23 A No, I don't remember.

24 Q So was it a pretty regular occurrence for you to --
25 well, Amanda Connor, you guys are friends, right?

1 A It's, you know, I meet with everyone. It's -- we
2 meet often. She has a lot of clients and we discuss a lot of
3 things.

4 Q So it's a pretty regular occurrence for you to have
5 either lunch or dinner with Amanda Connor?

6 A I don't know if you'd call it a regular occurrence.
7 I mean, not everything on my calendar I get to or I attend.

8 Q Okay. So sometimes do you attend things that aren't
9 on your calendar?

10 A Yes.

11 Q So sometimes you go to lunch or dinner with Amanda
12 Connor and wouldn't necessarily appear on a calendar, right?

13 A It's possible, yes.

14 Q And on July 27th, you've got another entry there for
15 lunch. Do you remember going to a lunch meeting with Amanda
16 Connor at the Barcelona at the Artisan?

17 A Yes.

18 Q All right. And was anyone else present at that
19 lunch?

20 A Yes.

21 Q Who else was there?

22 A It was Mitch Britton.

23 Q Who is Mitch Britton?

24 A Mitch Britton -- I think his last name's Britton.

25 Q Britton. Okay. Who is Mitch Britton?

1 A The owner of Thrive.

2 Q Owner of Thrive. Okay. And what was discussed at
3 that luncheon?

4 A I believe it was -- you know, I don't recall
5 entirely, but had to do, I believe, something with wrap on his
6 vehicle, some advertising issues.

7 Q Did you discuss the application at that luncheon?

8 A No.

9 Q Discuss the application or any of its requirements?

10 A No.

11 Q And Amanda Connor represents Thrive; is that correct?

12 A Yes.

13 Q Who else does she represent? Let me narrow it for
14 you. Among the winning applicants, who else does she
15 represent?

16 A TGIG wasn't a winning applicant, right? Essence.

17 Q Okay.

18 A Thrive.

19 Q She also represent Nevada Organic Remedies?

20 A Yes.

21 Q Okay. In fact, does she represent all of the
22 entities that we reviewed yesterday where they provided
23 identical physical address, right?

24 A I believe so, yes.

25 Q You want to re-review it?

1 A No, I think so. I think -- yeah, I think that's
2 accurate.

3 Q She does represent all those entities, doesn't she?

4 A As far as I know, yes.

5 Q Okay. And she represents both of the entities that
6 were given two licenses in Clark County, right?

7 A Yes.

8 Q Okay. Let me show you Exhibit 209. Let's turn your
9 attention to the scoring breakdown here on this exhibit. You
10 see on the left-hand side that is the criteria and the scores
11 as they were provided to the applicants; is that correct? Not
12 necessarily criteria; those are the general framework of the
13 criteria that was to be evaluated and the possible points that
14 would be allocated to each of those individual categories; is
15 that correct?

16 A Yeah, I believe so.

17 Q And on the right-hand side of that document, you have
18 the evaluation criteria points where they've got a sub
19 breakdown of how your department actually evaluated the
20 applications; is that correct?

21 A Yes.

22 Q Those have point values, right? So within the 60
23 possible points under organizational structure, there are five
24 subcategories for which all awarded smaller numerical point
25 totals, right?

1 A Yes.

2 Q And yesterday you told us that you made the
3 determination in consultation with your staff as to how you
4 awarded those separate point totals, right?

5 A Yes.

6 Q Okay. But the applicants on the application form
7 weren't aware of those point totals, right?

8 A Yes.

9 Q Okay. Because you told us that --

10 A They were not --

11 Q They were not awarded?

12 A They were not aware of the breakdown.

13 Q Okay. To your knowledge, they weren't aware of it;
14 that's your statement, right?

15 A Yes.

16 Q All right. But you're not aware of communications
17 that broadly took place with all the applicants, right? You
18 didn't have a single point of contact, we discussed that,
19 right?

20 A Right.

21 Q Can you sit here today and tell us that any of the
22 applicants didn't have access to that point breakdown?

23 MR. GRAF: Objection, Your Honor, as to form.

24 THE COURT: Overruled.

25 MR. GRAF: Thank you.

1 THE WITNESS: Yeah, to my knowledge, I believe they
2 didn't.

3 BY MR. MILLER:

4 Q Because if they had access to the point totals, that
5 would have given them an advantage, right?

6 A Yes.

7 Q You said that your reason for not releasing it to
8 everybody was that you're dealing with test answers, correct?

9 A You know, in a sense, the -- basically, the
10 instruction is to keep it as -- the same as in 2014. In 2014,
11 according to my staff, those weren't published. So they
12 weren't published in 2018.

13 Q Okay. But diversity was awarded 20 of the 60 points,
14 right?

15 A Yes.

16 Q That's twice as much as marijuana experience in
17 Nevada and what was supposed to be scored but was not, the
18 track record of regulatory compliance, right?

19 A Yes.

20 Q That's a relative heavy weighting for that criteria,
21 right?

22 A Yes.

23 Q Can you give me an explanation for it that it was
24 apparent through the legislative process in 2017 that you
25 believed it should be a priority, right?

1 A Yes.

2 Q And don't you think that by publishing these secret
3 point totals would have -- if you'd published them to all
4 applicants, the applicants might have been better prepared to
5 try to address the diversity criteria, correct?

6 MR. KOHN: Objection. Speculation.

7 THE COURT: Overruled.

8 THE WITNESS: You know, sure. I think there's room
9 for improvement and that's something I definitely would look at
10 in an application going forward.

11 BY MR. MILLER:

12 Q That's a true statement, right? I'm asking -- if you
13 were trying to drive more diversity in the industry, if you had
14 told the applicants in advance, look, this section's going to
15 be worth 20 points out of the 60, it's going to be worth more
16 than your marijuana experience, that might have caused
17 applicants to reconfigure their owners, officers, and board
18 members that will even listen so that they'd get high point
19 totals, right?

20 A Yes.

21 Q Okay. So, in fact, it's not let's give them the test
22 answers in advance; that's -- you should have done that with
23 all the applicants, put all those numbers out if you're trying
24 to achieve diversity, right?

25 MR. KOHN: Objection. Argumentative.

1 THE COURT: Overruled. You can answer.

2 THE WITNESS: I would say that that's something I
3 would look into going forward.

4 BY MR. MILLER:

5 Q So in reviewing the test answers, if some applicants
6 know that criteria and know how important diversity or any of
7 this other criteria are going to be, and some applicants do
8 not; is that a fair statement?

9 MR. GRAF: Objection, Your Honor. Misstates the
10 evidence.

11 THE COURT: Overruled.

12 THE WITNESS: Yeah, can you say that again?

13 BY MR. MILLER:

14 Q You'll only be giving out the test answers if some
15 applicants were given the secret scoring points while others
16 were only given the possible points that was provided on the
17 application, correct?

18 A Yeah, I don't understand what you're trying to say --
19 what you're trying to ask. It's --

20 Q Some applicants --

21 A If you were going to give out the test answers, you
22 know, it would be available to everyone.

23 Q Well, that's not what I'm asking you. If you -- sir,
24 if you gave out the secret points that were awarded for those
25 major categories to some applicants, and some applicants didn't

1 have access to that information, the people that had the secret
2 points criteria would be at a -- would have an advantage in the
3 applications; is that correct?

4 MR. GRAF: Object as to form. Argumentative, Your
5 Honor.

6 THE COURT: Overruled.

7 MR. GRAF: Thank you, Your Honor.

8 THE WITNESS: Yes, that would be true.

9 BY MR. MILLER:

10 Q Okay. Sir, are you familiar with the phrase stacking
11 the deck?

12 A I've heard it.

13 Q What do you understand that term to mean?

14 A I'm not sure. Will you explain it to me.

15 Q All right. If you're playing cards, right, and
16 you're engaged in a game and somebody wants the game favorite
17 in that contest, right, that game, they can arrange the cards
18 in a way that benefits them so that they're able to win?

19 A Okay.

20 Q So if there are certain cards that are going to hurt
21 them, they can take out those cards and if there's certain
22 cards that are going to help them, they can flip those cards
23 in.

24 A Okay.

25 Q Is that your understanding of stacking the deck?

1 A All right.

2 Q Okay. Well, if I gave you that definition of
3 stacking the deck and told you that we were going to apply that
4 concept, if we apply that term, stacking the deck, to
5 Attachment A, so it's such that somebody could stack the
6 individuals that they list on Attachment A in order to obtain a
7 higher percentage and score better on the application, will
8 that term make sense to you?

9 MR. GRAF: Object as to form. Incomplete
10 hypothetical.

11 THE COURT: Overruled.

12 MR. GRAF: Thank you, Your Honor.

13 THE WITNESS: Yeah, I think so. Yeah, I think I get
14 what you're saying.

15 BY MR. MILLER:

16 Q Okay. Let's make sure. So on Attachment A, right,
17 your --

18 A Attachment A is --

19 Q Attachment A?

20 A Yeah.

21 Q Sorry.

22 MR. MILLER: (Indiscernible) applications are on
23 attachment. It's the next section, isn't it. Officers and
24 directors?

25 Q This is where they're going to list any owner,

1 officer, or board member, right?

2 A Yes.

3 Q And they'll do so by providing the checkmark next to
4 that person's name, right?

5 A Yes.

6 Q So when I say stack Attachment A with individuals
7 that would meet the criteria, I mean, that you would list
8 individuals that would meet any specific criteria and maybe not
9 include people that wouldn't meet that criteria; you understand
10 what I'm saying?

11 A Yes.

12 Q Would you have any discussion, sir, with Amanda
13 Connor at any point about how you could stack Attachment A with
14 individuals who had any experience at all in marijuana?

15 A No.

16 Q Did you have any discussion with any other applicant
17 about how you could stack Attachment A with individuals who had
18 any experience at all in marijuana?

19 A No.

20 Q We heard testimony yesterday about the fact that you
21 came up with a definition of diversity that was distributed
22 to -- within the department, right?

23 A Yes.

24 Q All right. With that definition and the desktop
25 manuals not made available to all applicants, right?

1 A Right.

2 Q So that was a secret, right?

3 A Right.

4 Q Okay. You believe that everybody in the department
5 was aware of that criteria?

6 A I believe the people that needed to know knew of the
7 criteria.

8 Q Pull up Exhibit 108. Page 376.

9 A (Witness complies.)

10 MR. MILLER: Okay. Sorry. Maybe it's the next page?
11 Does it start at the next page? Okay.

12 Q We've reviewed this previously. It's a text message
13 from Mr. Plaskon to Mr. Gilbert. Okay. And can you read us
14 what that text message says?

15 A It says, Jeanine, Diane, and I didn't find race or
16 ethnicity in 453D. Should race have been removed as part of
17 retail applications? Should evaluators be even looking at
18 diversity? AB422 doesn't seem to apply because it's just
19 medical. Did we leave it in this app on accident? Just some
20 thoughts.

21 Q What's the date of that text?

22 A September 19th.

23 Q September 19th, was that after the date that the
24 applications would have been submitted?

25 A I believe the window for application to be submitted

1 went through September 20th.

2 Q Okay. So this is right (indiscernible) applications
3 are being submitted, correct?

4 A Yes.

5 Q Certainly past the point where the application has
6 been released and there's any opportunity for clarification
7 from applicants, correct?

8 A Yes.

9 Q And this text comes from Mr. Plaskon, who reviewed
10 the previous email, says that if he was the education
11 information officer, was the designated person that was going
12 to review all the questions that came in and provide responses
13 to people, right?

14 A Yes.

15 Q It appears he's asking a person that doesn't even
16 know if diversity should be included in their application at
17 all, right?

18 A Apparently, yes.

19 Q Yeah. So the testimony (indiscernible) believing
20 that everybody understood your secret definition of diversity
21 doesn't appear to be accurate, right?

22 A I wouldn't call it --

23 MR. SHEVORSKI: Objection. Argumentative.

24 THE WITNESS: -- secret.

25 THE COURT: Overruled.

1 THE WITNESS: There's nothing secret about it.

2 BY MR. MILLER:

3 Q Would you call it confidential?

4 A No, I mean, I think there's nothing confidential
5 about the definition of races or ethnicity.

6 Q No, you didn't make that information available to all
7 applicants, did you?

8 A I think it's public knowledge.

9 Q It's public knowledge how you're going to define
10 diversity?

11 A I think public knowledge as to what the breakdowns of
12 race and ethnicity are.

13 Q Okay. But you made some revisions as to how you
14 initially defined diversity, right? You recall that you
15 eventually define it as female and not Anglo/European?

16 A No, I don't recall that.

17 Q You don't recall that? And you don't recall issuing
18 a subsequent desktop memorandum that provided the 1964 of a
19 55-year-old definition of diversity?

20 A I remember providing a definition. I don't know when
21 it's from. I mean, I think that it's -- that definition is
22 representative of what the definition is today.

23 Q You've got to Google it, right? You testified
24 yesterday that --

25 A Yes.

1 Q -- if you have some questions about it and you Google
2 it?

3 A Yes.

4 Q And you came up with an answer?

5 A Yes.

6 Q All right. So when you say it's common knowledge,
7 does that mean that everybody should just use Google if you
8 have any questions about diversity, just put in, you know,
9 what's diversity? And pick the first, you know, entry on
10 Google; is that what we're going to go by here?

11 A Not necessarily, no.

12 Q Okay. Maybe it wasn't public knowledge as to how the
13 department would have defined it, right?

14 A No, not as to the department would have defined it.

15 Q Okay. All right. Did you have any discussion with
16 Amanda Connor about how you might stack the individuals listed
17 on Attachment A with people who met your definition of
18 diversity?

19 A No.

20 Q Did you have any discussions with any individual at
21 all about how you might stack Attachment A with people who met
22 that definition of diversity?

23 A No.

24 Q Do you have any conversations with Amanda Connor
25 about how you might stack Attachment A with people who met the

1 education requirements --

2 A No.

3 Q -- that were valued? Have any of that -- discussion
4 with any applicant about that?

5 A No.

6 Q Did you have any discussions with any applicants at
7 all about how you might stack Attachment A with individuals
8 that would meet the criteria previous business expense?

9 A No.

10 Q You have any discussion with any applicants at all
11 about whether -- how you might stack Attachment A with people
12 who might meet the definition under the financial section?

13 A No.

14 Q Sir, turn back to that dinner that you went to on the
15 17th with Amanda Connor and her husband. Who paid for that
16 dinner?

17 A I didn't eat. They paid whatever they ate, I guess.

18 Q Okay. So you went to dinner and they ate at Hank's,
19 you didn't eat anything?

20 A No, I was there briefly, there to meet her husband.

21 Q You just had water or something?

22 A Didn't even have that.

23 Q Okay. So you went to dinner -- it's on your
24 calendar, you went to dinner with Amanda and her husband; how
25 long were you there?

1 A 20 minutes maybe.

2 Q So you popped in for 20 minutes, had a light
3 discussion, didn't eat, didn't order any drinks, and left?

4 A Right. I just met her husband. I had not met her
5 husband before, as I recall.

6 Q What about the once that you said you attended with
7 the owner of Thrive and Amanda Connor on the 27th; did you eat
8 at that lunch?

9 A Yes.

10 Q And who paid for that lunch?

11 A I don't remember. Sometimes I pick it up, sometimes
12 I don't eat, sometimes they -- whoever I'm meeting with picks
13 it up, varies.

14 Q Okay. So you said you meet with a lot of applicants;
15 is that right?

16 A Yes.

17 Q When you meet with other applicants, sometimes you go
18 to lunch or dinner, right?

19 A Yes.

20 Q All right. And who pays for the meal when you meet
21 with those applicants?

22 A I guess that sometimes they, you know, it varies. I
23 don't. Sometimes I don't even eat, sometimes I pick up the
24 bill, sometimes they'll pick up the bill.

25 Q Okay. And have you gone to lunch or dinner with all

1 the applicants?

2 A I wouldn't say all of them, but a lot of them, yes.

3 Q Okay.

4 A Mainly lunch.

5 Q Okay. But so all the applicants have equal access to
6 invite you out to lunch or dinner?

7 A Sure.

8 Q And those applicants have equal opportunity to buy
9 you lunch or dinner?

10 A I guess.

11 Q Have you received anything of value other than the
12 lunch or dinners we're talking about from any applicant?

13 A No.

14 Q Have you accepted any service that might have a value
15 attributed --

16 A No.

17 Q -- from any applicant? Accepted any favor from any
18 applicant?

19 A No.

20 Q Have you ever accepted any offer of employment,
21 including any offer for future employment from any applicant?

22 A It pops up here and there. Something like, Hey, if
23 you're -- if you ever leave, you know, make sure I'm the first
24 one to call. Or, Hey, if you leave, call me.

25 Q Okay.

1 A Something to that effect.

2 Q When it pops up, which conversations do you remember
3 having about that? Who did you have a conversation about if
4 you ever leave the State, make sure I'm the first one to call?

5 A Remember what's his name, Ed Alexander.

6 Q And who is Ed Alexander?

7 A Licensee up north. I don't recall the name of his
8 business.

9 Q Okay. What did that conversation consist of? What
10 do you remember?

11 A He was, like, basically, if you leave the State, I'd
12 like to make you part of my team to -- he had some
13 opportunities in New Jersey or something.

14 Q And when did that conversation occur?

15 A That one was pretty recent.

16 Q Recent, we're talking when?

17 A A few weeks ago.

18 Q And was Ed Alexander one of the winning applicants in
19 this last round?

20 A No.

21 Q Okay. Other than Ed Alexander, you mentioned that
22 this happened a few times; well, who else did you have a
23 conversation with like that?

24 A I believe Al Fasano.

25 Q Who is Al Fasano?

1 A He's an owner for Relief.

2 Q Relief?

3 A Yes.

4 Q And is Relief one of the winning applicants?

5 A I don't believe so.

6 Q And what was the content of that conversation as far
7 as you remember?

8 A Same thing. You know, if you leave here, come see
9 me.

10 Q Okay. And when did that conversation occur?

11 A I don't know. Many months ago.

12 Q Many months ago? All right. And other than Ed
13 Alexander and Al Fasano, did you have any other conversations
14 where somebody offered you a job?

15 A I believe -- you know, Essence did the same thing,
16 Armen.

17 Q The conversation was with the representative from
18 Essence, Armen?

19 A Right.

20 Q What's his last name? Yemenidjian, is that right?

21 A Right.

22 Q And what's his role with Essence?

23 A He's an owner.

24 Q Okay. And what did that conversation consist of?

25 A Basically the same thing, that if I leave, to give

1 him a call.

2 Q Okay. And when did you have that conversation with
3 Mr. Yemenidjian?

4 A I don't recall, several months, a year ago, something
5 like that.

6 Q Several months ago or a year ago? So did -- you
7 remember it being prior to the application process?

8 A I don't remember.

9 Q You don't remember whether or not he offered you a
10 job prior to the evaluation of his applications?

11 A I don't remember. I -- to me they're not really
12 offers. They're just, like, Hey, if you leave, you know come
13 see me, we could use you, type thing.

14 Q Okay. You never had any follow-up questions --
15 conversations with Armen about an offer for a job?

16 A No. I'm not interested in staying in the marijuana
17 space.

18 Q Sir, when did you become aware of the court order
19 that you may need to preserve your phone, the records of your
20 phone?

21 A Basically, I want to say when -- a day or two before
22 it hit, I guess.

23 Q A day or two before it hit; what do you mean by that?

24 A Well, I think there was a -- the -- there was a
25 motion filed, so around that time that the motion was filed.

1 Q Okay. So you're talking about the December 8th order
2 from Judge Bailus; is that right?

3 A I don't think it was December 8th.

4 MR. MILLER: Is that right, Bailus's order?

5 UNIDENTIFIED SPEAKER: December 13.

6 BY MR. MILLER:

7 Q December 13, does that sound right?

8 A Around there, 13th, 14th.

9 Q And you became aware of it a day or two before the
10 judge ordered that?

11 A Yeah, I think so. Maybe a day or something, that a
12 motion had been filed.

13 Q Okay. And you're aware that there was a more
14 specific order relative to your cell phone that was
15 subsequently issued, correct?

16 A No, not to my cell phone.

17 Q Okay. You've become aware of the public records
18 request, or did you, that I requested of your cell phone on
19 March 16, 2019?

20 A Sometime after that, I don't know.

21 Q So you became aware that I had in a public records
22 request sometime in March for your cell phones?

23 A Yeah, I don't know if it was March or April.

24 Q All right.

25 MR. MILLER: Could you show Exhibit 239 and page 895.

1 BY MR. MILLER:

2 Q This appears to be a text thread to and from your
3 phone; is that correct? With an individual that's identified
4 as John Mueller; is that right?

5 A Yes.

6 Q And what's the date where this thread begins?

7 A Looks like December 14th, 2018.

8 Q All right. He sends a message at 1:01 p.m. it looks
9 like, right? Can you read the contents of that message?

10 A Will weed work if talking about illegal?

11 Q And the rest of it?

12 A I know regs say no weed language, but talking down to
13 illegal stuff might fly.

14 Q You know what he was talking about?

15 A Can you scroll up? He's talking about that picture
16 there, it's a proposed billboard or advertisement.

17 Q Okay. So is this a current licensee?

18 A Yes.

19 Q And who is John Mueller, which license did he have?

20 A Achers.

21 Q And is that the owner?

22 A Yes. Or one of the owners.

23 Q One of the owners? And can you read the next text
24 message?

25 A Hope you have a great birthday. Take the day off.

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1 You deserve it.

2 Q And response on January 18?

3 A That's a auto response: Please contact me at my new
4 number.

5 Q What do you mean that's an auto response?

6 A It's a text message that auto responds.

7 Q Okay. So how does that work?

8 A You call me and if you're on a list, because I have a
9 list of, like, say business contacts, you'll get that number --
10 that message.

11 Q Okay. Is this your State issued cell phone?

12 A No, this is my personal line.

13 Q This is your personal line?

14 A Yes.

15 Q Okay. You have a -- what's your State issued cell
16 phone number?

17 A 775-430-1172, I think.

18 Q I see. So that's the number that's listed there,
19 right?

20 A It's just -- you asked. I'm sorry.

21 Q Okay. So your State issued cell phone, so you're
22 redirecting Mr. Mueller by, I don't know, auto program function
23 to your State issued cell phone?

24 A Yes.

25 Q All right. Finish scrolling (indiscernible). So he

1 posted another message showing a picture of something, right,
2 on January 18th, 2019, and then you reply with the auto reply,
3 right?

4 A Yes.

5 Q Directing the State cell phone. And then you
6 replied: Good deal. Right?

7 A Yes.

8 Q So that they could continue to communicate with you
9 on your personal cell phone; is that right?

10 A I'm sorry?

11 Q They could continue to communicate with you on your
12 personal cell phone?

13 A Right, it doesn't block.

14 Q Okay. And how often did you have discussions with
15 applicants on your personal cell phone?

16 A Pretty frequently. The ones that have my number.

17 Q Okay. Turn to page 908.

18 A (Witness complies.)

19 Q There's a series of messages from Amanda Connor,
20 right?

21 A Yes.

22 Q And if you scroll through them, you see quite a
23 number of instances where she continues to contact you on your
24 personal number.

25 A Yes.

1 Q And you're redirecting her to your State issued cell
2 phone?

3 A Yes. I've set it to auto reply.

4 Q Okay. And you're aware that your State issued cell
5 phone records have not been provided to us, right?

6 A No, I'm not aware.

7 Q Okay. I had asked you in March; did you review that
8 request in my public records request?

9 A I reviewed at some point, yes.

10 Q Okay. So you're aware that I asked in March for all
11 cell phone records, for any State issued cell phone or personal
12 cell phone used to conduct official business of Jorge Pupo for
13 the period beginning June 1st, 2018, to the present.

14 A Yes.

15 Q You're aware that you reviewed these text messages
16 that are attached to this exhibit?

17 A Yes.

18 Q All right. So you're aware that these don't go back
19 to June; is that right?

20 A Yes.

21 Q And you're aware that you've now only provided me
22 with excerpts of your personal cell phone?

23 A No. You have what I have for the business cell
24 phone, as well.

25 Q These are for the business cell phone communications?

1 A I provided them.

2 Q So the entirety of what's been provided to me include
3 any communications you would have had with any applicant on --
4 from -- with respect to the applications and official business?

5 A I have -- you have what I have. And I provided the
6 work cell phone as well as --

7 Q What I was provided, sir, was listed under the
8 individual names. I was provided file numbers. So what I have
9 would be any communications from Amanda Connor, this is the
10 entirety of what I received. It doesn't look like I'm getting
11 the entirety of the conversation, does it?

12 A I thought you asked me that -- if you didn't -- they
13 didn't have the work cell records.

14 Q Which records --

15 A Then I --

16 Q -- do I have? Which one is that?

17 A These are -- pertain to my personal cell phone.

18 Q Okay. Where are the work records?

19 A I provided them.

20 Q Well.

21 A No, I provided them to our PIO who handles the public
22 records request.

23 Q Okay. Well --

24 THE COURT: And is that Ky or someone else?

25 THE WITNESS: No. We had Stephanie Klapstein, but

1 she left. And then it was, to assist while she was gone, I
2 believe it was Kathleen Douglas in conjunction with Ky, maybe,
3 and our chief deputy, I believe, was dealing with public
4 records requests.

5 THE COURT: Okay.

6 BY MR. MILLER:

7 Q So you believe that you provided all the
8 communications on the 775 line?

9 A Yes.

10 Q I mean, if you hadn't, you'd be happy to provide
11 those records to us at this point?

12 A Yes.

13 Q All the records preserved on your cell phone?

14 A They're -- nothing's -- everything's preserved
15 from -- or nothing -- everything's preserved from the
16 preservation order.

17 Q Okay. Well, I made a records request in March of
18 2018. Did you preserve any of those records?

19 A March of 2018?

20 Q 2019, sorry.

21 A Okay. March of -- that's after the preservation
22 order, right? Where are we at?

23 Q I think you said the preservation order was December
24 13th. I sent you a letter March 16th --

25 A December 13th, so those --

1 Q -- asking for all cell phone records for any State
2 issued cell phone or personal cell phone used to conduct
3 official business or for the period beginning June 1st, 2018,
4 to the present.

5 A I have provided what I have.

6 Q Okay. Do you believe that you had preserved the
7 records that would have been on your cell phone?

8 A Right. Whatever -- since the preservation order.

9 Q I'm not talking about the preservation order, sir.
10 That happened in December.

11 A Right.

12 Q I sent you a records request in mid March asking for
13 all the cell phone communication of June 1st, 2018, to the
14 present.

15 A Right. And so I've provided what I have.

16 Q (Indiscernible) clue of the communications that I had
17 requested as of that date?

18 A I provided whatever I had for those dates.

19 Q Okay. All right. You understand that, you sit here
20 today, one individual makes a records request, that there are
21 consequences if you conceal or obliterate a public record,
22 right?

23 A Sure.

24 Q All right. And you understand that that's a
25 Category C felony, right?

1 A Didn't know that, but okay.

2 Q Okay. So you wouldn't do that. You're going to make
3 every effort you can in order to provide us those records?

4 A Yes.

5 Q Okay. Thank you.

6 MR. MILLER: Nothing further, thank you, Judge.

7 THE COURT: Thank you.

8 Mr. Kemp?

9 MR. KEMP: No questions, Your Honor.

10 THE COURT: Mr. Bult?

11 MR. BULT: No questions, Your Honor.

12 THE COURT: Mr. Parker, you told me about an hour.
13 It's 11:15. So let's get started.

14 MR. PARKER: Sounds good, Your Honor. Your Honor, we
15 going to go to a quarter till 12:00?

16 THE COURT: No, we can break about noon.

17 MR. PARKER: The reason I ask is I have a board
18 meeting at 12:00.

19 THE COURT: Then we will break at 11:45, in a half
20 hour.

21 MR. PARKER: Thank you, Your Honor.

22 THE COURT: All you had to do was ask, Mr. Parker.

23 MR. PARKER: I wanted -- I was trying to see if you'd
24 give it to me without asking first. I only have so many
25 requests I can make. I like to save them.

1 THE COURT: Okay.

2 DIRECT EXAMINATION

3 BY MR. PARKER:

4 Q Good morning, Mr. Pupo. How are you?

5 A Good morning, how are you.

6 Q I'm good.

7 A I'm good.

8 Q I'm going to start off kind of where Mr. Miller
9 finished up.

10 You understand the obligation of testifying
11 truthfully; is that correct?

12 A Yes.

13 Q And the importance of giving your best answers today?

14 A Yes.

15 Q All right. And you, I believe, testified earlier
16 that you expected the applicants to do the same in terms of
17 their obligation to give truthful and accurate information or
18 response to the application process; is that correct?

19 A Yes.

20 Q All right. You also indicated that, a few moments
21 ago, that there were things that you could have improved upon
22 in terms of this 2018 application process; do you recall saying
23 that a second ago?

24 A Yes.

25 Q All right. Can you tell me, looking back now,

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1 considering some testimony you've given, what portions of this
2 process of the application could you improve upon?

3 A Generally, I mean, what I would do is I would go back
4 and look at this entire process and pinpoint specific areas. I
5 wouldn't pinpoint any specific area right now, but I would say
6 that there's room for improvement. Obviously, I think, you
7 know, better language, you know, clarifying, making sure
8 everyone understands what's being asked of them.

9 Q Well, let's start from the top. Would you agree with
10 me, and I'm going to go, again, in inverse order, you -- would
11 you agree with me that perhaps it's not wise to speak as much
12 to an attorney representing several applicants during the
13 application process?

14 MR. KOHN: Objection. Lacks foundation.

15 THE COURT: Overruled.

16 THE WITNESS: No, I mean, we conduct a business that
17 needs to be conducted for the State, and because there is an
18 application process, the rest of the business doesn't stop.

19 BY MR. PARKER:

20 Q Okay. How about -- well, you knew Ms. Connor was on
21 the governor's task force; is that correct?

22 A I didn't know she was co-chair. I knew she was
23 involved.

24 Q All right. And you knew that she represented several
25 of the applicants?

1 A Yes.

2 Q All right. Did you have an understanding of how much
3 she was being paid by the applicants?

4 A Not really.

5 Q What's that mean?

6 A I'd hear rumors.

7 Q What have you heard?

8 A Somewhere around \$150,000.

9 MR. GRAF: Objection, Your Honor. Calls for hearsay.

10 THE COURT: Overruled.

11 BY MR. PARKER:

12 Q You can testify, sir.

13 A Yes. I heard something like \$150,000.

14 Q All right. So you knew she had a financial interest
15 in this process when you were talking to her, when you were
16 meeting with her; is that correct?

17 A Sure.

18 Q All right. And knowing that she had a financial
19 interest in this, did you stop for a second to think that
20 perhaps having conversations with someone who had a financial
21 interest in representing applicants to this process may not be
22 the best thing to do?

23 A That's something I'm going to have to go back and
24 think about.

25 Q Understood. And that --

1 A Do some self-analysis here.

2 Q Right. And it's good that you're doing it in front
3 of the Court now, because it's something you can admit to and
4 perhaps not do in the future, right?

5 A Possibly, yes.

6 Q Right. And the same would be true in terms of having
7 conversations with applicants that you knew would take place --
8 take part in this 2018 process, right?

9 A Can't stop talking to everyone.

10 Q All right.

11 A They have a lot more business than an application.

12 Q Understood. But you would agree with me that if for
13 some reason during these conversations, certain information --
14 inadvertently, even -- creeps out about the process, that those
15 conversations could give someone a material advantage in the
16 process?

17 A It's possible.

18 Q That's right. And so for that reason, at least in a
19 2014 application process, there was a manner in which
20 information can be disseminated to all potential applicants to
21 the public, I would say, and through a question-and-answer
22 process, a written question-and-answer process; is that
23 correct?

24 A Yes.

25 Q That same question-and-answer process was not

1 utilized in the 2018 application process; is that correct?

2 A That's correct.

3 Q All right. And so when Mr. Miller was trying to
4 discuss with you the State's procurement regulations, he didn't
5 ask that question as definitively, but you understood generally
6 what he was trying to suggest to you, right?

7 A Yes.

8 Q All right. But definitively, asking -- answering the
9 precise question, you would agree with me that the way to
10 improve this process would be to have a single point of contact
11 for questions as well as responses; is that correct?

12 A I believe that's an area of -- that could be looked
13 at for improvement, yes.

14 Q All right. Because then the public has access to all
15 the same information, regardless of who the question was
16 presented by; is that correct?

17 A Yes.

18 Q And then that also prevents anyone from having a
19 material advantage for access to DOT employees not afforded to
20 others; is that correct?

21 A Yes.

22 Q All right. Now, do you understand that several of
23 the lawyers on this side of the room and now in that box
24 represent applicants that were awarded conditional licenses?

25 A Yes.

1 Q Do you know that most of them utilize Ms. Connor's
2 services?

3 A No.

4 MR. GRAF: Objection, Your Honor. Lacks foundation.
5 Misstates the facts.

6 THE COURT: Overruled.

7 BY MR. PARKER:

8 Q Did you have any --

9 MR. GRAF: We didn't represent -- or Ms. Connor
10 doesn't represent --

11 MR. PARKER: That's a speaking objection, Your Honor.

12 THE COURT: Mr. Graf.

13 MR. GRAF: I just want to (indiscernible) for the
14 record --

15 THE COURT: Please stop making -- Mr. Graf.

16 MR. GRAF: -- Your Honor.

17 THE COURT: Don't make a speaking objection in front
18 of the witness or we will have a problem.

19 MR. GRAF: Understood. Understood, Your Honor.
20 Thank you.

21 THE COURT: I'm familiar from the Motion for
22 Protective Order that was filed by Ms. Connor what the issues
23 are related to her representation.

24 MR. GRAF: Yes, Your Honor.

25 THE COURT: The objection is overruled.

1 MR. GRAF: Thank you, Your Honor.

2 THE COURT: Thank you.

3 MR. GRAF: Appreciate it.

4 BY MR. PARKER:

5 Q So, Mr. Pupo, do you have an understanding that
6 Ms. Connor has represented several of the applicants that were
7 awarded conditional licenses?

8 A Yes, some.

9 Q Now, as a -- as the head guy, and I said head guy,
10 you've taken responsibility for the overall effectiveness of
11 this application process over the last day and a half; is that
12 correct?

13 A Yes.

14 Q All right. Now, would you agree with me, based upon
15 the ballot question, the people of this state were concerned
16 about how this process would work and whether or not allowing
17 the sale of recreational marijuana would be a detriment to our
18 state?

19 A I believe there was some argument for that, yes.

20 MR. PARKER: Can we pull up Exhibit 2020, please. I
21 think that's the ballot question.

22 MR. SHEVORSKI: It's in twice.

23 MR. PARKER: It is in twice? 2021?

24 THE COURT: But it's easier to find in 2020.

25 MR. PARKER: Thank you, Your Honor.

1 THE COURT: Because it's just that part of the ballot
2 question.

3 MR. PARKER: Thank you, Your Honor.

4 UNIDENTIFIED SPEAKER: 2020?

5 MR. PARKER: 2-0-2-0. Brian, do you have it? I need
6 an assist.

7 THE COURT: Could you ask him nicely?

8 MR. PARKER: I did. Brian, can I have it, please?

9 THE COURT: Thank you.

10 MR. PARKER: We go way back.

11 BY MR. PARKER:

12 Q While he's pulling it up, Mr. Pupo, would you also
13 agree with me that an area of improvement would include having
14 one application that said the same thing throughout the
15 process? For example, not one that says either you can use a
16 P.O. box or you cannot use a P.O. box, but not having more than
17 one that has differing information in it? Or were you aware of
18 that?

19 A Okay.

20 Q Let me ask the last question first. Did you know
21 there was a difference between Exhibit 5 and Exhibit 5A?

22 A Yeah, not till recently.

23 Q Well, when did you first find out?

24 A Probably, I don't know, a month ago, maybe. Few
25 weeks ago.

1 Q About a month and a half ago?

2 A Something like that. Few weeks.

3 Q So do you have an understanding why you as the head
4 guy charged would not be aware of the fact that there were two
5 different applications available to the applicants?

6 A Like I said earlier, when I put out the
7 clarifications to my staff, to put out the clarifications --

8 THE COURT: Are you listening, Mr. Parker? The
9 witness is waiting for you to listen.

10 MR. PARKER: Oh, I'm sorry, Mr. Pupo.

11 THE COURT: So he's --

12 BY MR. PARKER:

13 Q Please go ahead.

14 A So when I asked my staff to put out the
15 clarifications, I believed that it was going to go out through,
16 like, a listserv or a memo type. I did not know that they had
17 made, you know, revamped or redid the application where a
18 second one came out.

19 Q Were you also aware of the fact that as late as
20 perhaps two weeks ago, while we were in court, we also
21 discovered that Exhibit 5 was still available on your website?

22 A No, I didn't know.

23 Q Okay. Now, just for purposes of the record, it's our
24 belief that approximately -- or over 20 of Ms. Connor's clients
25 were awarded conditional licenses; is that -- does that comport

1 with your understanding?

2 A I don't know.

3 Q Okay. At 150,000 per application, it's roughly \$3
4 million. Did you have any understanding of that?

5 A No.

6 Q So looking at Exhibit 2020, you're familiar with this
7 document, are you not?

8 A Yes.

9 Q All right. If we go to page 14 of this document,
10 it's State's Question Number 2 --

11 MR. PARKER: And if you could go to the bottom of
12 this, Brian, please? The last paragraph.

13 Q Have you read this paragraph before?

14 A If you give me a second, I can read it now.

15 Q Oh, take your time.

16 THE COURT: As it continues on the next page, if you
17 need Brian to go there, please let us know.

18 THE WITNESS: Yes, ma'am.

19 THE COURT: And thank you, Brian, for helping Mr.
20 Parker.

21 (Pause in proceedings as witness reads document.)

22 THE WITNESS: Can we go onto the next page? Thank
23 you.

24 (Pause in proceedings as witness continues to read document.)

25 THE WITNESS: Okay.

1 BY MR. PARKER:

2 Q Thank you. And would you agree with me, based upon
3 your reading of this paragraph, that location of marijuana
4 establishments was an important factor in State Question Number
5 2?

6 A Yes.

7 Q All right. Now, do you also have an understanding
8 that your role in the role of the Department of Taxation was to
9 follow the direction of the ballot question in terms of the
10 creation of regulations?

11 A Yes, follow the initiative.

12 Q And would you agree with me that the governor's task
13 force also requested in its documentation that the Department
14 of Taxation take action to faithfully follow Question Number 2?

15 A Yeah, I don't know if it says faithfully, but --

16 Q Let's take a look at --

17 A -- that's --

18 Q -- Exhibit 213. Let me see if I can help you.

19 A I'll take your word for it.

20 Q No, I appreciate that. But I like to have the
21 exhibit in the record.

22 A Yeah.

23 THE COURT: It's already in the record, Mr. Parker.

24 MR. PARKER: That's great. Can we put page 501 of
25 it?

1 THE COURT: It's okay, you could still look at it.

2 MR. PARKER: Just -- I'd appreciate it, Your Honor.

3 That means I don't have to ask anyone else's permission on that
4 side of the room.

5 BY MR. PARKER:

6 Q My concern, so I can make it quick, is paragraph
7 number 7. If you could blow that up for me.

8 A Okay.

9 Q So it says, Take action that is faithful to the text
10 of Question Number 2. Do you see that?

11 A Yes.

12 Q All right. Now, I would think, given what we just
13 read from Ballot Question Number 2, that location is something
14 that's very important, was very important to the people and
15 should have been very important to the Department if it was
16 going to actually be faithful to the ballot question; is that
17 correct?

18 A I'm sorry, can you state that again?

19 Q Certainly.

20 A I'm just trying to --

21 Q If your mandate from the governor's task force was to
22 be faithful to Question Number 2, which we have right there --

23 A Yes.

24 Q -- and we just read the importance of the location in
25 Question Number 2 into the record a few moments ago, wouldn't

1 the Department of Taxation have an obligation to ensure that
2 location was equally important in this application process?

3 MR. KOHN: Objection. Misstates this document.

4 THE COURT: Overruled.

5 THE WITNESS: Sure. Yes.

6 BY MR. PARKER:

7 Q That's right. And so why, if it's -- if the ballot
8 question says it, the governor's task force embraced and
9 mandated the faithful -- the action taken to be faithful to
10 Question Number 2, why would the DOT marginalize the location
11 by removing it from the application process?

12 A Well, I believe that the Department has been faithful
13 to the text of Question 2. I believe that the governor's task
14 force -- these are the guiding principles. I believe this is
15 where this language comes from, the guiding principles for the
16 governor's task force. And we followed the governor's task
17 force recommendations.

18 Q Okay. I asked a very focused question, sir, and you
19 gave me a general response. I'd like a focused response,
20 please, in terms of location.

21 A Okay.

22 Q So I started you by reading the portion of Question 2
23 that dealt with location.

24 A Yes.

25 Q I took you to that very paragraph. Then I took you

1 to this information from the governor's task force
2 recommendations, the final report. You understand that?

3 A Yes.

4 Q And then I asked you the follow-up: If location was
5 that important to the state of Nevada citizens and you were
6 mandated by the governor's task force to take action faithful
7 to Question Number 2, why did you remove location from the
8 scoring in the 2018 application process?

9 A Yeah, no, the only think I can think of, really, is
10 that was part of the request, you know, from the industry and
11 the governor's task force. I don't have any other explanation.

12 Q I understand. And the record can't necessarily
13 reflect how long it's taken you to, you know, respond. So I
14 can tell you were pondering it, everyone in the room can. And
15 I pondered it last night. So let me ask a couple of follow-up
16 questions to see if we can help get a more - more of a response
17 to the question. Okay?

18 A Sure.

19 Q Would you agree with me that that was a mistake that
20 the people of Nevada though that location was important, it
21 should have been reflected as scored in the 2018 application?

22 MR. KOHN: Objection. Speculation. Lacks
23 foundation.

24 THE COURT: Overruled.

25 THE WITNESS: You know, I don't think it was a

1 mistake. I think that Question 2 grants the Department the
2 authority to issue, suspend, and revoke licenses. Part of that
3 authority is to -- that it can -- a license can be conditional.
4 And the physical requirement is not -- how would I say, it's
5 not a -- it's not required until the end of that conditional
6 period, where we then have -- you know, we do our final
7 inspection of the location and issue the final license.

8 BY MR. PARKER:

9 Q Okay. So let's --

10 A So location is important.

11 Q Right. And if it's important, it should be a part of
12 the application, just like everything else that's important.
13 Like you said, safety. You said one of the most important
14 things to you was safety. Remember that?

15 A Yes, public safety and health. Yes.

16 Q That's right. Public safety. And that's important,
17 you include it, you include it in the application process
18 because it's important to be scored and evaluated; is that
19 correct?

20 A Say that again?

21 Q That it's important to you in terms of public safety,
22 then it should be considered and valued as a part of the
23 application process. When I say you, I'm using you generally
24 as the Department of Taxation at this point.

25 A Right. I don't necessarily think so. I think that

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1 we take into consideration the location and, you know, this
2 ballot also says it's important enough to keep it 300 -- you
3 know, the distance requirements. And I think that's what was
4 important in this paragraph that you showed me earlier. Talked
5 about the distance requirement. And that is a requirement. We
6 feel it's a requirement at the end of the conditional period.

7 Q Did you -- let me ask it again. Did you see anywhere
8 in the ballot question that location was only important after
9 conditional licenses have been awarded? Do you see anything
10 like that, any caveat or disclaimer or condition like that?

11 A No.

12 Q All right. So let me stop you right there. Did you
13 see anything that said something like that in the statute?
14 Location is only important in the statute after the conditional
15 licenses are approved; did you see anything like that?

16 A No. The initiative has very little to go on.

17 Q Did you see it in the regulation?

18 A (No audible response.)

19 Q Did you add anything in the regulation saying
20 location is only important after conditional license are
21 approved?

22 A No.

23 Q So if the ballot question considered location
24 important and these conditions that you've mentioned a second
25 ago, after conditional licenses are approved, they're not

1 included in the ballot, the statute, or the regulation, what
2 made you believe that the Department had the authority to
3 marginalize location by taking it out of the application and
4 not scoring it?

5 A I think the initiative says that -- I'm sorry?

6 MR. KOHN: Objection. Argumentative.

7 THE COURT: Overruled. You think the initiative says
8 that, you were finishing.

9 THE WITNESS: Yes. I think the initiative says that
10 the Department will make regulations that are necessary and
11 convenient. And we would develop regulations. And I think
12 that's part of that. I think it gives us the authority to make
13 those regulations and make those rules.

14 BY MR. PARKER:

15 Q Okay. Let's say you're correct. It's not in the
16 regulation. The regulation does not say -- that's why I asked
17 the question the way I did --

18 A Right.

19 Q -- it does not say that location is only important
20 after conditional licenses are approved.

21 A No.

22 Q Isn't that true?

23 A That's true.

24 Q So if that's true, then you -- listen, Mr. Pupo, I
25 don't -- I'm not trying to trick you in anything. You already

1 understand that it's not -- that location's important in the
2 ballot question.

3 A Yes.

4 Q Right? Then we already understand that the
5 conditions that you've discussed aren't in the statutes or the
6 regulations, right?

7 A Right.

8 Q So --

9 A It's --

10 Q -- where do you get the authority to take it out of
11 the application?

12 MR. KOHN: Objection. Lacks foundation.

13 THE COURT: Overruled.

14 THE WITNESS: I -- you know, I think that, again, the
15 initiative gives us the authority to issue, suspend, revoke,
16 renew licenses, and to make -- the initiative is not specific
17 on to how to do this.

18 BY MR. PARKER:

19 Q Well, sir, let's just make it easy. You'd agree with
20 me that the ballot initiative does not give you authority to
21 remove location?

22 A Okay. I can agree to that.

23 Q Thank you. You'd agree with me that the statute does
24 not give you authority to remove location -- the importance of
25 location?

1 A Right, I agree. I --

2 Q That's right.

3 A Okay.

4 Q And we're just going to walk it down.

5 A Okay.

6 Q And you agree with me that the regulation does not
7 give you authority to remove location? In fact, the regulation
8 says location is important.

9 A Correct.

10 Q All right. So at the end of the day, and I know it
11 took us a little while, you would agree with me that you had no
12 statutory authority, no regulatory authority, and no ballot
13 authority to remove location from the application process;
14 isn't that true?

15 MR. GRAF: Objection as to form, Your Honor.

16 THE COURT: Overruled.

17 MR. GRAF: Thank you, Your Honor.

18 BY MR. PARKER:

19 Q Isn't that true, sir?

20 A From the application process.

21 Q None of those items, you just admitted, do not
22 provide you that authority?

23 A I don't think I agree with that statement. Location
24 is considered upon licensure. So it's not like we discount it.
25 And the initiative doesn't say whether or not it has to be

1 included in an application.

2 Q Sir, you testified yesterday that the physical
3 address was required, but not scored; do you remember that?

4 A Yes.

5 Q All right. So would you agree with me -- and I'm
6 going to go about it this way.

7 I believe Mr. Miller informed you that there's a
8 consequence for not telling the truth?

9 A Yes.

10 Q All right. And there's a consequence for not
11 providing a accurate or truthful application; is that correct?

12 A Yes.

13 Q Tell me, what is the remedy for that? Let's say that
14 a -- someone on this side of the floor submitted an application
15 with inflated numbers or manipulated the process
16 inappropriately. Is there a remedy for that conduct?

17 MR. GENTILE: Could the record reflect that this side
18 of the floor was a part of a gesture pointing to the table at
19 which the intervenors are, please.

20 UNIDENTIFIED SPEAKER: I'll go there.

21 MR. GRAF: That's a speaking objection, Your Honor.

22 THE COURT: Yeah, don't make speaking objections, Mr.
23 Gentile.

24 MR. GENTILE: That wasn't an objection. I'd ask for
25 the record --

1 THE COURT: Oh, Mr. Gentile, wait. Yes, the record
2 will reflect that he was pointing to the long table which has
3 the little label called Defendant.

4 MR. GENTILE: Thank you, Your Honor.

5 MR. GRAF: Objection, Your Honor. Calls for a legal
6 conclusion.

7 THE COURT: And he didn't point at you, Mr. Graf.

8 MR. GRAF: I know.

9 THE COURT: Okay. Overruled.

10 MR. PARKER: Thank you.

11 BY MR. PARKER:

12 Q So you can answer the question, Mr. Pupo. Would
13 you --

14 A Okay.

15 Q -- tell me --

16 THE COURT: Sir, he has asked you what the remedy is
17 if one of the applicants that was awarded a conditional license
18 lied on their application.

19 MR. PARKER: That's right.

20 THE COURT: That's all he's asking you.

21 THE WITNESS: Right. So the Department would
22 investigate any of those complaints, and if substantiated, the
23 Department can revoke that license.

24 BY MR. PARKER:

25 Q Okay. Are you familiar with advisory boards? Have

1 you ever heard the term used in the context of the marijuana
2 application processes '14 or '18?

3 A I've heard something about it.

4 Q You agree with me that the -- there is no advisory
5 board definition or identification in the 2018 process?

6 A Yes.

7 Q All right. Did you envision when Attachments A
8 through I think J were created, that applicants would create
9 advisory boards to perhaps garner more diversity points or
10 improve their position in terms of education or financial
11 strength?

12 A No.

13 Q Thank you. And so when -- have you found out through
14 these proceedings that, in fact, advisory boards were even
15 created by one or more applicants that gave them greater points
16 in terms of diversity?

17 A I've heard that, yes.

18 Q That was not what you, as the head guy, thought would
19 be done or envisioned as a part of this 2018 application
20 process, was it?

21 A Honestly, no.

22 Q Thank you. So to the extent that we have applicants
23 who may have manipulated the system in attempt to gain
24 diversity points through adding women, adding blacks,
25 Hispanics, Asians, any minorities, would you agree with me

1 that's not what this application process was intended to allow?

2 MR. KOHN: Objection. Speculation.

3 THE COURT: Overruled.

4 BY MR. PARKER:

5 Q Isn't that true, sir?

6 A I believe that -- yeah, that's not the intent.

7 Q Thank you. Now, the problem that I and I think
8 everyone in this courtroom will acknowledge, and hopefully you
9 will as well, is that the State was simply relying upon the
10 accuracy and the information in the applications provided by
11 the applicants without doing any additional offline searches to
12 determine whether or not the information was accurate; is that
13 a fair statement?

14 A Can -- I'm sorry, can you say that again?

15 Q Sure. Your department relied on the applicants being
16 honest?

17 A Yes.

18 Q And because we know not everyone is honest, perhaps
19 the system was not created to catch the dishonest people or
20 dishonest applicants; is that correct?

21 A Yes. I mean, it's impossible to do that type of
22 research under the statutory requirement of, you know, 90 days.

23 Q All right. Now, in terms of the 90-day period, was
24 that self-inflicted time period or was that created by the
25 ballot?

1 A That was created by the ballot.

2 Q All right. And the ballot came out in what year?

3 A 2016, I believe.

4 Q And so there was a lot of time provided to figure out
5 how you would approach doing everything that the ballot
6 required within that time period?

7 A No, not really.

8 Q Okay. Well, certainly, you could have hired more
9 than six evaluators, right?

10 A I don't know. If it was -- the -- you know, however
11 the budget and money fell.

12 Q Okay. Based upon 462 applications at \$5,000 apiece,
13 that's 2.4 million, somewhere in there?

14 A Something like that.

15 Q All right. Are you saying there was not enough in
16 the budget to perhaps cover the cost of more than six
17 evaluators?

18 A Yes, because we don't control that budget. Those
19 monies go into whatever state buckets they go into. It's not
20 like I have access to write a check or go into a bank account
21 and say, I need this amount for that. It's not how the State
22 works.

23 Q All right. With that, you've given me a tutorial on
24 how --

25 THE COURT: Oh, you want to know about interim

1 finance and how fun that is and go through a budget process?

2 MR. PARKER: No. No, I --

3 THE COURT: Come on, baby, ask it. Come on.

4 MR. PARKER: I looked in your eye, Judge, and I said,
5 This is not a line I'm going down.

6 MR. SHEVORSKI: You've got one minute. It's 11:44.

7 MR. PARKER: Good lord, he's giving out the time now?

8 MR. SHEVORSKI: You asked for the time.

9 MR. PARKER: All right. Good enough.

10 THE COURT: Are you ready for --

11 MR. PARKER: We can break right now.

12 THE COURT: All right. Mr. Parker has a -- he's on a
13 board of directors. He's on several board of directors. But
14 apparently he has a board meeting today. So we're going to
15 break until 1:15.

16 (Proceedings recessed at 11:46 a.m., until 1:12 p.m.)

17 -oOo-

18 ATTEST: I do hereby certify that I have truly and correctly
19 transcribed the audio/video proceedings in the above-entitled
20 case.

21 
22

23 Dana L. Williams
24 Transcriber
25

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 29 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |

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| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |
| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |

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| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 45 | CORRECTED FIRST AMENDED COMPLAINT. | 34 | 7/11/2019 | 003950-003967 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |
| 50 | ANSWER TO CORRECTED FIRST AMENDED COMPLAINT | 37 | 7/15/2019 | 004414-004425 |
| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |

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| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 374 | DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 10/30/2020 | 048131-048141 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |

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| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

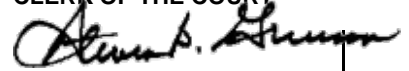
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**EVIDENTIARY HEARING - DAY 9
VOLUME II**

WEDNESDAY, JUNE 19, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL CRISTALLI, ESQ.
ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
NATHANIEL RULIS, ESQ.
ADAM BULT, ESQ.
MAXIMILIEN FETAZ, ESQ.
THEODORE PARKER, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
THERESA HAAR, ESQ.
RUSTY GRAF ESQ.
BRIGID HIGGINS, ESQ.
ERIC HONE, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
JOSEPH GUTIERREZ, ESQ.

1 LAS VEGAS, NEVADA, WEDNESDAY, JUNE 19, 2019, 1:19 P.M.

2 (Court was called to order)

3 THE COURT: Counsel, the witness is still under
4 oath. Are you ready to continue?

5 Mr. Miller, thank you for your accommodation in
6 letting me ask my questions before lunch.

7 MR. MILLER: Yeah. No. Thank you.

8 (Pause in the proceedings)

9 DIRECT EXAMINATION (Continued)

10 BY MR. MILLER:

11 Q Redirect your attention to NAC 453.272(h) that we
12 were talking about.

13 THE COURT: We're still on .272?

14 MR. MILLER: Yes.

15 BY MR. MILLER:

16 Q [Unintelligible] to evaluate "The experience of key
17 personnel that the applicant intends to employ in operating
18 the type of marijuana establishment for which the applicant
19 seeks the license"; right? So the regulation essentially has
20 two key components, the experience of the key personnel and if
21 they have experience in the type of establishment that they're
22 seeking a license. So this criteria in the recreational
23 license context would have evaluated the experience of key
24 personnel in retail marijuana; is that fair?

25 A Yes.

1 Q Okay. And that would have been an important
2 consideration to the evaluator on the application; correct?

3 A Yes.

4 Q Okay. Because experience in other sectors of the
5 marijuana industry may or may not be as applicable; is that
6 correct?

7 A As equivocal you said?

8 Q Yeah.

9 A Yes.

10 Q All right. A team of key employees that had vast
11 experience in cultivation might not be able to make the
12 transition as well to retail as well as a team that had key
13 experience in retail moving to get more retail experience; is
14 that right?

15 A Yeah, I don't -- right. Okay.

16 Q And you wouldn't expect people that had vast
17 experience growing coffee beans to automatically be able to
18 make the leap in order to be able to sell coffee beans at
19 Starbucks; right? Is that a fair analogy?

20 A Sure.

21 Q Okay. And so there should be a distinction between
22 those who had experience perhaps in cultivation and were able
23 to apply and -- you know, those key members of their team, and
24 those who had experience in the retail sector; is that right?

25 A Right. Unless their key personnel had experience in

1 a dispensary, you know, running a dispensary.

2 Q Right. But this is the criteria that would evaluate
3 that; right?

4 A Yes.

5 Q All right. So if their key personnel did have
6 experience in a dispensary, that presumably would have been
7 reflected on the applications; right?

8 A Right.

9 Q But if their key personnel only had experience in
10 cultivation, then that should have been reflected and scored
11 appropriately on the application?

12 A I would think so, yeah.

13 Q And yet when you handed out the licenses -- actually
14 public release of many documents your information that you
15 released indicates that the awardees that didn't previously
16 have a dispensary license accounted for 53 percent of the new
17 conditional licenses?

18 A Right. Something like that, yeah, 53, 54 percent.

19 Q So over half of the individuals -- licensees that
20 were awarded additional licenses in this process didn't have
21 any experience at all among their key employees in terms of
22 dispensaries; is that right?

23 A I don't know that.

24 Q Okay. Well, but you just suggested it's on the
25 Website; right? Awardees that didn't previously have a

1 dispensary, 53 percent?

2 A Right. Can you repeat that question.

3 Q Awardees that previously didn't have a dispensary,
4 53 percent, what does that indicate?

5 A Well, exactly that, that they didn't have a
6 dispensary license.

7 Q Okay. But only licensees who previously had some
8 form of license could apply; right?

9 A Yes.

10 Q Okay. So does that mean that this indicates that
11 53 percent did not have a dispensary prior to applying?

12 A Of the total applicants?

13 Q Yeah.

14 A Could have been more that -- more applicants that
15 just had a cultivation license. Those -- 53 percent I believe
16 was the number of licenses that were issued to an applicant
17 that did not own a dispensary or retail store at the time.

18 Q Right. So it would have been licensees that were
19 awarded a license that wouldn't have met the criteria
20 identified here in this subsection, right, the experience of
21 key personnel in a type of marijuana facility we're evaluating
22 here, which is a retail marijuana store; right?

23 A Well, I don't know that. I don't know who they had
24 on staff that may have met that criteria.

25 Q What does it mean when it says, "Awardees that

1 didn't previously have a dispensary, 53 percent"?

2 A Right. So that the applicant did not -- the
3 applicant did not have a retail store license.

4 Q Okay. Have you reviewed the scoring methodology the
5 evaluators use with respect to experience with a marijuana
6 establishment in Nevada?

7 A The --

8 Q Scoring methodology, how the evaluators actually
9 conducted their scores. Have you reviewed that?

10 A I believe I have sometime, some point.

11 Q Okay. I'll show you NAC 345D.272(g). Review this
12 provision. So "Whether the owners, officers, or board members
13 of the proposed marijuana establishment have direct experience
14 in the operation of a medical marijuana establishment, a
15 marijuana establishment in this state."

16 Now, if they had read the application instructions,
17 the applicants might have understood that the 750-word essay
18 and resumes would determine how they'd be scored on that
19 criteria; correct?

20 A Yeah. I'm not sure if it was just based on the
21 narrative.

22 Q I'm sorry?

23 A I'm not sure if it was just based on the narrative.

24 Q Okay. Well, we can go back to the instructions.

25 MR. MILLER: Can you pull up the application.

1 That's the evaluation criteria. We need the other section,
2 which describes how they're going to evaluate, which is
3 Section 5.1.0. So the 5.1.10 -- little lower. You had it
4 before it crashed. There. It actually was unattached --
5 BY MR. MILLER:

6 Q 5.2, sorry, indicates they're supposed to show an
7 organizational chart, right, and then a narrative description
8 -- 5.2.10.5, "A narrative description not to exceed 750 words
9 demonstrating the following." And then the next page.
10 5.2.10.5.2, "Any previous experience operating other
11 businesses or nonprofit organizations, including marijuana
12 industry experience." Right?

13 A Right.

14 Q That appears to be the way -- the instructions where
15 you indicate to the applicants that that's how you're going to
16 evaluate their experience; correct?

17 A Yes.

18 MR. MILLER: Can we show Exhibit 256, which hasn't
19 been admitted, so it's our client's handwritten evaluation
20 score sheet.

21 THE CLERK: It's proposed.

22 THE COURT: 256.

23 MR. MILLER: Yes.

24 THE COURT: Any objection?

25 MR. SHEVORSKI: No objection.

1 THE COURT: Be admitted.

2 (Plaintiffs' Exhibit 256 admitted)

3 MR. MILLER: Okay. And go to 40219. Yeah. Start
4 there.

5 BY MR. MILLER:

6 Q Sir, have you reviewed the handwritten scoring
7 sheets that the evaluators used?

8 A No. Well, blank ones, yes.

9 Q Okay.

10 A Well, some of these. I had never seen this one
11 that's up on the board.

12 Q Okay. So you haven't reviewed these and seen that
13 this same format might have been used to evaluate all of the
14 applications?

15 A No, I didn't review those.

16 Q Okay. So let's take a closer look here. Can you
17 see this screen? Can you see that appear to be doing here is
18 listing out at the top there, they numbered them, officers,
19 owners, and board members that would have been identified on
20 the application?

21 A Okay.

22 Q If we go to the next page, you'll see that that
23 continues. So -- and this application, of the identified
24 criteria they've listed out 21 total individuals that are
25 associated with the same individuals that are listed on

1 Attachment A. And then on the left-hand side of this document
2 you see there where it says, "MJ --" I can't read it, "MJ
3 Experience," something to that effect? Isolate "No
4 experience, MJ experience -- MJ in Nevada?

5 A Okay. Uh-huh.

6 Q Yeah. Let's see what follows in each of those
7 individual categories. Once they listed out their owners,
8 officer, and board members the evaluator will simply put a
9 checkmark for that category. You see that?

10 A Yes.

11 Q All right. You see on the left-hand side right next
12 to it, see that they list that they had seven officers,
13 owners, or board members with marijuana experience in Nevada
14 and 14 without?

15 A Okay.

16 Q So this applicant, TGIG, receives a 3. We've heard
17 previous testimony about that.

18 A Received a what?

19 Q A 3, a score of 3 --

20 A Okay.

21 Q -- on this 10-point category for experience with
22 marijuana in Nevada. And you'll see one of the score sheets
23 here that we'll go through, this is the mathematical equation.
24 It's 21 divided by 7, which gives a .33, so they get 3. Do
25 you see that?

1 A I don't see where you worked that out.

2 Q Okay. Well, you see that on the left-hand side
3 where they list the 14 and 7; right?

4 A 14, uh-huh.

5 Q Yeah.

6 MR. MILLER: We'll pull up the individual weighting
7 that they were given on the evaluations criteria. But what I
8 want to show is the other evaluators also use this same
9 grading. Can you show 40230.

10 BY MR. MILLER:

11 Q So a different evaluator using the same grid, where
12 they simply reduced the entire section to a series of
13 checkmarks; right? And 40245. See that, sir?

14 A Right. I see where they checked off.

15 MR. MILLER: Yeah. It's 40218, please. Flip back
16 to the pages that actually have the evaluation where the
17 evaluators record their scores. This is a diversity factor.
18 But can you show the one that pertains to experience with
19 marijuana.

20 BY MR. MILLER:

21 Q All right. So here you can see them actually
22 calculating it; right?

23 A Right.

24 Q All right. So it looks like in this instance even
25 21 owners, officers, or board members -- this is a 5-point

1 factor, so it's a different category. But 14 is yes, 3 is
2 some, so they're going to get half the points for some, and 4
3 no. Right? And then they just perform the math.

4 MR. MILLER: Is this the experience with marijuana
5 section, or a different one? Scroll down a little bit. Okay.
6 Go to the next one. There should be more evaluator sheets at
7 the bottom. Okay. We can go to Exhibit 254.

8 THE CLERK: Proposed.

9 MR. MILLER: Proposed Exhibit 254.

10 THE COURT: Any objection to 254?

11 MR. KOCH: No objection.

12 THE COURT: Given the additional redactions made,
13 any objection?

14 MR. KOCH: We made redactions on the document that
15 you proposed. I think the only --

16 MR. MILLER: Yes. I think we need to actually
17 redact --

18 THE COURT: So have those redactions been placed
19 into the exhibit the clerk has?

20 MR. KOCH: From my understanding. I wrote on the
21 document that he was going to submit, that's the one that he
22 submitted, yes, it is.

23 MR. MILLER: We'll make sure that that happens, Your
24 Honor.

25 THE COURT: No. Could we check.

1 MR. MILLER: Okay.

2 THE COURT: Sorry, sir, while they do this little --

3 MR. KOCH: No, this is not --

4 THE COURT: Of course it isn't. So --

5 (Pause in the proceedings)

6 THE COURT: Okay. So let's not display it to me,

7 because it's not redacted. The witness can of course look at

8 it with you --

9 MR. MILLER: Sure.

10 THE COURT: -- as long as you don't admit it.

11 MR. MILLER: Yeah. Could you pull up that earlier

12 exhibit.

13 THE COURT: No. Don't show it to me.

14 MR. MILLER: Well, he's got it redacted, Your Honor.

15 THE COURT: Oh. He does?

16 MR. MILLER: Yes.

17 THE COURT: How are we going to get a redacted

18 version to admit.

19 IT TECHNICIAN: We can print it, Your Honor.

20 THE COURT: Okay. So they're going to print the

21 redacted version. The redacted version pursuant to

22 stipulation will be admitted. Since the --

23 MR. KOCH: Is the version that you have the one that

24 I did handwritten marker on, or did you redact it separately.

25 IT TECHNICIAN: I redacted it separately.

1 MR. KOCH: Okay. Can I look at it first.

2 THE COURT: Yes.

3 (Pause in the proceedings)

4 MR. KOCH: We've reviewed it and redacted the items
5 that needed to be redacted.

6 THE COURT: So the redactions on the version that's
7 going to be displayed seem to comport with your understanding?

8 MR. KOCH: Correct.

9 THE COURT: So the version that you're showing will
10 be printed and provided to Dulce for admission?

11 MR. KOCH: Correct.

12 THE COURT: Okay.

13 MR. MILLER: Thank you, Judge.

14 THE COURT: You may show it now.

15 (Plaintiffs' Exhibit 254 admitted)

16 MR. MILLER: All right.

17 BY MR. MILLER:

18 Q All right. Sir, if you can look at the handwritten
19 scoring sheet there. Do you see that for this applicant they
20 determined that 12 or 13 of them have marijuana experience in
21 Nevada, 5 have marijuana experience somewhere else, and that 4
22 have experience -- no experience at all, right, out of 22?

23 A Right.

24 Q So 10 divided by 22 in order to reduce that to a
25 10-point scale and multiplying .45, which is 10 divided by 22

1 times 13, using 5.8 getting half of a point, people with some
2 experience but not in Nevada, and that's in that
3 multiplication, correct, looks like?

4 A Okay.

5 Q That gives them a score of 7. Do you need more time
6 to review it, sir?

7 A Okay.

8 Q Does that appear to be an accurate assessment of how
9 these applications were evaluated for those criteria?

10 A Right. I suppose, yeah.

11 Q You suppose. Do you see any other indication on
12 that sheet as to how it might have been evaluated?

13 A No.

14 Q Okay. So we've heard previous testimony that Nevada
15 Organic Remedies scored a 7 in marijuana experience in Nevada,
16 whereas TGIG scored a 3. But if you had reduced all of those
17 -- you'd reduced that entire criteria that we read and the
18 expectation of the applicants that they were going to define
19 their total experience in an essay to a series of checkmarks,
20 sir, that wouldn't appropriately evaluate the experience that
21 an applicant had in that category; is that correct?

22 A I'm not sure what those checkmarks represented to
23 the evaluators. I mean --

24 MR. MILLER: All right. So can you pull back up the
25 checklist there that the evaluators created.

1 BY MR. MILLER:

2 Q So can you see that they're just counting them up?
3 Review those three sheets, if you need to. I think you'll
4 find that if you review those three sheets, individual that
5 has a checkmark gets added to the tally as to whether or not
6 they have experience in Nevada, and if they don't, it will
7 sometimes indicate a no.

8 A I see. Okay.

9 Q So they reduced it to a mathematical formula it
10 appears; right?

11 A Yes.

12 MR. MILLER: All right. And pull back up 256.
13 Yeah, 256, and go to 4230.

14 BY MR. MILLER:

15 Q You'll see on a section in diversity here is again
16 the mathematical formula. They've gone through and identified
17 all of the individuals that are owners, officers, or board
18 members, right, added up the checkmarks, and they provided a
19 numerator and a denominator, right, on the left-hand column,
20 8, yes, 13 no?

21 A Yes.

22 Q So we've gone through it for the owners, officers,
23 and board members and identified which of those meet the
24 criteria that you established on the diversity, added them up
25 and applied a mathematical formula to arrive at the score;

1 right? That's what it appears that they're doing?

2 A Yes. Yes.

3 Q All right. And we can go to 40218. So 8 out of 21

4 had some indication of diversity here. It's 38 percent. So

5 the circle, that puts me in the category I'm awarded 8 points?

6 A Yes.

7 Q Okay. 40229. Different evaluator conducting the

8 same analysis, reducing that to a mathematical formula. 8 out

9 of 21 gives me 38 percent, 80 points; right?

10 A Yes.

11 Q Okay. Educational experience. Another criteria

12 that they were tasked with evaluating.

13 MR. MILLER: Go to 40217. Well, first, let's go

14 back to that 40230.

15 BY MR. MILLER:

16 Q See in the left-hand column they've identified that

17 there are how many with -- 3 with some, 4 with no, 14 with

18 yes. Do you see that?

19 A Yes.

20 Q And then they've gone through again with the owners,

21 officer, and directors and provided checkmarks whether or not

22 they met that criteria; right?

23 A Yes.

24 MR. MILLER: Okay. Can we go to 40217.

25 //

1 BY MR. MILLER:

2 Q The same mathematical equation that we've seen in
3 the previous instances; right?

4 A Right.

5 Q So it looks like they reduced the educational
6 requirements to a mathematical formula, as well; right?

7 A Yes.

8 Q Okay. And previous business experience. 40230,
9 again. Again they're putting checkmarks on the left-hand
10 column there that give us, if we zoom in there, 7 no, 14 yes.

11 Other contributions and financial. Let's see.
12 They've got a mathematical calculation there, should be a
13 little bit lower down, I believe. There at the very bottom.
14 It's right below that, yeah, where it says "nonprofit," 13 out
15 of 21. Do you see that?

16 A Yes.

17 Q Okay. All right. So it appears that the evaluators
18 when scoring these applications applied a binary formula,
19 right, that either you have experience or you don't, and, if
20 so, you're given a checkmark, and that adds to your score. If
21 not, it doesn't add to your score. Is that a fair assessment?

22 A Yes.

23 Q All right. So if an officer who was involved in all
24 day-to-day operations and had extensive experience detailed in
25 a 750-word essay, the best they could do under this scoring

1 criteria is just get a checkmark; right?

2 A On this sheet I would say, you know, they'd get
3 their points.

4 Q So they get 1 point [inaudible] on a percentage
5 basis that everyone else that's listed is an owner, officer,
6 and director; right?

7 A I would believe so.

8 Q Okay. And anybody that doesn't have that experience
9 isn't going to get a point that's going get calculated towards
10 that percent; is that correct?

11 A Yeah, I would believe so.

12 Q All right. So if a small minority investor with no
13 involvement in the operation, really isn't expected to have
14 any value added to the licensee's overall operation of a
15 marijuana establishment in this state, had no prior experience
16 they wouldn't get a check; right?

17 A If they had no prior --

18 Q If they had no experience, they wouldn't get a
19 check; right? We went through this.

20 A Right. Right.

21 Q Let me explain it another way. But that would
22 effectively cancel out any owner, officer, or director that
23 had vast experience, right, because this is just a binary
24 calculation? You either have it or you don't; right?

25 A Yeah, it seems that way.

1 Q Yeah. So there's not more weight given to one
2 member that may have more experience and more involvement in
3 the operation relative to anyone else?

4 A Right. [Unintelligible]

5 Q And if you'd known that walking into this
6 application, obviously who you listed as owners, officers, and
7 board members would be pretty important. Is that a fair
8 assessment?

9 A Sure.

10 Q All right. Let's turn to training. How much
11 training are regulators in your Division who might evaluate
12 regulatory compliance of licensees given?

13 A Can you say it, again.

14 Q Yeah. How much training do regulators within your
15 Division receive?

16 A For the evaluation of applications?

17 Q No. For overall training when you hire somebody off
18 the street --

19 THE COURT: For actually regulating the industry?

20 THE WITNESS: Oh. For actually regulating the --

21 BY MR. MILLER:

22 Q Yeah.

23 A You know, I'm not sure. Several weeks or months.

24 Q There is a formal training process; right?

25 A Right.

1 Q And what does it consist of?

2 A For the marijuana inspectors they have -- Kara
3 Cronkhite does the training, does some I guess face-to-face,
4 one-on-one training. And then they go out in the field with
5 other inspectors. They go along with each inspector, and they
6 have their training experience from -- and some of them are
7 registered environmental health specialists or they have
8 previous experience in --

9 Q Okay. And of the six evaluators that you hired
10 under Manpower none of those had any experience -- prior
11 experience in marijuana regulation; correct?

12 A Not that I know of.

13 Q Okay. And you're aware that they were given just
14 two weeks of training; is that right?

15 A That's what I understand, yes.

16 Q Okay. And they were essentially given a crash
17 course; correct?

18 A Yes.

19 Q Showing Exhibit 206, page 172. This is taken from
20 the PowerPoint that was provided by the State. It was used
21 during the training course that was given to the evaluators.
22 See where it says, "Crash course covered two weeks of
23 instruction in one hour. This instruction was built, moved
24 through quickly, heavily geared toward application
25 familiarization. Important process beyond the application

1 evaluation." So within two weeks these -- it's fair to say
2 that these evaluators were expected to cover an awful lot of
3 material; is that right?

4 A Yes, I would assume so.

5 Q So you expected them to have enough of depth in the
6 marijuana industry to be able to properly evaluate these
7 applications; right?

8 A Yes.

9 Q And they would have also been expected to understand
10 a substantial body of law that would have applied to those
11 applications; correct?

12 A Yes.

13 Q Maybe not?

14 A Well, I would expect them to have some familiarity
15 regarding the criteria or experience of the criteria that
16 they're tasked to grade or to evaluate.

17 Q Okay. But the criteria was established by the
18 regulations and the law; correct?

19 A Yes.

20 Q So they were expected to have a familiarity and
21 understanding of that law; right?

22 A Yes.

23 Q And I understand you weren't there for this
24 training; is that correct?

25 A Correct.

1 Q And so you weren't there to make sure that the
2 evaluators understood how to properly apply that criteria;
3 correct?

4 A Correct.

5 Q And you weren't there to stress the importance of
6 the applications to Nevada's marijuana industry, either;
7 right?

8 A Correct.

9 Q Following that crash course to your knowledge did
10 any of the evaluators receive any additional instruction, or
11 was that it?

12 A I don't know.

13 Q Okay. But you are aware that the evaluators had
14 very limited interaction with Department staff following the
15 training period; correct?

16 A Yes.

17 Q Read the transcript of May 28th, 2019, page 11, line
18 18. "As I understood, you were the primary contact for these
19 Manpower people. Is that right?"

20 "I was one of four employees who were in direct
21 contact with the Manpower employees at any given time."

22 And that did not include yourself; correct?

23 A Correct.

24 Q But, nevertheless, there were only four individuals
25 within your agency that had direct contact with those Manpower

1 employees at any time; is that right?

2 A I'm not sure how many.

3 Q Okay. But you don't have any reason to dispute the
4 testimony if the testimony said that there were four?

5 A No.

6 MR. MILLER: All right. And Exhibit 251, page
7 number DOT41859.

8 THE COURT: Any objection?

9 MR. MILLER: Oh. Sorry.

10 MR. SHEVORSKI: Which one is it?

11 THE COURT: 251.

12 MR. MILLER: Yeah, it's 251.

13 MR. SHEVORSKI: No objection.

14 THE COURT: Be admitted.

15 (Plaintiffs' Exhibit 251 admitted)

16 BY MR. MILLER:

17 Q This is an email that was provided to us from the
18 State from Ky Plaskon to yourself, Stephanie Klapstein, and
19 Steve Gilbert. That's going to be I believe on the second
20 page. It says, during -- that's 41859. Yeah. "During the
21 application process evaluators acted completely independently.
22 They'd check in from the EIO on program officer twice a day."
23 See that?

24 A Yes, I see it.

25 Q To your understanding is that accurate?

1 A From what I understand from my staff, yeah.

2 Q Okay. To your knowledge after these evaluators had
3 scored the applications did your Division conduct any exit
4 interview with them?

5 A I don't know.

6 Q You're not aware of whether or not the Division made
7 any attempt at all in order to review how they scored these
8 applications?

9 A I don't know.

10 Q And we've heard previous testimony that Manpower
11 conducted their own quality control program in making sure
12 that these scores were accurate. Is that correct, to your
13 knowledge?

14 A That Manpower did their own quality control?

15 Q Uh-huh.

16 A The evaluators, or Manpower the company?

17 Q The evaluators.

18 A The evaluators? Yeah, I don't know if they did or
19 not.

20 Q You don't have any reason to dispute the prior
21 testimony that they did their own quality control; right?

22 A No.

23 Q And you indicated you didn't review the evaluation
24 sheets that the evaluators used to make notes on. But are you
25 aware of anyone else in your Department going through after

1 the evaluation process was complete and reviewing those
2 sheets?

3 A Whether my staff made notes on those sheets?

4 Q You indicated to us that you had not reviewed those
5 handwritten scoring sheets that included notes --

6 A Right.

7 Q -- that would give some indication as to how they
8 scored these applications; right?

9 A Right.

10 Q Are you aware of any efforts within your Department
11 to have reviewed those sheets after the scoring was completed?

12 A Yeah, I don't know.

13 Q Is that a no, you're not aware of any?

14 A No, I'm not aware of any.

15 Q Okay. So you're not aware of any efforts that your
16 Department might have taken after that scoring was complete to
17 make sure that the evaluators would have properly applied the
18 correct criteria; correct?

19 A What I know is that -- that process was basically
20 delegated to my staff, and what that entailed I'm not sure of
21 that. I -- you know, I was told that the process was being
22 audited, and what that audit entails I don't even know what
23 they looked at or whether they made notes or what they
24 reviewed.

25 Q Okay. So I think you're telling us that you were

1 tasked, right, as head of this Division with evaluating the
2 applications for licenses for selling marijuana in the state
3 of Nevada; correct?

4 A Right.

5 Q And then you then delegated that task to your staff;
6 is that right?

7 A Yes. I relied on their experience.

8 Q Okay. And you can't tell us today whether or not
9 there was any effort by your Division to review the
10 applications as to how they were scored following the scoring
11 process; correct?

12 A Right. I had no interaction with that process.

13 Q Okay. But you're not aware of any efforts within
14 your department to go back and check and make sure that these
15 temporary employees scored these applications correctly, are
16 you?

17 A I don't know that. Like I said, they -- my staff
18 indicated that they audited sheets in the process. But I
19 don't know what that entails.

20 Q So at least as you sit here today you can't tell us
21 whether or not these evaluators interpreted the criteria
22 appropriately; correct?

23 A No.

24 Q And you can't tell us whether or not those
25 evaluators properly applied the law in the applications,

1 either; correct?

2 A Correct.

3 Q Okay. So as part of what you asked these temporary
4 employees to review, they were responsible for the evaluation
5 of plans relating to the care, quality, and safekeeping of
6 marijuana; is that correct?

7 A Yes.

8 Q Show you Exhibit 8, the evaluation guideline that
9 was given to the evaluators. Page 6. See where it says, "An
10 excellent plan will show the following: the plan fully
11 demonstrates the building security features and procedures,
12 demonstrate the applicant's ability to prevent the theft or
13 diversion of marijuana, and how the [unintelligible] assist
14 law enforcement and the Department, should include a detailed
15 budget for the proposed establishment, and fully show
16 preconstruction -- pre-opening construction and the first year
17 operating experiences."

18 You previously testified that none of the evaluators
19 had any experience with the regulation of marijuana; correct?

20 A Yeah, I believe so.

21 Q And yet you expected them to accurately apply the
22 criteria and determine whether or not somebody would have
23 provided a model answer versus a poor answer; correct?

24 A Well, I believe in conjunction with their training
25 and experience of whatever field that they were evaluating and

1 their own field and the training provided by the staff should
2 give them enough knowledge to evaluate building security
3 features and these items, detailed budgets.

4 Q Tell me that temporary employees that had no
5 background in marijuana after two weeks of training would have
6 been able to properly assess whether or not an applicant's
7 plan demonstrates the building security features and
8 procedures that are necessary in order to prevent the theft or
9 diversion of marijuana and how the plan would assist allow
10 enforcement and the Department?

11 A Yes.

12 Q We went through this on the Cole memo, right? You
13 remember the priority that said that the federal government
14 will come busting down doors if there's evidence of lax
15 regulation; right?

16 A Yes.

17 Q And one of those criteria was if legalized marijuana
18 is being diverted to other areas that could include states
19 that did not legalize marijuana; right?

20 A Yes.

21 Q And this is the plan where applicants would list how
22 they're going to prevent that; right?

23 A Yes.

24 Q You're telling us that temporary employees, after
25 only two weeks of training, can appropriately apply the

1 criteria and evaluate whose plan may be better than another to
2 make sure that we don't divert marijuana into the state of
3 Utah?

4 A Well, I think that you don't necessarily have to
5 have the experience in marijuana. It could be any product,
6 for that matter, that you have experience in building security
7 and theft, preventing theft or those type items and final
8 budgets and things. It doesn't necessarily have to be
9 experience in marijuana, I guess. Very few people have
10 experience in marijuana anyway. I mean, if you look at it,
11 there's not a lot of experience in this industry.

12 Q Okay. Who would be better prepared to assess
13 whether their plans for marijuana safekeeping, including
14 inventory control, meet the Department's regulatory
15 requirements, Manpower employees with two weeks of training,
16 or your staff?

17 A My staff.

18 Q But you didn't use your staff; right?

19 A No.

20 Q Who would be better prepared to assess whether their
21 plans accurately address security issues within Nevada's
22 industry, Manpower employees with two weeks of training, or
23 your staff?

24 A My staff.

25 Q You also know that -- are you aware that the

1 evaluators appeared to have spent very little time relative to
2 what your Division had expected in reviewing these
3 applications?

4 A No.

5 Q No? Okay. Read -- this is the exhibit with time
6 calculation, 24648. Sorry. It's Exhibit --

7 MR. MILLER: Do have that exhibit number, Shane? If
8 not, I'll skip it.

9 BY MR. MILLER:

10 Q Sir, are you aware that in the PowerPoints, we've
11 heard previous testimony on this, that the Department
12 anticipated that these applications would take 33 hours to
13 review?

14 A No.

15 MR. MILLER: Sorry. It's Exhibit 207. And it's
16 going to be page 24648. We'll skip it.

17 All right. How about Exhibit 257.

18 THE CLERK: Proposed.

19 THE COURT: Any objection?

20 MR. MILLER: This is criteria for one of my clients.

21 MR. SHEVORSKI: No objections.

22 THE COURT: Be admitted.

23 (Plaintiffs' Exhibit 257 admitted)

24 BY MR. MILLER:

25 Q Let's get to the 24648. Are you familiar with this

1 sheet, sir?

2 A I'm sorry.

3 Q Are you familiar with this template --

4 A No.

5 Q -- or this document?

6 A No.

7 Q It's the evaluators' tally of their score sheets.

8 At the bottom there you'll see -- at the very bottom you'll

9 see where the evaluators listed the time that they spent on

10 that application. So it appears that one of the evaluators

11 spent an hour and 15 minutes reviewing the scoring plans;

12 right?

13 A Yes.

14 Q Okay. And two evaluators spent one hour; is that

15 correct?

16 A In care and quality, yes.

17 Q Yeah. Okay. And this applicant, if we go up to the

18 top, had five applications that were evaluated during that

19 time period. Do you see that?

20 A Yes.

21 Q So that's an average of 12 minutes to review and

22 evaluate and score that entire plan; correct?

23 A Well, I don't know, because I believe that from my

24 understanding many applicants submitted the same application,

25 just for different jurisdictions.

1 Q Okay.

2 A So they may have just reviewed one because the other
3 four were identical.

4 Q And may have. We'll get to that part of the
5 testimony, and I'll redirect you there. This particular
6 applicant testified that they had unique plans for every
7 jurisdiction and he was unaware of that rule. If that was the
8 case, you would agree that it appears that these evaluators
9 only spent 12 minutes per application; correct?

10 A Yes.

11 Q Okay. And you're aware that some applicants' care,
12 quality, and control or response sections were sometimes over
13 600 pages long for only one application?

14 A I understand they vary. I don't know be how much or
15 how long.

16 Q Okay. But hundreds of pages, could be?

17 A Could be, yes.

18 Q Over a thousand sometimes?

19 A I don't know.

20 Q There were requirements in NRS 453D that placed
21 limitations on where a proposed marijuana establishment can
22 operate; correct?

23 A Yes.

24 Q Read NRS 453D.230(b). Require an application fee,
25 and then we'll skip down to the physical address.

1 THE COURT: So do you want the Administrative Code,
2 or the statute?

3 MR. MILLER: I'm sorry. NAC. Thank you, Judge.

4 THE COURT: It's okay.

5 MR. MILLER: NAC 453D.230. Nope.

6 NRS 453D.210(5)(b). I think I've got a typo.

7 THE COURT: The physical address?

8 MR. MILLER: Yes.

9 THE COURT: Okay.

10 MR. MILLER: Thank you.

11 BY MR. MILLER:

12 Q (5)(b) physical address. So "The Department shall
13 approve a license if prospective marijuana establishment has
14 submitted an application in compliance with the regulations,
15 the physical address where the proposed marijuana
16 establishment will operate is owned by that applicant or the
17 applicant has written permission of the property to operate
18 the proposed marijuana establishment on that property."
19 Right? That was put in the initiative; correct?

20 A Yes.

21 Q All right. And then in the regulation you further
22 interpreted that under NAC 453D.268(2)(e).

23 If we could show that.

24 If you could go to subsection (2) at the top, it
25 says, "The application must include -- must, without

1 limitation," if we go to (e) "The physical address where the
2 proposed marijuana establishment will be located and the
3 physical address of any co-owner otherwise affiliated in the
4 marijuana establishment." Do you see that?

5 A Yes.

6 Q All right. So the law required applicants to
7 provide a proposed physical address to be listed on that
8 application; correct?

9 MR. GRAF: Objection, Your Honor. Misstates the
10 evidence.

11 THE COURT: Overruled.

12 MR. GRAF: I'm just saying this is the NAC, Your
13 Honor, not the NRS.

14 THE COURT: This is the NRS, isn't it?

15 MR. MILLER: This is the NAC.

16 THE COURT: NRS 453D.210? Oh. I'm sorry. You
17 switched.

18 MR. MILLER: It has [unintelligible]. Sorry.

19 MR. GRAF: I'm just trying to prove that I'm paying
20 attention, Your Honor.

21 THE COURT: I'm reading a case. So keep going.

22 BY MR. MILLER:

23 Q The regulation, which is the law in this state,
24 required that the applicants provide a physical address;
25 correct?

1 A Yes.

2 Q All right. And the plain language that was on the
3 application itself required it; correct?

4 A Yes.

5 MR. MILLER: If we pull up Exhibit 5. Ah, we've
6 reviewed it enough [unintelligible].

7 MR. GRAF: Objection, Your Honor. Vague as to which
8 application he's talking about.

9 THE COURT: You want 5 or 5A?

10 MR. MILLER: I called for Exhibit 5.

11 MR. GRAF: So is it sustained?

12 THE COURT: Yes, your objection was sustained.

13 MR. GRAF: Thank you, Your Honor.

14 BY MR. MILLER:

15 Q Up at the top, "Must provide a physical address."
16 "Marijuana establishment proposed physical address. Must be a
17 Nevada address and cannot be a P.O. box"; right?

18 A Right.

19 Q You understand that applicants required -- many
20 applicants understood that a physical address was required as
21 part of the application; correct?

22 MR. GRAF: Objection. Lacks foundation as to what
23 the applicants understood.

24 THE COURT: Overruled.

25 MR. GRAF: Thank you, Your Honor.

1 THE WITNESS: You ask the question, again.

2 BY MR. MILLER:

3 Q Sure. You're aware that many applicants believed
4 that having a proposed physical address was required as part
5 of the application; correct?

6 A Yes.

7 Q Because you believe it, too; right? You believe
8 that the law says that you've got to have a proposed physical
9 address in the application?

10 A The application requires a proposed physical
11 address, yes.

12 Q But some applicants didn't provide a proposed
13 physical address; is that correct?

14 A I don't know.

15 Q Not sure. All right. Are you aware that this
16 application was changed and modified at some point?

17 A Until recently.

18 Q Okay. The first time you were made aware that this
19 application was changed was when?

20 THE COURT: And we don't want to know when your
21 lawyers told you, just when you became aware. Date.

22 THE WITNESS: I don't know. Three weeks ago.

23 BY MR. MILLER:

24 Q So if an applicant had not provided a proposed
25 physical address and that was required by law, what should the

1 Department have done with that application?

2 A Process it. I mean, the initiative grants the
3 Department the authority to issue, suspend, revoke licenses.
4 And, you know, we looked at the Governor's Task Force. 453A
5 talks to licensees about the physical location. And we
6 believe that part of that authority is that a license can be
7 conditional and if -- that the physical location requirement
8 is not required until the end of that conditional period where
9 we go in for a final inspection and issue the final license at
10 that point. So I think we say industry understood. Industry
11 was the main component to not include location let's say in
12 the scoring criteria. And that was part of the Governor's
13 Task Force recommendation, as well.

14 Q So I understand your response, you're saying that
15 you understand that the proposed physical address is required
16 as part of the application, but that only applies to a
17 conditional license?

18 A No. I'm saying that the proposed physical location
19 is a requirement of the application. The regulations and the
20 statutes say you have to have a proposed location, right. But
21 what I'm saying is the physical requirement is not -- the
22 physical location requirement, it's not a requirement till the
23 end of the conditional period where we would issue a final
24 certificate and do our final inspection and then do the final
25 certificate. And they've passed all the local jurisdictional

1 requirements.

2 Q Let's go back to NRS 453D.210. That statute doesn't
3 provide a clause for the mandate that you provide a proposed
4 physical address on the application, does it?

5 A I think the statute doesn't give us a whole lot to
6 go on. It doesn't really tell you how to do it.

7 Q You define it in the reg as being required as part
8 of the application; correct?

9 A To list a physical location.

10 Q And what the statute talked about was that you
11 didn't need to have all your zoning entitlements and approvals
12 at the time that you applied; correct?

13 A What's that again?

14 Q The statute you mentioned the fact you don't need to
15 have your zoning approvals and entitlements done before you
16 applied; correct?

17 A You know, I don't recall the statute was specific on
18 that.

19 Q It's in the same statute. Can we scroll down.

20 THE COURT: Sir, if you want me to give you the
21 statute book so you can look at it, I'd be happy to. I
22 understand sometimes it's hard to look at it on the screen.

23 THE WITNESS: Right. That'd be easier.

24 THE COURT: All right. There's a pocket part in the
25 back. Most of what you're looking at is probably going to be

1 in that annual paper in the back.

2 THE WITNESS: All right. What are we looking at,
3 .210?

4 BY MR. MILLER:

5 Q NRS D.210(e).

6 A I'm sorry?

7 Q (e), subsection (e).

8 THE COURT: So you're in 453D.210(5)(e) I think is
9 where he's sending you.

10 BY MR. MILLER:

11 Q There's nothing in that provision, right, that if --
12 that makes any reference to a physical location not being
13 required; correct? The other provisions we talked about
14 mandated that a physical address is required; correct?

15 A Yeah. (5)(e) doesn't talk about the location.

16 Q Because the process is that you apply for a
17 conditional license. If you obtain that conditional license,
18 you then go and get your zoning and entitlements with the
19 local jurisdiction, and then you're given final approval;
20 correct?

21 A Basically, yes.

22 Q All right. And that's really what the industry was
23 concerned about, and the Task Force and everything else, was
24 that in 2014 there was a requirement that all that take place
25 and they wanted to ease that restriction; correct?

1 A Yes.

2 Q All right. There's nothing in there that suggests
3 that they weren't required to have a proposed physical
4 address; correct? You agree that the regulation says that,
5 that you're required to have a physical address.

6 A Right. On the application.

7 Q On the application. So if it wasn't listed, how
8 could these applicants have been compared against other
9 applicants who did provide a proposed physical address?

10 A Location wasn't scored. What's to compare?

11 Q But location can influence how the rest of the
12 criteria is evaluated; correct?

13 A I don't know.

14 Q Were you aware that some applicants had the
15 understanding that a proposed physical address was required
16 under the application and some were not?

17 A No.

18 Q You weren't aware at any point that your Department
19 attempted to issue clarification of the fact that a proposed
20 physical address may not be required?

21 A Yes, I was. Yes.

22 Q And how were you made aware of that?

23 A Got plenty of calls basically asking if -- you know,
24 what -- I got calls regarding what if I own the building, what
25 if I'm leasing the building, do we list that.

1 Q So maybe I misunderstood. I thought you told me
2 that you only learned of it recently that the Department had
3 attempted to clarify and that you didn't -- you didn't know
4 that some applicants were under the understanding that you
5 needed a proposed physical address and some were under a
6 completely different understanding. Now you're telling us
7 that you did know that there was confusion.

8 MS. SHELL: Objection. Misstates --

9 THE COURT: Overruled.

10 MS. SHELL: Your Honor, you didn't let me finish.

11 THE COURT: Misstates testimony. Overruled.

12 THE WITNESS: I thought the question was whether I
13 knew there were two versions of the application. And I --

14 BY MR. MILLER:

15 Q The Department attempted --

16 A And I did not know that.

17 Q Okay. I asked if the Department attempted to
18 clarify, was what I intended to ask. So all right. Let's go
19 forward with that, then.

20 So you did understand that some people understood
21 that a proposed physical address was not required?

22 A There were some calls, yes.

23 Q Okay. And some people obviously did not understand
24 that a proposed physical address was required; correct?

25 A Correct.

1 Q All right. At what point did you realize that that
2 confusion existed about the rules within the application?

3 A Like I said, I was receiving calls regarding, you
4 know, location, you know, I own my building, do I list that,
5 or we're entering a lease, do I list that. So -- and then I
6 believe we were getting emails. I think my staff told me we
7 were getting emails with some questions. So I asked them to
8 basically attempt to clarify, you know, that -- clarify that
9 situation. I believed -- you know, my belief was that like a
10 Listserv went out with the clarifications. That's why I'm
11 saying I didn't know there were two versions of the
12 application until recently.

13 Q Okay. But you were aware of confusion dating back
14 to when?

15 A I don't know. Sometime after -- you know, I think
16 it was shortly after that application came out.

17 Q Okay. Were you made aware of any requests to
18 clarify how the Department would issue the application prior
19 to the application being released?

20 A Say it again.

21 Q You're saying that you received calls questioning
22 whether or not a physical address was required, part of the
23 application, after it was released; right?

24 A Yes.

25 Q And that happened on July 5th; correct?

1 A Around there, yeah.

2 Q Okay. Prior to July 5th did you have communications
3 with potential applicants that wanted to know how those rules
4 are going to be interpreted?

5 A I believe so, yes.

6 Q And you had conversations with potential applicants
7 asking whether or not a proposed physical address would be
8 required?

9 A Yes. I believe so, yes.

10 Q How many of those conversations do you think you
11 had?

12 A I don't know. There were several.

13 Q Huh?

14 A There were several. Several.

15 Q You say several. How many?

16 A I don't know.

17 Q Who'd you have those conversations with?

18 A Different potential applicants.

19 Q Do you recall who?

20 A Amanda Connor was one, or attorneys for the
21 applicants. I think John Ritter. I don't know -- I don't
22 remember anyone else off the top of my head. I know there
23 were several.

24 Q Several. But those are the only two you remember
25 Amanda Connor and John Ritter that had asked whether or not a

1 proposed physical address would be required. And what'd you
2 tell them?

3 A That the application required that a physical
4 address be on the application, but it would not be scored.

5 Q Well, you say it wouldn't be scored. What more
6 information did you convey?

7 A That's it.

8 Q Did they have any followup questions about, when you
9 say that it won't be scored, if they're looking at my
10 application and I don't provide a physical address and you
11 don't require it to submit detailed plans about how this
12 marijuana establishment is going to impact the community, how
13 am I going to be scored? Did they have any followup
14 questions?

15 A Well, I think that requirement for, you know,
16 detailed plans was removed to general floor plans.

17 Q Okay.

18 A So, I mean, unlike 2014, they weren't required to
19 submit, you know, plumbing, HVAC, electrical, that type of
20 thing, just general floor plan.

21 Q What about impact on a community? Did they ask any
22 questions about how they might be evaluated with respect to
23 impact to the community if they didn't provide any address?

24 A No. Not that I remember.

25 Q So you don't remember any followup questions as to

1 how they believed the applications would be interpreted if
2 they did not provide a physical address on the application?

3 A Yeah. I don't -- I don't recall any.

4 Q Okay. But you gave at least Amanda Connor and John
5 Ritter guidance that physical address, although it was
6 required by law, wouldn't be scored and so they didn't need to
7 include it?

8 A No, I didn't say they didn't need to include it. I
9 said the application requires that they put a physical
10 address, but that it -- you know, that location was not
11 scored, it's not part of the scoring criteria.

12 Q Okay. And when you gave that guidance did you go
13 back to the Department and share that information with anybody
14 else that might have been receiving calls from applicants
15 about information in the application?

16 A Well, I'm sure we discussed it several times.

17 Q Okay. Who'd you discuss it with?

18 A Steve Gilbert, Kara, Damon.

19 Q And this was prior to the application being released
20 on July 5th?

21 A Yes. There was a lot of discussion around that --
22 during the Task Force and the public meetings or the
23 recommendations while we were doing the regulations.

24 Q But the two you just identified, Amanda Connor and
25 John Ritter, were the two co-chairs for the Task Force that

1 came up with the -- two co-chairs of the committee on the Task
2 Force that were designed to help implement the regulations
3 that are on the application; correct?

4 A Say it again.

5 Q The two individuals that you named, Amanda Connor
6 and John Ritter, are you aware that those are the two co-
7 chairs on the Task Force for the subcommittee that was
8 designed and intended to review the applications for the
9 recreational manager license applications?

10 A No, I didn't know Amanda was a co-chair. Well, I
11 don't remember.

12 Q But nevertheless, they're very involved in the
13 industry; correct?

14 A Yes.

15 Q You would have expected them to have attended those
16 Task Force meetings?

17 A Yes.

18 Q All right. And participated in any public hearings
19 where the rules might have been explained?

20 A Yes.

21 Q Okay. And yet they didn't understand whether or not
22 a proposed physical address would be required; correct?

23 MR. SHEVORSKI: Objection. Speculation.

24 THE COURT: Overruled.

25 THE WITNESS: They would tell me -- like Amanda

1 would say she's getting questions from her clients and she
2 just wants to confirm, right. And, you know, John also was
3 more like a confirmation.

4 BY MR. MILLER:

5 Q Yeah. But at least for individuals that were highly
6 involved in the process it's apparent to you that there was
7 some confusion in this area; is that fair?

8 A Yes.

9 Q And so it's a fair assessment that other people
10 might have also had the same confusion; correct?

11 A Yes.

12 Q Did you make any attempts to clarify it?

13 A I believe I did.

14 Q How'd you do that?

15 A Well, I don't -- maybe not necessarily that I think
16 the clarification I was sending out was more regarding whether
17 someone owned or leased a location. They were asking about
18 where to put it. I don't think I put out a clarification
19 regarding physical location must be on -- must be listed on
20 the application.

21 Q Okay. So you knew in advance of the application
22 being released on July 5th that there was confusion within the
23 industry as to whether or not a proposed physical address was
24 required and would be scored; correct?

25 A Yes.

1 Q And yet you took no corrective action that you can
2 identify for us in order to clarify that rule to the rest of
3 the industry; is that right?

4 A Right.

5 Q Okay. And you didn't review that with the Attorney
6 General's Office, either; correct?

7 A Review what?

8 Q The fact that you'd gotten a request for
9 clarification on whether or not this needed to be included --
10 that a proposed physical address needed to be included on the
11 application and whether or not that that may be also scored?

12 MR. SHEVORSKI: Objection to the extent it calls for
13 attorney-client privilege.

14 THE COURT: Sir, we don't want you to tell us
15 anything you talked about with your attorney, but if you spoke
16 to your attorney, that's a yes or no.

17 THE WITNESS: Would you repeat the question.

18 BY MR. MILLER:

19 Q You don't tell the Attorney General's Office, did
20 you, that there was confusion about this area of the law and
21 how it might be interpreted and ask them for any guidance, did
22 you?

23 MR. SHEVORSKI: Same objection, Your Honor.

24 THE COURT: Can you rephrase your question.

25 //

1 BY MR. MILLER:

2 Q Did you ask the Attorney General's office, yes or
3 no, for any guidance on whether or not the proposed physical
4 address needed to be included on the application?

5 MR. SHEVORSKI: I'm sorry, Your Honor. Same
6 objection.

7 THE COURT: Can you be a little less specific in
8 what he sought legal advice about.

9 BY MR. MILLER:

10 Q Did you consult with the Attorney General's Office
11 about the requirements as it pertained to proposed physical
12 location on the application?

13 MR. SHEVORSKI: Same objection, Your Honor.

14 THE COURT: Overruled. It's a yes or no, sir, on
15 whether you consulted with the AG's Office.

16 THE WITNESS: No.

17 BY MR. MILLER:

18 Q The exhibit itself -- sorry. The application
19 itself, turn to Exhibit 5, 5.3.3. This is a score criteria,
20 right, building establishment information, the adequacy of
21 size. Do you recall that was a scored part of the
22 application?

23 A Yes.

24 Q Okay. And in that area it says that you're supposed
25 to indicate the size or square footage of the proposed

1 establishment, which should include the maximum size of the
2 proposed operation; correct?

3 A Yeah.

4 Q And since that's a scored area of the application
5 that would relate to a physical address, that area would in
6 fact be scored; correct?

7 A Say it again.

8 Q Okay. So the size or square footage for the
9 proposed establishment should include the maximum size of the
10 proposed operation, doesn't that indicate that you needed to
11 have a proposed physical address?

12 A I don't think so. They could submit a plan with
13 what you're proposing to build or move into. It doesn't
14 necessarily have to be tied to a specific address.

15 Q Okay. The proposed physical address is required by
16 law, but it wouldn't be scored; is that correct?

17 A Right.

18 Q So are you telling us that with respect to this
19 provision, the proposed operation, you could just submit a
20 model plan and have that be evaluated on the same terms as
21 somebody who had an actual physical address?

22 A Yeah.

23 Q And that expectation was conveyed to the evaluators,
24 you believe?

25 A I don't know.

1 Q Okay. Because there could be big distinctions,
2 right, between somebody that had to provide a proposed
3 physical address versus somebody that was just able to operate
4 off of a model plan; correct?

5 A I think that the requirement as to the size -- I
6 believe what -- my staff would probably be better equipped to
7 answer this, I'll attempt -- that when they looked at adequacy
8 of size is that they have proper divisions, an area for
9 vaults, areas for consumer space, things like that. So -- so
10 I don't know.

11 Q But an applicant that's had to provide a proposed
12 physical address may have dealt with those real world
13 constraints; right? We've got this proposed physical address
14 but we're adapting a leased space and it doesn't have
15 sufficient back of the house space, but we're going to have to
16 list that and see where this is scored anyhow; right?

17 A I suppose they could have added a modification or --
18 to the building.

19 Q Well, if a proposed physical address is required,
20 we've got to deal with the real world, right, what we put on
21 our application if that was possible; correct?

22 A If it was possible, yes.

23 Q Right. They can't just invent and say, this doesn't
24 have enough space but let me just say that I think we're going
25 to expand into a neighborhood; correct?

1 A No. I was referring to more of, I have this current
2 space and we're going to, you know, add X amount of feet,
3 we're going to tear this wall down and so we going to add an
4 additional X square footage.

5 Q Nothing would have prevented the applicants that
6 actually had to secure a proposed physical address from
7 attempting to make whatever modifications would have been
8 necessary at that physical address in order to score at the
9 highest level; correct? In order to meet the criteria, in
10 order to best meet the criteria. Is that what you're telling
11 me?

12 A I don't understand the question.

13 Q If somebody has to provide a proposed physical
14 address, okay, they're faced with real world constraints,
15 nothing would have prevented them from trying to improve that
16 location so that it would be better scored when the evaluators
17 reviewed their criteria; correct?

18 A Correct.

19 Q All right. But somebody that's able to just propose
20 any physical location without any ties to the real world and
21 can just invent a model plan isn't faced with those same
22 restrictions; correct?

23 A Correct.

24 Q They can build -- they can put on paper they're
25 going to build the dream retail facility that isn't tied to

1 the real world and still have it be evaluated under your
2 analysis?

3 A Yes.

4 Q So these applications could have been entirely
5 fictional from your perspective, and they still would have
6 been evaluated against individuals who were faced with real
7 world constraints; right?

8 A I guess so. I mean, we hope that the applicants are
9 truthful in their representations to the Department, because,
10 you know, submitting false or misleading information can bring
11 consequences. Well, if you're not required to propose a
12 physical address, sir, it wouldn't be untruthful, correct, to
13 just list -- to just show a diagram that says, this is my --
14 this is a dream facility, not one that'll ever be possible of
15 being constructed in this jurisdiction to my knowledge, but
16 here it is? That's not untruthful, is it?

17 A No. But we don't know -- we don't know that it will
18 not come to fruition.

19 Q Okay. But if some applicants have been able to
20 submit a dream facility that hadn't been -- hadn't -- that
21 wasn't constrained by the real world and some applicants were
22 constrained by real issues in finding a proposed physical
23 location, that's not a fair process, is it?

24 MR. GRAF: Objection. Incomplete hypothetical, Your
25 Honor.

1 THE COURT: Overruled.

2 MR. GRAF: Thank you, Your Honor.

3 THE WITNESS: Repeat the question.

4 BY MR. MILLER:

5 Q Some applicants are allowed to submit an application
6 that doesn't provide a proposed address and they're able to
7 just list their dream facility, doesn't have any constraints
8 in the real world, other applicants submit an application with
9 a proposed physical address that is constrained by real world
10 issues in the location that they were able to find, how that
11 would be adapted to the criteria? Two different kinds of
12 applicants there. You understand that? You understand where
13 I'm going?

14 A Right. One has a building, let's say, right, and
15 one doesn't and is submitting proposed plans.

16 Q Yeah. And if one is allowed to submit completely
17 fictional plans and the other real world plans, that's not a
18 fair evaluation, is it?

19 A I don't know that I would call them fictional. I
20 mean, I don't know that that's not their plan.

21 Q Well, you're telling me that they weren't required
22 to provide a physical address that would indicate that that is
23 their plan; right?

24 A They're required to provide a physical address on
25 the application.

1 Q Well, if they provide a physical address does it
2 have to be the physical address of the proposed location? It
3 can be any address.

4 A You know, not -- even the application that -- the
5 location they put on the application doesn't necessarily mean
6 that's the location they're going to end up with, all right.
7 So even in 2014 it's my understanding you had applicants that
8 had a real location and then couldn't get zoning, couldn't get
9 their SUP. Hell, it's my understanding one burned down. So
10 it's not necessarily true that the location that you put in
11 your application is the location you're going to end up with.
12 I mean, a lot of things happen, right. People can't, you
13 know, come to terms on a lease or they can't get their SUP for
14 local reasons or, you know, something happens.

15 Q Sir, I'm talking --

16 THE COURT: And, sir, for those people who are
17 reading this in Carson City, SUP means a special use permit?

18 THE WITNESS: Yes, ma'am.

19 THE COURT: Thank you.

20 BY MR. MILLER:

21 Q Sir, I'm talking about fairness and impartiality in
22 this process. Can you run a fair process if some of the
23 applicants understand that they don't need a proposed physical
24 location while the other half are providing applications with
25 a proposed physical address?

1 MR. GRAF: Objection, Your Honor. Incomplete
2 hypothetical and misstates the law.

3 THE COURT: Overruled.

4 MR. GRAF: Your Honor, I'd ask for an offer of proof
5 as to where the word "fair" is anywhere in the statute.

6 THE COURT: Overruled.

7 MR. GRAF: Thank you, Your Honor.

8 THE WITNESS: Okay. Can you restate that.

9 BY MR. MILLER:

10 Q You were asked can you run a fair process where some
11 applicants know that a physical -- proposed physical address
12 is not required --

13 MR. GRAF: Same objection, Your Honor.

14 BY MR. MILLER:

15 Q -- and some applicants --

16 THE COURT: Overruled.

17 MR. GRAF: Oops. Sorry. Sorry, Your Honor.

18 BY MR. MILLER:

19 Q -- understand something completely different about
20 how the Department will evaluate it and provide a proposed
21 physical address?

22 A One more time, please.

23 Q You have some applicants who have a proposed a
24 physical address.

25 A Right.

1 Q They believe that is required, and they submit their
2 application that way. Other applicants understand that a
3 proposed physical address will not be scored, so they don't
4 provide a physical address. Is that a fair application
5 process, sir?

6 A Is it a fair application process? I think everyone
7 had the same opportunity to request clarification. I think
8 that everyone had access to the Department. I think everyone
9 had access to submit their questions. I think everyone had an
10 opportunity to attend 70-plus public meetings and workshops
11 regarding this issue. I think the application was a fair
12 process -- the application process was a fair process.

13 Q Moving to 5.3.4.3, "Procedures to ensure adequate
14 security measures for building security." Sir, wouldn't you
15 agree that the consideration of that plan would indicate that
16 there is some tie-in within the scoring criteria to an actual
17 proposed physical address versus a fictional one?

18 A No.

19 Q So if you develop a plan that is designed to ensure
20 adequate security measures of a proposed physical location
21 that is tied to an actual address, has a real neighborhood
22 around it, may have additional security concerns, that one is
23 the same as one that could be submitted that doesn't have any
24 physical address associated with it at all?

25 A Pretty much, yeah.

1 Q Okay. 5.3.6.1, "Operations and resource plan.
2 Detailed budget for the proposed establishment, including pre-
3 opening construction and first year operating expenses." Do
4 you understand that when you budget for an opening of a
5 facility that you get some indication of costs, right, and
6 sometimes that can fluctuate, depending upon where your
7 location is located; correct?

8 A Sure. I think there's a lot of factors that go into
9 that.

10 Q Okay. So, again, someone that submitted a proposed
11 physical location that was tied to real world requirements and
12 was required to develop a detailed budget wouldn't be on a
13 level playing field with someone who's just pulling numbers
14 out of thin air; correct?

15 A I don't think so. All these applicants are already
16 certificate holders. They've set up marijuana establishments,
17 they know what costs are involved. I think they're capable to
18 -- capable enough to submit a detail budget, an accurate one.

19 Q Well, how would you know whether or not that
20 reflected real world constraints if a physical address wasn't
21 required?

22 A Like I said, they already -- they're already
23 establishment owners. I think that they can accurately
24 reflect what it would cost to operate a business and the first
25 year operating expenses.

1 Q We heard testimony from one of the applicants, like
2 Viellion, who is a developer --

3 A I'm sorry. Like who?

4 Q Mike Viellion. [Unintelligible]. He indicated that
5 the building expenses are different [unintelligible] which
6 location you pick. That if you choose a location that's by
7 the Strip, you may have increased business costs, increased
8 construction costs, that there are certain fees associated
9 with it; choose one, you know, that's a more remote area of
10 Las Vegas, that that might carry less expense. Is that an
11 accurate assessment of your understanding, as well?

12 A Well, I would agree that property near the Strip is
13 going to be more expensive to acquire and build on.
14 Construction costs tend to vary. Raw materials costs tend to
15 vary. They make the best estimate.

16 Q But -- so if those costs vary, you've got one group
17 of applicants that's required to submit a proposed physical
18 address that is tied to that address and another group of
19 applicants that's just listing a theoretical exercise of what
20 a budget may look like, that's not an apples-to-apples
21 comparison, is it?

22 A The comparison being someone with a location in
23 hand, if you will, versus someone who doesn't? I think it'd
24 be fairly close.

25 Q Fairly close can make a difference; right? If

1 somebody's able to submit numbers and say, here's my
2 theoretical budget of what it might look like if I have to
3 actually find a proposed address, might be quite different and
4 that could result in a difference in scoring here; correct?

5 A Well, I don't -- I don't know if that -- even if
6 that applicant that has a location already, is it built out,
7 have they done the tenant improvements? Those costs tend to
8 vary, you know, the way whatever construction and raw material
9 varies. So, you know, I don't know to what extent are they
10 built out, are the tenant improvements done, are the security
11 features built in. I mean, those are all costs that everyone
12 bears in this industry whether they have a location in hand or
13 they're looking to build or lease and build out.

14 Q But my question was some applicants were limited by
15 real world constraints, some of the ones you just cited. They
16 don't know if that location already has tenant improvements,
17 you don't know about any number of things until you actually
18 have a proposed physical location and you say, here's what our
19 budget's going to look like, here's our expenses, here's our
20 pre-opening costs, here's our construction costs, we know this
21 because we have a proposed physical address. You have another
22 group of applicants that just say, theoretically this is kind
23 of what we think it's going to cost. Two different scenarios,
24 aren't they?

25 A Well, yes, like I said. But I think they can

1 accurately reflect what those costs would be.

2 MR. MILLER: Pull up the transcript of May 30th,
3 page 157.

4 THE COURT: Is this Mr. Gilbert?

5 MR. MILLER: Sorry. This is Mr. Viellion.

6 THE COURT: Okay.

7 BY MR. MILLER:

8 Q Line 6, "...spent a lot of time, effort, and money
9 taking the specific location that we had secured and adapting
10 them to the method in which we like to operate, and that
11 includes basically measurements, layouts, function, and flow
12 in terms of the Department's requirements with respect to
13 security that in this industry are more rigorous than they are
14 in just the regular retail industry for obvious reasons, you
15 know, cash and product."

16 See, sir, that's an applicant that had an
17 understanding that a physical location was required, and he's
18 detailing some of the constraints that he faced in dealing
19 with the real world constraints. He's not on a level playing
20 field with somebody that had an understanding that a physical
21 address wasn't going to be required and scored [inaudible];
22 correct?

23 A Those costs will be --

24 MR. GRAF: Your Honor, I object as to form.

25 THE COURT: Overruled.

1 MR. GRAF: Thank you, Your Honor.

2 THE COURT: And, Mr. Miller, when you get a breaking
3 place let us know, because it's almost 3:00 o'clock.

4 MR. MILLER: Okay. Soon as he answers I'll take a
5 break.

6 THE WITNESS: Can I answer?

7 THE COURT: Yes.

8 BY MR. MILLER:

9 Q Yes.

10 A Yeah. I think those costs would be borne
11 regardless, whether you have a proposed location or a location
12 in hand.

13 MR. MILLER: We can take a break.

14 THE COURT: Is it time for a break? This is not a
15 requested recess.

16 (Court recessed at 2:58 p.m., until 3:11 p.m.)

17 THE COURT: Mr. Miller, are you ready?

18 (Pause in the proceedings)

19 THE COURT: All right. Mr. Miller, you're up.

20 BY MR. MILLER:

21 Q Again, sir, showing you the application itself on
22 Attachment A. So you understood that there was some confusion
23 within the industry about whether or not a proposed physical
24 location was required or would be scored, and yet the
25 attachment itself requires that you list a proposed physical

1 address and has a box for it; right?

2 A Yes.

3 Q Now, if a proposed physical address wasn't going to
4 be scored at all, why do you even have that box?

5 A Because the regulation says that it needs to be on
6 the application.

7 Q Yes. And you left that provision in there because
8 it said proposed physical address must be submitted as part of
9 the application.

10 MR. GRAF: Your Honor, can we have clarification as
11 to whether it's 5A or --

12 THE COURT: Is this 5A, or 5?

13 MR. MILLER: This is 5A.

14 THE COURT: Shane?

15 IT TECHNICIAN: 5.

16 THE COURT: 5. We're not asking you. We're asking
17 Shane. He said it was 5.

18 MR. MILLER: You're right about that. All right.
19 Exhibit 5.

20 THE COURT: Attachment A to Exhibit 5.

21 MR. MILLER: Attachment A to Exhibit 5.

22 BY MR. MILLER:

23 Q So you left that in there because it was required in
24 the reg that a provide a proposed physical address as part of
25 the application?

1 A The regulation detailed all the items that must be
2 on the application itself. And that is one of them.

3 Q But you didn't provide any additional clarification
4 that what you really meant is this is just compliance with the
5 regulation that says you've got to have an address, but we're
6 in no way requiring that you actually have a physical address;
7 right?

8 A No. I mean, I think we -- we expect applicants to
9 fill out their application completely, you know, fill in what
10 we ask for. It asks for a proposed physical address, then
11 provide one.

12 Q I asked you didn't provide any additional
13 clarification to the applicants if a proposed physical address
14 was only listed in order to comply with that provision of the
15 regulation that the applicants wouldn't need to actually have
16 a proposed physical address that would be evaluated as part of
17 their application; is that correct?

18 A Yeah. I don't -- it's two separate things. One is
19 that the application requires a proposed physical address.
20 The other is that the location for scoring criteria purposes
21 is not scored.

22 Q So are you saying that proposed physical address
23 under your interpretation that would have been listed on the
24 application did not need to be tied to an address that would
25 have, for example, been accurate plans and the like; correct?

1 A Correct.

2 Q You didn't provide that clarification anywhere in
3 the application; correct?

4 A No.

5 Q Nowhere in here I'm going to find that once a
6 proposed physical address it doesn't mean that that physical
7 address has to be associated with any of the criteria that
8 we're evaluating here?

9 A Correct.

10 Q I want to bring your attention to diversity. You
11 previously heard testimony that the scores related to
12 diversity don't necessarily correspond to a diversity
13 ownership. I'm going to show you testimony on May 28th,
14 page 65, at line 9.

15 THE COURT: And is this Mr. Gilbert's testimony?

16 MR. MILLER: This is -- this is Mr. Plaskon's
17 testimony.

18 THE COURT: Okay. Thank you.

19 BY MR. MILLER:

20 Q The question was, "So even a corporation that's
21 solely owned by a white male, just as long as he puts 10
22 females on the board of directors he gets 20 points; is that
23 right?"

24 And he says, "I believe our procedures show that
25 owners, officers, and board members are all considered in the

1 diversity."

2 Is that your understanding of how the diversity
3 section would have been scored?

4 A I would believe so. Owners, officers, and board
5 members are considered.

6 Q So if you had a corporation that was solely owned by
7 a white male and you put 10 females on the board, you would
8 have gotten the full points; is that correct?

9 A I would think so, yeah.

10 Q We also heard a summary opinion of Dr. Christian
11 Wuthrich, who developed diversity training programs for
12 several higher-education programs and taught student
13 development theory. Let's show you his assessment on page --
14 on May 30th, page 26, line 1.

15 He was asked after a series of foundational
16 questions that he had reviewed the criteria along with the
17 desktop scoring criteria that was used in the evaluation
18 process and the definition of what constitutes diversity and
19 rendered his opinion about how effective that evaluation would
20 have been in trying to achieve diversity.

21 And he testified -- page 26, line 1, "I think as
22 this was administered it's horribly antiquated and
23 ineffective, and the results will not lead to this agency to
24 achieve diversity."

25 And he also testified that to his knowledge no

1 government used the 55-year-old definition of "diversity" that
2 was used in this application except for your Division. Who
3 came up with that criteria?

4 A The definitions?

5 Q Yes.

6 A I provided those.

7 Q Okay. So you provided the definitions of what would
8 constitute diversity?

9 A Yes.

10 Q By yourself? Did you consult with the Attorney
11 General's Office on that?

12 A No. I looked -- I tried looking at the Nevada EEOC
13 site. They referred to the federal guidelines. I looked at
14 the NRS, tried to find a definition. Didn't find anything.
15 So I made an attempt to find what the federal guideline
16 definitions.

17 Q Okay. So you just researched it by Google or
18 something?

19 A Right. I just went to the Internet.

20 Q And came up with a definition and then sent that out
21 and said, here's the criteria that we'll use?

22 A Yes.

23 Q And you determined that based on that definition and
24 how these applications would be evaluated according to that
25 definition that the diversity would be given 20 points; is

1 that correct?

2 A That diversity be awarded 20 points total, yes.

3 Q Yes. And when coming up with the methodology as to
4 how you would evaluate diversity you limited that to owners,
5 officers, and board members; is that correct?

6 A I'm sorry?

7 Q You limited the consideration of diversity, whether
8 or not a licensee is diverse, to whether or not the owners,
9 officers, or board members of that licensee met your
10 definition of diversity; is that correct?

11 A Yes.

12 Q All right. But nothing would have prevented you
13 from further defining those terms, "owner, officer, or board
14 member"; correct?

15 A Correct.

16 Q And nothing would have allowed you to define it
17 differently to consider the diversity of the organization as a
18 whole, also; is that correct?

19 A What do you mean the organization as a whole?

20 Q Well, the licensee as a whole, whether they're
21 employees or how strongly they value diversity, any of that
22 kind of criteria that also could be used. And we heard some
23 of the testimony from the professor as to how diversity is
24 ultimately [unintelligible] in other areas. You could have
25 defined it much differently; correct?

1 A I suppose, yes.

2 Q Do you believe that the conditional licenses that
3 were issued as the result of this application process, that
4 you achieved diversity?

5 A I believe they achieved some, yes.

6 Q Show you Exhibit 253, 42986.

7 THE CLERK: It's proposed.

8 THE COURT: Any objection?

9 MR. SHEVORSKI: No objection, Your Honor.

10 THE COURT: Be admitted.

11 (Plaintiffs' Exhibit 253 admitted)

12 MR. MILLER: I'm going to be looking for a grid up
13 on that document -- I can't see -- that would isolate among
14 owners showing diversity statistics. Exhibit 253, 42986.

15 BY MR. MILLER:

16 Q So without looking at this grid -- we may not need
17 it -- are you familiar that the Department of Taxation
18 prepared some statistics identifying the diversity of the
19 ownership interests among the licensees that were awarded
20 conditional licenses?

21 A I believe I remember seeing something. I don't
22 recall the details.

23 MR. MILLER: Okay. So try 42988. The top. Isolate
24 those up at the top.

25 //

1 BY MR. MILLER:

2 Q If you isolate among owners, only 20 percent of the
3 licenses were awarded to female owners. I don't think it's
4 going to show that there. It'd be way up at the top in one of
5 those boxes.

6 There it is. Diversity. Awarded Owner Pool. You
7 see that it's only 20 percent female and 16 percent minority.
8 One of the conditional licenses 64 percent awarded to non-
9 minority. You think those statistics achieve the diversity
10 that you wanted to have evaluated as part of this application?

11 MR. KOCH: Objection. Lacks foundation.
12 Speculation as to the law.

13 THE COURT: Overruled.

14 THE WITNESS: I believe it's a definite improvement.

15 BY MR. MILLER:

16 Q The law required you to conduct a numerically scored
17 application process; right? Familiar with that requirement?

18 A Yes.

19 Q If the DOT conducted a numerically scored bidding
20 process that the final scores to determine the winners weren't
21 accurate, that process wouldn't comply with the law obviously;
22 correct?

23 MR. GRAF: Objection, Your Honor. Calls for a legal
24 conclusion.

25 THE COURT: Overruled.

1 MR. GRAF: Thank you.

2 BY MR. MILLER:

3 Q Showing you Proposed Exhibit 220. It's Nevada
4 Organic Remedies' just the final score sheets that we were
5 using yesterday.

6 THE CLERK: 220 was admitted on May 31st.

7 MR. MILLER: I'm sorry?

8 THE CLERK: Exhibit 220 has been admitted.
9 [Inaudible].

10 THE COURT: So it's previously been admitted.

11 MR. KOCH: Okay. It's just the tally sheet, looks
12 like?

13 MR. MILLER: Yeah. It's the tally sheet. Yeah.
14 This should be the tally sheet on page 10.

15 BY MR. MILLER:

16 Q Okay. You see this is -- Nevada Organic Remedies
17 submitted a number of licenses. This is Application Number
18 215. You see there at the top under "Building Plan Details,"
19 can you read me those scores from each of the different
20 evaluators. Evaluator 1 scored it as a 7; correct?

21 A Yes.

22 Q Evaluator 2?

23 A 8.

24 Q Evaluator 3?

25 A 8.

1 Q And turning quickly to Number 216, Application 216,
2 the next page. Evaluator 1 is a 7, Evaluator 2 an 8, correct,
3 and Evaluator 3 an 8; is that correct?

4 A 7, 8, and 8.

5 Q Yep.

6 A Yes.

7 Q Is that right? All right. And then 217, just to go
8 through this exercise, the next one, is a 9, 8, 8; correct?

9 A 9, 8, 9, yes.

10 Q And that applies to the building plan details
11 section.

12 So we've got different scores, then they've got a
13 series of applications that follow that have that same score,
14 9, 8, 9. Accept my representation there on the final tally
15 sheet?

16 A Yes, 9, 8, 9.

17 Q They got a different scoring on applications 215 and
18 216 than the rest of the applications. In his testimony last
19 week Andrew Jolley testified that he submitted identical
20 applications and simply checked the boxes for different
21 jurisdictions. He was asked if it surprised him they received
22 identical scores, and he indicated it didn't because the
23 applications were identical, but also pointed out that scores
24 were slightly different.

25 MR. MILLER: Can we pull up the transcript where

1 he's describing this on June 10th, page 33, line 5.

2 (Pause in the proceedings)

3 BY MR. MILLER:

4 Q Well, without the benefit of the transcript, you
5 know, he indicated the scores were slightly different, and
6 then he goes on to describe that he theorized that the size of
7 the building might have been evaluated differently in
8 accordance with the building plan being in different
9 communities. He brought it back to [unintelligible] I don't
10 know understand how these scores could have been different if
11 we submitted identical plans in every jurisdiction. And they
12 theorized, well, maybe the evaluators looked at it differently
13 because maybe our building plan would have fit differently in
14 one community versus another. You understand my synopsis of
15 his testimony?

16 A Right.

17 Q Okay. But we know through the evaluation sheets
18 that that didn't occur; right? You know that they didn't
19 evaluate identical plans differently based on different
20 jurisdictions; correct?

21 MR. KOCH: Objection. Lacks foundation.

22 THE COURT: Overruled.

23 THE WITNESS: Yeah. No, I don't know what the
24 evaluators were looking at as far as --

25 //

1 BY MR. MILLER:

2 Q But if somebody had submitted -- if somebody had
3 submitted identical plans so they were in essence evaluating
4 identical criteria, you wouldn't have expected them to
5 evaluate differently in one jurisdiction versus another, would
6 we?

7 A You know, I don't know unless there's something
8 special with these jurisdictions that affect the adequacy of
9 size. You know, I don't know. I would -- on the face of it I
10 would agree, you know, if you have identical plans across
11 jurisdictions you -- you know, they'd be the same.

12 Q In fact, it should have been the same; right? You
13 would expect identical scores if they -- if it was permissible
14 to submit identical plans and identical information for
15 different jurisdictions, the scoring should have been the
16 same; correct?

17 A Well, on the face, on the surface, you know, I would
18 tend to agree, but I don't want to substitute -- I don't think
19 it's fair to any of the applicants that I try to substitute my
20 judgment for that of the evaluators. I don't know what they
21 were thinking, what they saw, you know, what their perspective
22 of what they were looking at was, you know.

23 Q They were expected after two weeks of training to
24 appropriately apply the law in respect to those applications;
25 correct?

1 A Right. We also expect them to use their training
2 and experience. I believe we had someone that had years of
3 experience in construction. So, you know, you have that human
4 element. They have their perspective in what they're looking
5 at. Like I said, I don't think it's fair to anyone here for
6 me to substitute my judgment for theirs of what they saw.

7 Q So you weren't going to go and question it at all,
8 if somebody submitted an identical application and it was
9 graded differently?

10 A I'm not going to question the evaluators, no.

11 Q And you wouldn't review and ask those evaluators how
12 did you come to a different conclusion even though somebody
13 submitted identical applications?

14 A No, I would not, sir.

15 Q So it wouldn't generate any red flags that identical
16 applications were reviewed by this evaluator and he came to
17 different results?

18 A That's their -- that's their prerogative, I guess,
19 how they evaluate those.

20 Q Because in the instance I just showed you, Evaluator
21 1 scored a 7 on that same criteria on an identical application
22 on 215 and 216, and on the remainder of the applications he
23 scored that same application, according to the final tally
24 sheet, a 9.

25 A Right.

1 Q You see those scores, you don't think the Department
2 had any obligation to go any further and say how did you score
3 identical applications differently?

4 A No. I think that hurts the process.

5 Q What hurts the process?

6 A To interject ourselves into the evaluators'
7 evaluation process. You know, I don't know -- I don't know
8 that -- they're independent, supposed to be independent. And
9 again, I don't know if there was something different, remotely
10 different. I don't know what that evaluator saw to cause them
11 to score it differently.

12 MR. MILLER: Pull up Exhibit 254; 28364. This is
13 the handwritten scoring criteria, the sheet. Is this 28364?

14 I.T. TECHNICIAN: No. One moment.

15 BY MR. MILLER:

16 Q I think the score is on the next page. We'll start
17 at the top just so you can verify that this applies to
18 Application 215. It says, Application 215 and it's the first
19 evaluator, Mr. Lemons. Look at the score that he writes down
20 on the sheet at the bottom there. Next page. The final score
21 sheet indicated that he scored this application a 7, but in
22 fact it looks like he scored it as a 9. Do you see that?

23 A Yes.

24 Q 28474. A different evaluator, same application.
25 This is Evaluator Number 3. Your final score sheet indicated

1 that this evaluator scored that as an 8.

2 A Is that an 8?

3 Q You can't really tell, can you?

4 A Uh-uh.

5 Q It looks like a 9. But fortunately you've got a

6 process for this, there's a master sheet. If you'll turn to

7 28220. Again, 9, 8, 9. Do you see that?

8 A Yes.

9 Q So your final tally sheet recorded those as 7, 8, 8;

10 correct?

11 MR. GRAF: Objection, Your Honor. Misstates the

12 evidence.

13 THE COURT: Overruled.

14 BY MR. MILLER:

15 Q Let's go to Application 216; 28239.

16 A 215?

17 Q I'm sorry?

18 A The score -- you're saying that this doesn't match

19 what's on 215 score sheet? This is for 215.

20 Q These are the master tally sheets, correct, that

21 they all signed off on. It includes all their signatures and

22 they hand wrote the final scores for this applicant --

23 A Right.

24 Q -- on 215?

25 A For RD215. Yes.

1 Q RD215. And you recall that on RD215 the final score
2 sheet and the ultimate tally for which you issued the licenses
3 said that the evaluators scored 215 in this same category as
4 7, 8, 8.

5 A Can I --

6 MR. GRAF: Your Honor, same objection.

7 THE COURT: Overruled.

8 MR. GRAF: Thank you, Your Honor.

9 THE WITNESS: Can we go back to do a side-by-side
10 comparison of that tally sheet?

11 MR. MILLER: Sure. Can you show them side-by-side,
12 Shane?

13 I.T. TECHNICIAN: What was that earlier exhibit?

14 MR. MILLER: That's exhibit --

15 MR. GRAF: 28634, 28774 and 28220.

16 MR. MILLER: That's going to be a lot.

17 MR. GRAF: Those are the pages that we need compared.

18 THE COURT: No, those were the individual score
19 sheets. I think --

20 MR. GRAF: But that's what I think he wants to see.

21 THE WITNESS: Right. If we can see the, whatever
22 it's called, tally sheet that we were talking --

23 THE COURT: The summary tally sheet?

24 THE WITNESS: That he showed me earlier to see --

25 MR. MILLER: Yeah.

1 THE COURT: The first one.
2 THE WITNESS: The first one, yes.
3 BY MR. MILLER:
4 Q The first one is I believe 28364. No. It's Exhibit
5 220.
6 THE COURT: Are we displaying 220 right now?
7 MR. MILLER: Yes.
8 THE COURT: Okay.
9 MR. MILLER: We're displaying Exhibit 220 with a
10 side-by-side comparison with the master tally sheet, which is
11 Bates stamped 28220.
12 THE COURT: Thank you.
13 BY MR. MILLER:
14 Q Do you see that, sir?
15 A Okay. 215, 215. Okay.
16 MR. MILLER: I think he wants to see the master
17 sheet.
18 THE WITNESS: He moved up. Yeah.
19 MR. MILLER: If you can leave the master sheet up,
20 which is 28220.
21 THE COURT: So, sir, is that what you asked to
22 compare the two?
23 THE WITNESS: Yes. Yes.
24 THE COURT: All right. Just a moment. You can look
25 at it and then tell us when you're done.

1 THE WITNESS: Can you move it over so I can see what
2 the criteria is there, make sure it's the same one.

3 MR. MILLER: Which side? I don't know what cuts
4 off.

5 THE WITNESS: We're looking at building construction,
6 is it?

7 MR. MILLER: Oh, he wants to see it and verify, I
8 believe, that that's the criteria sheet for building
9 construction.

10 THE WITNESS: On the master, on the master sheet,
11 what does that say there? Yeah, it's cut off on my screen.
12 Can I get up and look at this?

13 THE COURT: You can. Here, sir, if you want to use
14 my magnifying glass --

15 THE WITNESS: No, it's just cut off there.

16 THE COURT: Okay.

17 MR. GENTILE: This is unbelievable.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: You okay?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: All right.

22 THE WITNESS: Okay.

23 BY MR. MILLER:

24 Q Do you see that now, sir?

25 A Yes.

1 Q All right. So it appears as though the master sheet
2 that was provided to us that contains all the signatures of
3 the evaluators does not correspond to the final tally sheet
4 upon which you based your award of the licenses, is that
5 correct?

6 A It appears that the master does not match the tally
7 sheet for that criteria.

8 Q Okay. And same for 216; 28239?

9 I.T. TECHNICIAN: 2823 what?

10 MR. MILLER: I'm sorry? Application Number 216.
11 Yeah, okay.

12 BY MR. MILLER:

13 Q Do you see the master sheets, 9, 8, 9 and then the
14 next one that has the quote 216 as well?

15 A Okay. Thank you. Yeah, that doesn't appear to
16 match, either.

17 Q Okay. So [unintelligible] context, Mr. Jolley posed
18 a question as to if you submit identical applications, how
19 could they be different? He was awarded licenses. He
20 reviewed it with his own staff. And we see that the
21 difference here appears to indicate that your final records
22 didn't reflect the scores that were actually provided by the
23 evaluators; right?

24 A Right. It appears that way.

25 Q So if we look through all these applications, there

1 might be other instances of errors where an evaluator's score
2 wasn't accurately reflected on the final tally sheet; correct?

3 A Possibly. I mean, the human element, right?
4 Mistakes may happen. Licensees weren't promised perfection,
5 I'll tell you that.

6 Q Well, you could have imposed some quality controls,
7 though; correct?

8 A I'm sorry?

9 Q You could have imposed some quality controls;
10 correct?

11 (Cell phone rings)

12 THE COURT: Mr. Kemp.

13 MR. KEMP: Sorry, Your Honor.

14 (Pause in the proceedings)

15 THE COURT: Mr. Miller, if you and the witness are
16 ready, we'll start again.

17 MR. MILLER: Scratch that, Judge.

18 Move to the transcript on May 29th, page 85, line 4.

19 I.T. TECHNICIAN: 85, line 4?

20 MR. MILLER: Yes.

21 BY MR. MILLER:

22 Q This is testimony from Mr. Plaskon on May 29th, page
23 85, line 4.

24 A Which number?

25 Q I'm sorry. It should be up on the screen. Mr.

1 Gentile asked him about, "Which part did you miss?" And he
2 says, "It was where they started to walk through -- they had
3 already gone through, I believe, one application, possibly,
4 the mock application. But it was where they were going
5 through the mock application with Kara and Steve and Damon and
6 Dave." Read the rest if you can. I can't see it from here.

7 A Do you want me to keep reading?

8 Q Go ahead, read the rest.

9 A "So other Department personnel" -- "Yes." -- "were
10 participating in training the evaluators"-- "Correct." "--
11 when you were gone. Do you recall when you were talking to my
12 friend, Mr. Gentile, he was discussing that there was an
13 interview that took place a minute after I believe it was Pam
14 had decided to jettison her current position?"

15 I.T. TECHNICIAN: I'm sorry, Your Honor, but I think
16 you need the morning session.

17 THE COURT: Hold on a second. Let's switch.

18 MR. MILLER: The other transcript. It doesn't sound
19 right, Judge.

20 THE WITNESS: Yeah, it was a little confusing.

21 MR. MILLER: There we go. Now it looks like I can
22 see it upright.

23 BY MR. MILLER:

24 Q (Reading) "Okay, great. Once the evaluators have
25 done their scoring, then it's provided to the administrative

1 assistants and they enter it into the spreadsheet and that
2 application has some calculations that were associated with
3 it. So the calculations -- [inaudible] for 2014 and they are
4 wrong and she recognized that immediately and wanted to talk
5 to me about fixing the calculations before she did?" Do you
6 see that?

7 A Yes.

8 Q So we have some testimony there's some other errors
9 that the Department knew about it appears; correct?

10 A I'm sorry?

11 Q We have testimony here about other errors in the
12 application process that were identified by the Department;
13 correct? Do you understand the context here?

14 A Well, I'm trying to put in place where -- what
15 exactly they're talking about.

16 Q She's talking --

17 A (Witness reading to himself). You know, I don't
18 understand what they're talking about. It looks like -- and
19 so the calculations were from 2014.

20 Q Well, it appears to be a synopsis that there was a
21 mistake and Mr. Plaskon was trying to fix it, how the scores
22 were ultimately inputted into your system and report the final
23 scores. Do you accept that? Would you accept that that's
24 essentially what he testified to?

25 MR. KOCH: Objection. Mischaracterizes the

1 testimony.

2 THE WITNESS: No. I don't --

3 THE COURT: Overruled.

4 THE WITNESS: I don't know.

5 BY MR. MILLER:

6 Q Well, we can go through it and drag it out. You
7 won't accept that?

8 A It's not clear to me what he was talking about.

9 Q Okay. We'll let it stand for itself. But if the
10 Department had evidence that it was using an inaccurate
11 numerically scored scoring process, you wouldn't proceed
12 without correcting it; right?

13 A If --

14 Q You were using an inaccurately scored scoring
15 process, you would correct that, wouldn't you?

16 MR. GRAF: I'm going to object as to form, Your
17 Honor.

18 THE COURT: Overruled.

19 MR. GRAF: Thank you, Your Honor.

20 THE WITNESS: Yes.

21 BY MR. MILLER:

22 Q Because otherwise you would award licenses on
23 inaccurate results; right?

24 A Potentially.

25 Q We heard that Manpower's employees conducted their

1 own quality assurance; right?

2 A That's what you said, yes.

3 Q Are you aware that that wasn't the case in 2014?

4 A No, I do not.

5 Q -- when the applications were evaluated?

6 A I do not know.

7 Q In 2014, the application process was subject to an
8 extensive quality control process. Are you familiar with
9 that?

10 A No.

11 MR. MILLER: Can we bring up 250; 21451.

12 THE CLERK: I'm sorry, which exhibit number, Mr.
13 Miller?

14 MR. MILLER: Proposed Exhibit 250.

15 THE CLERK: Proposed.

16 MR. MILLER: It's 21451.

17 THE CLERK: Exhibit 250 is proposed.

18

19 THE COURT: Any objection?

20 MR. SHEVORSKI: No, Your Honor.

21 THE COURT: It will be admitted.

22 (Plaintiffs' Exhibit 250 admitted)

23 BY MR. MILLER:

24 Q I'm showing you part of a PowerPoint training where
25 it identifies a flow chart of a process that QuantumMark

1 recommended be implemented in the 2014 application process and
2 that deals with quality assurance. Do you see that?

3 A Yes.

4 Q It appears to be a rather extensive process, does it
5 not?

6 A It appears to be.

7 Q And if they find mistakes, there's areas in there
8 where they address them?

9 A Can you ask the question again? I don't --

10 Q It shows in there that if they identify mistakes
11 through this process with the quality assurance program that
12 they make efforts to fix those mistakes; correct?

13 A I see where it says corrective action, but it's
14 regarding a schedule for the week, attend and observe
15 meetings, answer questions as asked and provide verbal
16 feedback. I don't see where, you know, it says, hey, mistakes
17 identified, this is the corrective action you take.

18 Q Well, addressing mistakes through some process is
19 the appropriate course of action if you're going to run an
20 application process that is dependent on accurate numbers, is
21 that correct?

22 A The -- are we still talking about this process or in
23 general?

24 Q No, I'm just saying -- addressing it in general.
25 You've got to address it; right?

1 A Yes.

2 Q If you find a problem with it, you've got to address
3 it?

4 A Yes.

5 Q All right. And that's important here because some
6 scores were close; right?

7 MR. MILLER: Can we have Exhibit 15?

8 BY MR. MILLER:

9 Q We're going to look at the results in Henderson.
10 The difference between Clear River being awarded a license, it
11 was awarded 210.16 versus QualCan 209.66. This is a very
12 close distinction, sir, isn't it?

13 A Pretty close, yes.

14 Q So a point or two can really matter here; right?

15 A Yes.

16 Q And Las Vegas. Circle S Farms.

17 MR. GRAF: Your Honor, I'd object at this point.

18 Qualcan is not a party to any of the matters involved in this
19 case.

20 THE COURT: Overruled.

21 MR. GRAF: Thank you, Your Honor.

22 BY MR. MILLER:

23 Q Circle S Farms, 208. Qualcan again 207.33. Okay?

24 A Yes.

25 Q And the Department even anticipated that a one point

1 difference could matter in determining who got a license
2 because you define criteria for what happen if you had a tie;
3 right?

4 A Yes.

5 Q And even though you anticipated those close results
6 and you might have needed strong quality controls to make sure
7 that you reported accurate numbers, you didn't even utilize
8 the full resources the State provided you to administer the
9 program; correct?

10 MR. KOCH: Objection. Argumentative. Lacks
11 foundation.

12 THE COURT: Overruled.

13 THE WITNESS: Yeah, could you be more specific?

14 BY MR. MILLER:

15 Q Did you utilize the full resources that the State
16 provided to you in order to implement this program and make
17 sure that you were doing an effective job?

18 A I believe we did.

19 Q Didn't you appear before the Interim Finance
20 Committee and seek and obtain approval to hire fifteen
21 temporary employees to evaluate these applications?

22 A I don't believe it was fifteen. I don't recall the
23 exact number. It may have been --

24 Q But you only utilized eight, is that correct?

25 A You know, I'm not even sure of that. Six, eight.

1 MR. MILLER: Show Exhibit 259.
2 THE COURT: Any objection?
3 MR. SHEVORSKI: No objection, Your Honor.
4 THE COURT: It will be admitted.
5 (Plaintiffs' Exhibit 259 admitted)
6 MR. MILLER: Page 227. Is this is the Interim
7 Finance Committee documents, page 227?
8 I.T. TECHNICIAN: 927?
9 MR. MILLER: 227. Page 227. Maybe I mixed these
10 up. Is it 260?
11 I.T. TECHNICIAN: Yes.
12 MR. MILLER: There we go.
13 BY MR. MILLER:
14 Q So you recognize this generally as a work program --
15 A Yes.
16 Q -- document that would have been provided to the
17 Interim Finance Committee?
18 A Yes.
19 Q And do you recognize -- does this refresh your
20 recollection as to the work program that you would have
21 submitted to the Interim Finance Committee?
22 MR. SHEVORSKI: I'm sorry, I don't think that's 260.
23 THE COURT: Page 260?
24 MR. SHEVORSKI: Oh, page 260 or is it Exhibit 260?
25 I.T. TECHNICIAN: It's not admitted, Ross.

1 MR. MILLER: Huh?

2 THE COURT: Exhibit 260? Any objection to 260?

3 MR. SHEVORSKI: No, Your Honor. I was just trying
4 to figure out what was going on.

5 THE COURT: It will be admitted. It's part of the
6 Interim Finance Committee presentation and agenda.

7 MR. SHEVORSKI: Yeah. No, 260 is fine.

8 THE COURT: Okay. Let's go.

9 BY MR. MILLER:

10 Q This shows that you were authorized fifteen
11 employees by the Interim Finance Committee in order to be able
12 to administer this program; correct?

13 A Yes.

14 Q You don't recall specifically -- it looks like you
15 only utilized eight, is that correct?

16 A Yes. Something like that.

17 Q There were three evaluators on either side; correct?

18 A Right. Yeah, and I think a couple of support.

19 Q So the Department chose to not use seven positions
20 that were authorized that could have been used in this
21 evaluation process; correct?

22 A I believe there was an issue. I recall a
23 conversation or something that I believe that there were --
24 between our ASO, conversations between our ASO and Steve
25 Gilbert or whatever that they were having problems getting --

1 getting qualified people at whatever rate they were offering
2 at the time, so I think they used some of those funds to pay
3 the more qualified people a higher rate. I think that's what
4 happened there.

5 Q Okay. So maybe the qualifications would have
6 prevented you from being able to utilize your full resources;
7 right?

8 A I'm sorry?

9 Q As I understand it, you're saying that the inability
10 to hire the right people with the right qualifications for the
11 job that you needed prevented you from using the additional
12 resources that you were allocated; correct?

13 MS. SHELL: Objection. Misstates testimony.

14 THE COURT: Overruled.

15 Sir, can you explain what you meant, though?

16 THE WITNESS: Yes. So let me see if I could --
17 they had identified the qualified individuals that met the
18 requirements that they were looking for. I believe those
19 individuals were reluctant to do the job for the rate that was
20 being offered, so I believe that the contract funds -- some of
21 the contract funds were used to increase the rate that they
22 were being paid so they would do the job.

23 THE COURT: So is what you were saying, you paid
24 them a higher hourly rate as a temp employee than what is
25 listed on the chart that was presented at Interim Finance?

1 THE WITNESS: I believe so.

2 THE COURT: Okay.

3 BY MR. MILLER:

4 Q You were allocated a total budget funds of two
5 hundred and some thousand dollars. It's true that you didn't
6 utilize all those funds; correct?

7 A I don't know.

8 Q You don't have any reason to believe that you didn't
9 utilize all those funds; correct?

10 MR. GRAF: Objection, Your Honor. Asked and
11 answered.

12 THE COURT: Overruled. You can answer, sir.

13 THE WITNESS: Yeah, I don't know anything about
14 those funds or were they all used, not, and what's left over,
15 if anything.

16 BY MR. MILLER:

17 Q You're aware that in the course of this case some
18 details about text messages were provided to us that were sent
19 from your phone, is that correct?

20 A Yes.

21 Q Do you recall a series of messages sent that related
22 a Facebook post by Dr. Nick Spirtos?

23 A Yes.

24 Q And Dr. Spirtos is a current licensee who was
25 unsuccessful in this last round; correct?

1 A Yes.

2 Q And at some point did you become aware of a FaceBook

3 post by Dr. Spirtos?

4 A Yes.

5 Q What did that FaceBook post say?

6 A I don't remember.

7 MR. MILLER: Show Exhibit 239.

8 THE COURT: Any objection?

9 MR. SHEVORSKI: No, Your Honor.

10 THE COURT: Okay. It will be admitted.

11 (Plaintiffs' Exhibit 239 admitted)

12 MR. MILLER: Turn to page 2 of the exhibit, text

13 message from Kara Cronkhite. No, these are the iMessages.

14 Can you turn to page 2 or Kara Cronkhite? Are they

15 categorized for you?

16 I.T. TECHNICIAN: This is page 2 of the exhibit.

17 Do you know --

18 THE COURT: This is page 2 of 239?

19 I.T. TECHNICIAN: Correct.

20 THE COURT: Do you want a different exhibit, Mr.

21 Miller?

22 MR. SHEVORSKI: I thought you wanted the FaceBook

23 post.

24 MR. MILLER: It's a text exchange that would have

25 come from Kara Cronkhite. Are they categorized or are they

1 just lumped together?

2 I.T. TECHNICIAN: Do you have a Bates number?

3 (Pause in the proceedings)

4 THE COURT: Mr. Parker, when it's your turn, how

5 long are you going to have with this witness?

6 MR. PARKER: I think less than an hour.

7 THE COURT: That's what you told me with Mr. Gilbert.

8 MR. PARKER: Mr. Gilbert was interesting.

9 MR. GENTILE: And this guy's not?

10 THE COURT: Hmm. Okay.

11 THE WITNESS: I've always said I'm not that

12 interesting.

13 MR. PARKER: Well, I don't know yet. I'll have to

14 find out.

15 THE COURT: So, sir, we're not starting until 9:30

16 tomorrow because I have a nine o'clock calendar and an 8:30

17 calendar. Or maybe we could start at 9:15. Only two things

18 on the nine o'clock calendar.

19 MR. SHEVORSKI: Whatever your pleasure is, Your

20 Honor.

21 (Pause in the proceedings)

22 THE COURT: Mr. Miller, did you find it?

23 MR. MILLER: Yeah. I'm sorry, Your Honor.

24 BY MR. MILLER:

25 Q All right. (702) 306-3085, is that your phone?

1 A Yes.

2 Q Okay. So that's a FaceBook post that was posted by

3 Dr. Spirtos, apparently; correct?

4 A Yes.

5 THE CLERK: I'm sorry. Is this Exhibit 239 or 240?

6 THE COURT: Which exhibit is this?

7 I.T. TECHNICIAN: 239.

8 THE COURT: Which one?

9 I.T. TECHNICIAN: 239.

10 THE CLERK: Okay. Thank you.

11 THE COURT: 239. Thank you. Let's keep going.

12 MR. MILLER: Okay. Scroll down.

13 BY MR. MILLER:

14 Q You sent that out to Damon Hernandez and Kara

15 Cronkhite, is that right?

16 A Yes.

17 Q And what did you say?

18 A "You guys have joined me in the most hated."

19 Q All right. And then the next text message?

20 A It's from Damon to Kara and myself. It says, "Yep.

21 It's a sense of relief now that it's out in the open."

22 THE COURT: Sir, you've got to speak up, please.

23 THE WITNESS: Me?

24 THE COURT: Yep.

25 THE WITNESS: Yes, ma'am. So it says, "Yep."

1 That's from Damon to myself and Kara. It says, "Yep. It's a
2 sense of relief now that it's out in the open."

3 BY MR. MILLER:

4 Q And the next message. You can read it all the way
5 down to the middle part of the page there.

6 A From Kara to myself and Damon: "Haha. At least he
7 spelled my last name wrong. It's that attention to detail
8 that scored him so low." And then from myself to Damon and
9 Kara: "LOL." From myself to Damon and Kara: "Yeah, right.
10 Dumb ass."

11 Q That's good. So obviously that exchange was mocking
12 Dr. Spirtos' lack of attention to detail in his applications
13 and the fact that it may have contributed to his lack of
14 winning. But the same obviously could be true of your
15 Department scoring on these applications, is that correct?

16 A Everybody has an opinion.

17 Q You saw that at least the Interim Finance Committee
18 had authorized seven additional positions. Actually the
19 budgeting process, you could have utilized those same
20 resources to do simple things like insuring that there were no
21 clerical errors, is that right?

22 A Whatever the budget allowed. The ASO obviously had
23 to make some adjustments in order to get the evaluators.

24 Q Okay. In the course of those adjustments, if you
25 had seven additional positions authorized whose job duty was

1 to simply compare the scores on the evaluators' final sheet
2 and make sure that it matched and corresponded with the final
3 tally sheet, presumably that wouldn't require any high level
4 of qualifications; correct?

5 A Right. I don't think that requires a high level of
6 qualifications.

7 Q Probably wouldn't need a higher education medical
8 degree like Dr. Spirtos; right?

9 A No.

10 Q Maybe a fourth grade degree to compare those and
11 make sure --

12 A Maybe. Yeah.

13 Q Yeah. The truth is we can't rely on the final
14 scores that you posted; correct?

15 A No, I believe you can rely on them. Mistakes
16 happen. Like I said, they weren't guaranteed perfection. The
17 human element is there, whether we want to see it or not.

18 Q You're aware that my clients tried to appeal the
19 determination that you made with respect to the issuance of
20 the licenses; correct?

21 A Yes.

22 Q And we sought review by the Task Commission;
23 correct?

24 A Yes.

25 Q And you denied that request; right?

1 A Yes.

2 Q And we also issued a request for public records so
3 that we could verify it ourselves; correct?

4 A Verify what? Public records for what?

5 Q Yeah, we issued a public records request so that we
6 could try to get access to information and figure out if any
7 mistakes had happened.

8 A I believe so. I don't recall specific ones, but.

9 Q But you don't recall --

10 A I don't see all the public requests.

11 Q I'm sorry?

12 A I don't see all of the public requests.

13 Q Okay. But you're certainly aware that the
14 Department did not turn over any information related to this
15 licensing process; correct?

16 A Prior to SB32?

17 Q Prior to SB32.

18 A That's correct.

19 Q So the applicants themselves wouldn't have been able
20 to verify whether or not a mathematical error or a clerical
21 error resulted in them not winning a license; correct?

22 A That's correct.

23 Q So we just had to take your word for it and your
24 assurance that you were trying to do your best but that the
25 licenses could have been awarded on an imperfect process, is

1 that correct?

2 A Yes.

3 Q All right. The initiative itself didn't mention at
4 all ranking licensees by locality, is that correct?

5 A That's correct.

6 Q In fact, NRS 253D.200 says, "Upon receipt of a
7 complete marijuana establishment license application, the
8 Department shall within 90 days" -- it says "Issue the
9 appropriate license if the license application is approved."
10 And subsection 5 says, "The Department shall approve a license
11 application if the proposed marijuana establishment is a
12 proposed marijuana retail store and there are not more than 80
13 licenses issued in a county whose population is greater than
14 700,000." Do you need to read that, sir?

15 THE COURT: So you're in 453D.210?

16 MR. MILLER: Yes.

17 THE COURT: Okay. Thank you.

18 Subsection 5, sir, is where he is.

19 THE WITNESS: Okay.

20 THE COURT: Or subsection 4. I'm sorry.

21 THE WITNESS: I see the 90 days, yes.

22 BY MR. MILLER:

23 Q Yeah. And then go down to 5, "The Department shall
24 approve a license application if: -- and then I'm going to be
25 under subsection (d).

1 A "The proposed marijuana establishment is a proposed
2 retail marijuana store."

3 Q "And there are not more than 80 licenses already
4 issued in a county with a population greater than 700,000."
5 Okay?

6 A Yes.

7 Q "There's nothing in the initiative itself that places
8 any limitation at all on ranking licensees by locality;
9 correct?

10 A No, not in the statute.

11 Q "That was only a limitation that your Department
12 decided to impose through the regulatory process; correct?

13 A "That was a -- I believe that was a Governor's Task
14 Force recommendation and a request from the industry,
15 actually. I think it's consistent, I believe, with 453A.

16 Q "Well, it only came about as a result of the
17 regulatory process; correct?

18 A Yes.

19 Q "That limitation?

20 A Yes.

21 Q "And if you had instead ranked all of these licenses
22 just according to the criteria that was provided for on the
23 plain language of the initiative itself that was implemented
24 by the people, there is no such restriction; correct?

25 MR. KOCH: Objection. Legal conclusion.

1 THE COURT: Overruled.

2 MR. GRAF: And, Your Honor, I'm going to interpose
3 an objection that it misstates the law.

4 THE COURT: Overruled.

5 MR. GRAF: And what the referendum says.

6 THE COURT: Overruled.

7 MR. GRAF: Thank you, Your Honor.

8 THE WITNESS: Okay. I'm sorry, can you ask the
9 question again? I was reading the statute here.

10 BY MR. MILLER:

11 Q The plain language of the initiative petition says
12 that once you receive a complete marijuana establishment
13 license application, the Department is required within 90 days
14 -- the Department shall within 90 days issue the appropriate
15 license if the license application is approved. The
16 Department shall approve a license application if the proposed
17 marijuana establishment is a proposed marijuana retail store
18 and there are not more than 80 licenses already issued in a
19 county with a population greater than 700,000.

20 A Right. So if there's --

21 MR. GRAF: I didn't hear the end of that question,
22 Your Honor Could I have that restated? I'm sorry.

23 THE COURT: Are you saying Mr. Miller dropped off
24 his tone and you didn't hear it?

25 MR. GRAF: He did drop off that time. Yes, Your

1 Honor.

2 THE COURT: Mr. Miller, can you restate your
3 question --

4 MR. GRAF: Please.

5 THE COURT: -- for Mr. Graf?

6 MR. MILLER: Sure.

7 BY MR. MILLER:

8 Q The plain language of the statute does not place any
9 limitation that would restrict the awarding of licenses based
10 on locality; correct? It simply says that it shall issue
11 those licenses if it meets the criteria on an approved
12 application and there are less than -- there are not more than
13 80 licenses in Clark County. Is that correct?

14 MR. GRAF: And, Your Honor, again, objection. It
15 misstates the law.

16 THE COURT: Overruled. Thank you.

17 MR. GRAF: And what the referendum says.

18 THE WITNESS: I believe it says so long as there's
19 not more than 80 licenses already issued in the county with a
20 population greater than 700,000, which would be Clark County.

21 BY MR. MILLER:

22 Q Right. So according to the plain language of the
23 initiative itself, if we're just going to go by that, if you
24 had not issued already 80 licenses and you still had
25 applications that were approved, you would approve those

1 licenses irrespective of whether or not they designated a
2 locality, is that correct?

3 A Yes, up to 80.

4 Q Now, if we had administered the initiative petition
5 under that criteria, it would have produced presumably much
6 different results; right?

7 MR. KOCH: Objection. Legal conclusion.

8 THE COURT: Overruled.

9 MR. GRAF: Objection. Incomplete hypothetical, Your
10 Honor.

11 THE COURT: Overruled.

12 MR. GRAF: Thank you, Your Honor.

13 THE WITNESS: Yeah, I believe so.

14 BY MR. MILLER:

15 Q You issued 31 licenses in Clark County; correct?

16 A Yes, I believe that's the number.

17 Q And if 31 licenses was under the cap of 80 and you
18 just issued those to the county among applicants and ranked
19 the application accordingly, we might have had 31 different
20 licensees being awarded, 31 different licenses; correct?

21 A Yes, I would think so.

22 Q So it was the regulation that decided to change that
23 process so that individuals only had to choose and apply by
24 different jurisdiction or locality; right?

25 A Yes.

1 Q And when you issued the recreational licenses to
2 begin with, there were 48 existing dispensary retail stores,
3 is that right?

4 A I'm not sure of the number. I believe so.
5 Something near there, yeah.

6 Q Okay.

7 A In Clark County, you mean?

8 Q I'm sorry?

9 A In Clark County you're talking about or statewide?

10 Q In Clark County.

11 A Yeah, Clark County.

12 Q It might be on -- yeah, it's 48 or 47. Let's say
13 it's --

14 A Something like that sounds right. Yeah.

15 Q It sounds right? Okay. Some documentation saying
16 there was 47 and some 48, but it's one of the two, isn't it?

17 A Yes.

18 Q Okay. So if the statute says that if an application
19 meets that criteria and you're to issue 80 licenses as long as
20 that cap up to -- and you're to approve it if there are not
21 more than 80 licenses already issued, why didn't you issue the
22 other two licenses?

23 A I think we issued the 80.

24 Q Did you?

25 A Yes.

1 Q You told me that there were 47 or 48. There's 48
2 and you issued 31, is that correct?

3 A Right. Something like that. I don't know the exact
4 number. But there may have been a couple of conditional
5 license out there already. There is -- I know there is a
6 license that is a stand-alone prior to this application period
7 that was issued as well from -- as a result of a supreme court
8 decision.

9 MR. MILLER: All right. Can you show Exhibit 252.

10 THE CLERK: Proposed.

11 THE COURT: Any objection to 252?

12 MR. MILLER: It's going to be 42442.

13 MR. SHEVORSKI: No objection, Your Honor.

14 THE COURT: It will be admitted.

15 (Plaintiffs' Exhibit 252 admitted)

16 BY MR. MILLER:

17 Q This will show on there that according to the
18 records of your Department how many licenses were issued in
19 Clark County. Did you find that?

20 A I'm sorry? Say that again.

21 Q Did you find how many licenses that it indicates?
22 Current number of licenses issued. What does it say there?

23 A 61.

24 Q In --

25 A Oh, down at the subtotal, 49.

1 Q In Clark County?

2 A Oh, Clark County. It says 41. Unincorporated, 47
3 in Clark County.

4 Q Your records indicate that there were 47 licenses
5 already issued at the time that you opened up the application
6 process, and yet you only issued 31?

7 A Yeah. I don't know what this document -- when it
8 was made or who made it or whatever. It's my understanding
9 that 80 licenses were issued or have been issued, either
10 conditional or final in Clark County.

11 Q But there's no doubt about that requirement, so if
12 there weren't 80 licenses issued, then that would have been an
13 error; correct?

14 A Yes.

15 Q Okay.

16 MR. MILLER: All right. Turn to Exhibit Number 5
17 and let's go to page 8. Go to the red letter.

18 BY MR. MILLER:

19 Q Can you read that red letter to us?

20 A "No applicant may be awarded more than one retail
21 store license in a jurisdiction/locality unless there are less
22 applicants than licenses allowed in the jurisdiction."

23 Q And where is the Department's authority, either in
24 statute or regulation, that they gave you the authority to
25 impose that rule?

1 MR. KOCH: Objection. Legal conclusion.

2 THE COURT: Overruled.

3 THE WITNESS: There is no specific authority but
4 there's no prohibition, either, that I can find.

5 BY MR. MILLER:

6 Q So because you couldn't find a prohibition on it,
7 you thought you could just issue a rule on the application
8 that the applicants would have to abide by?

9 A I did consult with the AG's Office. I had several
10 discussions regarding this.

11 MR. SHEVORSKI: Sir, I want to caution you not to
12 reveal attorney-client privileged communications.

13 THE WITNESS: Yes, sir.

14 THE COURT: But you can say yes or no as to when you
15 consulted with them. So thank you for that.

16 BY MR. MILLER:

17 Q Following that consultation, you put on this
18 application in two places in red lettering this rule. Did you
19 expect the applicants to adhere to it?

20 A Yes.

21 Q You understood that they would read that rule and
22 understand that it should be given meaning and that they
23 shouldn't apply for more than one retail license in a
24 jurisdiction/locality in that jurisdiction because they
25 couldn't be awarded those licenses; correct?

1 A I mean, you can apply but you won't get more than
2 one.
3 Q And was that rule followed?
4 A I believe so.
5 MR. MILLER: Can you show me Exhibit 252.
6 THE CLERK: I'm sorry, Mr. Miller, 252 or --
7 MR. MILLER: Sure. Exhibit 252.
8 THE CLERK: 252 is admitted.
9 MR. MILLER: Go to -- sorry, I can't see. I'm going
10 to step up there.
11 MR. SHEVORSKI: She has a magnifying glass.
12 THE COURT: I do. It's right here, but it doesn't
13 work very good on the monitors.
14
15 MR. MILLER: It's going to have to be the next one,
16 42455.
17 I.T. TECHNICIAN: 455?
18 MR. MILLER: Yep. 42455.
19 BY MR. MILLER:
20 Q Do you see that, sir? Can you identify for me --
21 the licensee that ranked number one was Essence Tropicana;
22 correct?
23 A Yes.
24 Q And you really can't see this, what was the address
25 that was provided as the proposed physical address for Essence

1 Tropicana according to this record?

2 A It looks like 10624 South Eastern Avenue, Suite
3 A718.

4 Q Okay. And number two, Nevada Organic Remedies?

5 A Ranked number two, Nevada Organic Remedies, address
6 of 10624 South Eastern Avenue, Suite A719.

7 Q That's the same physical address, right, just a
8 different suite number?

9 A It appears to be, yes.

10 Q What about number four, Cheyenne Medical?

11 A Cheyenne Medical, 106424 (sic) South Eastern Avenue.

12 Q Oh, sorry, it cuts off there, doesn't it? That's the
13 same physical address as well, isn't it?

14 A Yes.

15 MR. MILLER: Over to -- if you could scroll over,
16 Duplicate Ownership Identified. You went too far.

17 BY MR. MILLER:

18 Q See this column here, Duplicate Ownership
19 Identified?

20 A Right.

21 Q See where it references that you've identified that
22 the ownership applications are the same as other applicants;
23 correct?

24 A Apparently, yes. I guess that's what that means.

25 Q And you awarded three conditional licenses to

1 Henderson that provided you with the exact same proposed
2 physical address, is that right?

3 A If that's what that address is.

4 Q Would that have been allowable?

5 A Yes.

6 Q Were applicants allowed to list P.O. boxes?

7 A No.

8 Q So if those --

9 A I believe not. I believe the application says it
10 can't be a P.O. box.

11 Q I believe when we read it it said must not be a P.O.
12 box; correct?

13 A Something like that, yes.

14 Q So if it had been a P.O. box, that wouldn't have
15 been allowable; right?

16 A Not -- no.

17 Q So if all of those applicants listed the same
18 address and it turns out to just be P.O. boxes, that would not
19 have been allowable; correct?

20 A Well, I don't know -- a P.O. box from Post Office
21 versus -- I know that there's mail boxes available that allow
22 you to use a physical address. Regardless, it's a box.

23 THE COURT: So you're saying a UPS Store is okay but
24 a P.O. box isn't at a USPS?

25 THE WITNESS: No. I'm just -- Your Honor, I was

1 just saying --

2 THE COURT: Just checking.

3 THE WITNESS: No. I'm just saying that some of
4 these locations will reference a physical address versus a
5 P.O. box, so I can't tell from this.

6 MR. MILLER: Sure. All right. Can we show 42448,
7 which is Clark County's. So if you could scroll up and just
8 show Essence Tropicana. Start here.

9 BY MR. MILLER:

10 Q Essence, if you look at that same address -- Essence
11 Tropicana ranked number one; right? Do you see the address
12 that they provided?

13 A I can't see it. It looks like it says Fort Apache.

14 Q Yeah. 8130 South Fort Apache, Suite 215147.

15 A Okay.

16 Q The next one, it's Nevada Organic Remedies with the
17 same address, is that correct?

18 A Yes.

19 Q Okay. And number six, Cheyenne Medical.

20 A Okay.

21 Q Commerce Park. The same, right? So in Clark County
22 they have five of the successful applicants all utilizing the
23 same proposed physical address, is that right?

24 A Yes.

25 Q Okay. Let's go over here to, again, the ownership,

1 whether or not they identified common ownership.

2 A Okay.

3 Q Do you see Duplicate Ownership Identified? For

4 Essence Tropicana and Henderson it says Yes; correct?

5 A Yes.

6 Q Do you recognize that they referenced the

7 application numbers that correspond?

8 A Yes.

9 Q So it's the same owners for Essence Tropicana and

10 Essence Henderson, is that right?

11 A Yes.

12 Q All right. And Cheyenne Medical and Commerce Park

13 Medical?

14 A Yes.

15 Q The same owners; right?

16 A Yes.

17 Q And yet the rule you just read me, you admitted that

18 there was nothing in the law authorizing, told applicants in

19 red letters twice that they couldn't obtain more than one

20 license in a locality, is that correct?

21 A Yes, and we didn't.

22 Q How are they not?

23 A Two different applicants.

24 Q "No applicant may be awarded more than one retail

25 store license in a jurisdiction/locality unless there are less

1 applicants than licenses allowed in the jurisdiction." Will
2 you tell me your interpretation of that is?

3 A So I think applicant is defined in the application
4 as an entity or individual because you can -- I don't know why
5 anyone would, but you can apply as a sole proprietor. So when
6 I look at this, I see Essence Tropicana versus Essence
7 Henderson is -- are two different entities, two different
8 applicants --

9 Q I see.

10 A -- with common ownership.

11 Q So you identified those having duplicate ownership;
12 correct? Is that what that criteria says?

13 A For common ownership, yeah, duplicate ownership.

14 Q It says duplicate ownership; right?

15 A Yes, that's what it says.

16 Q That what it says, duplicate ownership identified,
17 and it says yes, okay. And you're telling me that the
18 distinction that allows them to get around the rule is that
19 that same -- those same duplicate owners have created
20 different LLCs?

21 A Yeah, they're separate entities.

22 Q Oh. So in order to eat all the licenses up, up to
23 the 10 percent for a monopoly, all anybody had to know was
24 they had to just create different LLCs with the same
25 application, is that right?

1 MR. GRAF: Objection, Your Honor. Incomplete
2 hypothetical.

3 THE COURT: Overruled.

4 MR. GRAF: Thank you, Your Honor.

5 THE WITNESS: I don't know if they've gone and
6 created them. I know several -- I believe several applicants
7 applied under different entities with the same ownership. Not
8 all got awarded licenses.

9 BY MR. MILLER:

10 Q Okay. But other licensees, right, may have applied
11 more than once in a jurisdiction with different proposed
12 physical addresses; correct?

13 A Wait, say that again.

14 Q Other proposed licensees that applied multiple times
15 in the same jurisdiction may have provided different proposed
16 physical addresses; correct?

17 A May have, yes.

18 Q Okay. We heard testimony from Mr. Jolley that he
19 submitted identical applications in this regard. If any of
20 those -- if either Essence or Thrive submitted identical
21 applications that were then evaluated, do you think that rule
22 would have been violated? If the only thing that was creating
23 any distinction in the criteria here was the fact that it was
24 labeled under a separate LLC, do you think that they could
25 have still obtained more than once license in a jurisdiction

1 or locality?

2 A I'm not sure I'm getting your question. The
3 applicant is a separate entity. That's what the definition
4 says in the application. Entity slash individual, I believe
5 it says. So ownership interest or ownership is one thing and
6 the entity is another.

7 Q So an applicant with the same owners -- you have
8 identical applications and lists the same proposed physical
9 address but a different entity name was an LLC, they could get
10 more than one license in that jurisdiction?

11 THE COURT: You're asking if each of those separate
12 LLCs could receive a separate license?

13 MR. MILLER: Thank you, Judge. Yes.

14 THE COURT: All right.

15 THE WITNESS: Yes.

16 BY MR. MILLER:

17 Q Do you recall any questions about this rule and how
18 it would be applied?

19 A No.

20 Q You don't know how the industry may have been
21 interpreting that rule; right?

22 A No, I don't.

23 Q And unlike the regulations that were subject to
24 public workshops and arguably approved before the legislative
25 commission, there would have been no public testimony that we

1 can look to in order to figure out what his provision means;
2 right?

3 A No.

4 Q You didn't provide any additional guidance anywhere
5 in the application as to how that rule was going to be
6 interpreted or applied; correct?

7 A No. I think to me it was clear. It says no -- you
8 know, no one applicant. If you looked at -- if you reviewed
9 your application and looked at the definition of applicant, it
10 would be clear that an applicant is an entity or an
11 individual.

12 Q It's clear to you because you wrote it; right?

13 A It could be. I mean, you know, some people don't
14 read the entire application packet.

15 Q Okay. I'm going to ask you a series of hypotheticals
16 based off of some slides I've prepared. Some of these are
17 familiar. We've used at least one of these in your prior
18 testimony. All right. So if had, for the sake of argument,
19 Dr. Evil's Wellness Center application; right?

20 THE COURT: Where's Mr. Kemp? Okay, because he says
21 this is a classic, so we have to all give him credit.

22 MR. KEMP: I'm paying attention, Your Honor.

23 MR. MILLER: Did you lose it, Shane?

24 I.T. TECHNICIAN: Yeah, sorry. One moment.

25 THE COURT: Mr. Rulis, are you okay?

1 MR. RULIS: It wasn't me, Your Honor.
2 MR. CRISTALLI: Yes, it was.
3 THE COURT: Ms. Higgins, are you doing okay?
4 MS. HIGGINS: Yes -- [inaudible].
5 THE COURT: All right. Okay. Anybody else need to
6 stretch? This is like a seventh inning stretch thing.
7 THE WITNESS: Yes. I'll stand up for a second.
8 MS. HIGGINS: Can we sing?
9 THE COURT: You can if you'd like. I will not.
10 So this was earlier accompanied with a slide with
11 Dr. Evil and Disney princesses and Jessica Rabbit and a mouse.
12 We're going to see what we've got this time.
13 MR. MILLER: All right. So here we've got an
14 application, we've got some cartoon characters where they've
15 identified on Attachment A and designated themselves as
16 owners, officers and board members, okay. Turn to the next
17 slide.
18 BY MR. MILLER:
19 Q So, Dr. Evil's the largest -- Wellness Center. It's
20 a Nevada corporation. He's the largest shareholder and
21 managing member but he lists him on Attachment A as an owner,
22 officer or board members. So if we were going to apply that
23 criteria to the diversity section, we've done this before but
24 I just want to confirm it -- skip to the next slide -- with
25 20 points. If we do the math there, we would get the full

1 points, is that correct?

2 A Yes.

3 Q All right. Next slide. Now Dr. Evil has a
4 cultivator license but no retail experience. He has an
5 advisory board of ten board members who served previously
6 under the existing license but had no day-to-day experience.
7 We're going to try to evaluate the experience with marijuana
8 in Nevada.

9 A What did you say? No marijuana experience in
10 Nevada?

11 THE COURT: For the ladies.

12 MR. MILLER: [Unintelligible] -- experience with
13 marijuana in Nevada.

14 THE WITNESS: Okay.

15 BY MR. MILLER:

16 Q Remember that in the application?

17 A Right.

18 Q We'll turn to the next slide and maybe we'll see it.
19 Do you understand? Okay. So we agree in that scenario that
20 we had eleven members with some experience in Nevada; correct?

21 A Sure.

22 Q And even though it was in cultivation, which is not
23 what the statute required, instead of retail, they still would
24 meet the full criteria that's awarded under the mathematical
25 analysis that the scorers applied; correct?

1 A Again, I don't know that they did --

2 MR. GRAF: Objection, Your Honor. Misstates the
3 law.

4 THE COURT: Overruled. I don't think he's going on
5 the law, he's going on the score sheet.

6 MR. GRAF: I get that, Your Honor, but it says
7 marijuana establishment. It doesn't delineate between
8 cultivation --

9 THE COURT: We're not supposed to be arguing now,
10 Mr. Graf.

11 MR. GRAF: I know, I know, but I felt that that
12 point you were asking for an explanation.

13 THE COURT: Okay.

14 THE WITNESS: Again, I think, like I was saying
15 earlier, I don't know that they don't have that experience
16 just because they're a cultivator or their staff or whatnot.

17 BY MR. MILLER:

18 Q So long as they list it, you'd give them the full
19 points; right?

20 A Right.

21 Q Okay. Next. He's got the worst compliance record
22 in Nevada, including multiple serious violations and the
23 payment of substantial fines. The same criteria; right? The
24 next slide. Same score; right? We don't deduct anything
25 because we didn't even evaluate that?

1 A Sure.

2 Q Okay. Next slide. He's got advisory board members
3 that list resumes showing they've got degrees from an
4 identical on-line college, right, so he stacked his board
5 again. So the criteria there, simple mathematical analysis;
6 right? We're not giving more weight for the education that
7 they had. As long as they meet some minimum qualification,
8 we're giving them all of the points; right?

9 A If that's what the criteria calls out. I don't
10 remember exactly on the education.

11 Q You can read it right there on the scan next to it.
12 That's what the evaluators were provided with; correct?

13 A Right. Is this all of it?

14 MS. SHELL: Your Honor, I'm just going to object to
15 the math on this slide because 11 divided by 11 doesn't
16 actually equal 100 percent, if we're just going with straight
17 math.

18 THE COURT: Okay.

19 THE WITNESS: This is regarding the narrative, the
20 education achievements?

21 MR. MILLER: What's that?

22 THE WITNESS: The narrative. It's regarding the
23 narrative, not the education achievements? Or was the
24 education achievements part of the narrative? I don't
25 remember.

1 MR. MILLER: Say it again? What's your question?

2 THE WITNESS: Well, it says educational
3 achievements.

4 MR. MILLER: Yeah.

5 THE WITNESS: Right. I don't remember if that
6 criteria was under the narrative or was it graded separately?

7 BY MR. MILLER:

8 Q Well, the bottom line is you can't tell me if that's
9 -- if the evaluators wouldn't reduce these categories to a
10 numerical analysis based on a mathematical formula and it was
11 just based off checkmarks, and remember when we went through
12 the criteria --

13 A Right.

14 Q -- and did they have education or not; right?

15 A Right.

16 Q If they had college degrees, they'd get a checkmark.
17 If they didn't have college degrees, they wouldn't get a
18 checkmark; right?

19 A Yes.

20 Q All right. So if that's the only criteria that
21 we're using to evaluate they'd get 100 percent; right?

22 A Okay. Yes.

23 Q Next slide. Let's speed this up. Personal business
24 experience, the same result; right? You've got to concede
25 that so long as they have just met the requirements in order

1 to obtain a checkmark --

2 A Sure.

3 Q -- they're going to obtain 100 percent. Next slide.

4 Organizational structure. Now, he only got -- the role is

5 clearly defined, but key employees have zero experience in the

6 marijuana industry, they'd still get the full points under

7 that evaluation; correct?

8 A Right.

9 Q Next slide. Financial resources. We're just

10 looking -- the way they define the criteria is total assets;

11 right? It doesn't matter where those assets are coming from;

12 correct?

13 A No, I wouldn't agree with that.

14 Q Is there some criteria in there that you can show me

15 that says you're supposed to draw a distinction between what

16 the source of the assets are?

17 A Well, there's other parameters to have those

18 resources counted, like cash. You know, it has to be from a

19 U.S. financial institution.

20 Q What does the criteria there say? It says we're

21 going to include what?

22 A It says documentation to be considered, so state or

23 federal banks, savings banks. Yeah.

24 Q Jewelry?

25 A Right.

1 Q You can't tell me that the evaluators wouldn't reach
2 a conclusion because Minnie Mouse had a diamond ring that was
3 appraised at 2.5 million, in conjunction with the other
4 resources the other ones have, that that would have met the
5 full threshold and it should have gotten the full points;
6 right?

7 A Yeah, I mean, so long as it meets all the criteria.

8 Q But that's the criteria that your Department chose
9 to evaluate these applications; right?

10 A Yes.

11 Q Okay. Next. Adequate first year start-up expenses.
12 So the start-up budget is based entirely on theoretical
13 assumptions. They don't have any proposed address. You're
14 just going to rely entirely on what they've told you. They
15 still could get the full 20 points; right?

16 A Yes.

17 Q Okay. Next slide. Taxes paid. Now, here we've got
18 Princess Jasmine, who only represents a 1 percent ownership in
19 Dr. Evil's Wellness Center, but she owns a car dealership. So
20 she paid eight million in taxes the last five years. The rest
21 of them combined, including the head managing member and those
22 more intimately involved with this applicant paid very little.
23 They're still going to get the full 10 points; correct?

24 MR. SHEVORSKI: I'm going to object. That's
25 Princess Tiana, Your Honor.

1 THE COURT: Is it? Well, thank you, Mr. Shevorski.
2 I appreciate that. You have young daughters, so we understand
3 you're accurate, not Mr. Miller.

4 THE WITNESS: Yes.

5 BY MR. MILLER:

6 Q Other beneficial contributions. So long as they met
7 the criteria and they volunteered in some capacity under that
8 same checkmark that we showed on these other score sheets,
9 they're going to get the full points; right?

10 A I mean, yeah, if that's what the evaluator
11 determined, you know, to be awarded.

12 Q Okay. Next. These are building plan details. So
13 these would -- this is Exhibit 5 applicant. Exhibit 5, you
14 see up there, has a physical address, a proposed location;
15 right? So it lists an address there, that that is their
16 physical location that they selected, okay. Next slide.

17 MR. SHEVORSKI: Objection. It misstates the
18 exhibit. It would be 5A.

19 THE COURT: This one is 5A.

20 MR. KOCH: It should be 5, right?

21 MR. SHEVORSKI: Is that 5?

22 MR. KOCH: Or that's E.

23 MR. MILLER: Mr. Shevorski is wrong for once in his
24 life. That's the first time I heard it, including law school,
25 Judge -- [unintelligible].

1 THE COURT: He had you on the princesses.
2 MR. KOCH: That's 5A.
3 MR. SHEVORSKI: This one is 5A.
4 MR. KOCH: Yeah.
5 MR. SHEVORSKI: And this is 5A as well.
6 THE COURT: So are they reversed or are they both
7 5A?
8 MR. SHEVORSKI: They're both 5A.
9 MR. KOCH: Both 5A.
10 MR. SHEVORSKI: The top box -- [inaudible].
11 MR. MILLER: The distinction on what the form says,
12 that's not the point of that. The point is that this
13 applicant is --
14 THE COURT: Dr. Evil.
15 MR. MILLER: One applicant -- See, I can make up
16 rules, too, Judge.
17 BY MR. MILLER:
18 Q One applicant provides a real proposed physical
19 address and the other one is giving us something that is made
20 up. Do you understand that? So this is --
21 A I missed that. It was all garbled.
22 Q He's got -- he lists 5131 W. Sahara, P.O. Box 5341,
23 and he says the P.O. box directly adjacent the five owner P.O.
24 boxes that he registered with competing applicants is the same
25 address. That's fine; right?

1 A Yeah, I don't think that's the legal description of
2 the property.

3 Q Does that matter?

4 A Well, we asked for the legal description of the
5 property.

6 Q Okay. So if that legal description -- if that's
7 what he provides, are you going to reject the application?

8 A Probably not.

9 Q It provides up there in the box, it says you can't
10 list a P.O. box but he puts a P.O. box, are you going to
11 reject the application?

12 A No. I think the application would move forward.

13 Q Okay. So you'd give it to the evaluators in order
14 to evaluate it; right?

15 A Yes.

16 Q Okay. The next one. So now it's 550 South Main
17 Street and the legal description of the property is the
18 Federal Drug Enforcement Agency headquarters in Las Vegas.
19 That one is okay, too?

20 A I guess so.

21 Q Okay. The next one. This proposed location of 250
22 West Rome Boulevard is directly across the street from Ruby
23 Duncan Elementary. How about that one? Are you going to
24 process that application or weigh it according to the
25 evaluation criteria?

1 A Yes.

2 Q Okay. Next slide.

3 THE COURT: So is this a good place to break since
4 we're changing from buildings to marketing?

5 MR. MILLER: Same subject, Judge, but sure.

6 THE COURT: Yeah. Okay. So it's 4:45. I'm going
7 to let everybody go for the day. If you guys could be back at
8 9:15 that would be lovely. And tomorrow I will still not know
9 if my jury trial is settling because they're not coming in
10 until Friday morning at nine o'clock. But if they do resolve,
11 do you want me to try and reach out to you to let you know the
12 days that become available before the 4th of July? Or are
13 some of you going to family reunions for the 4th of July
14 holiday? (No response).

15 Okay. So I'll reach out to you after I know the
16 answer and you can tell me yes or no whether you're available.
17 But tomorrow is the last day I have available until somebody
18 blinks in some other case for awhile.

19 MR. CRISTALLI: Your Honor --

20 THE COURT: At which time I would typically in a
21 normal business court case offer you a settlement conference,
22 but given the fact this is an agency case, I don't know if
23 that's appropriate.

24 MR. CRISTALLI: Your Honor, before we recess --

25 THE COURT: For today?

1 MR. CRISTALLI: Yes. Just one quick matter. There
2 was a motion -- actually two motions for summary judgment and
3 I believe some joinders with regard to that. I think the
4 first hearing on the first motion for summary judgment is --

5 MR. GENTILE: Eighth.

6 MR. CRISTALLI: -- July 8th, which would mean that
7 our first -- our opposition to that would be due today. We'd
8 ask the Court if we can consolidate the two motions, since the
9 second one is I think scheduled for July 22nd, which would
10 then afford us some additional time to oppose the motions for
11 summary judgment.

12 THE COURT: Does anybody care? Who are the movants
13 on the summary judgment motions?

14 MR. KAHN: We are, Your Honor. We have the first
15 one and Rusty's got the second one.

16 THE COURT: So what is your position?

17 MR. KAHN: Your Honor, I discussed it with Rusty and
18 I talked about consolidating them together. We thought maybe
19 we should move them all up to July 8th, but that's probably
20 unreasonable. So moving it to Rusty's second scheduled one so
21 it's all complete before Your Honor is fine.

22 THE COURT: And what day would you like the
23 opposition to be due then?

24 MR. KAHN: We can have the opposition due on the
25 schedule with Rusty's motion.

1 MR. GRAF: That's the 22nd, right?
2 MR. KAHN: Yes.
3 MR. GRAF: Yeah, I filed on Monday.
4 THE COURT: All right. So, Dulce, if you would move
5 the July 8th motion for summary judgment in this case to July
6 22nd.
7 MR. CRISTALLI: Thank you, Your Honor.
8 THE COURT: No, thank them. I didn't do it, it was
9 them.
10 MR. GENTILE: So the oppositions would be due a week
11 from next Monday? Fourteen days, right?
12 (Colloquy among counsel)
13 (Court recessed at 4:46 p.m. until the following day,
14 Thursday, June 20, 2019 at 9:15 a.m.)
15 * * * * *
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PLAINTIFFS' WITNESSES

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| Jorge Pupo | 3 | - | - | - |
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EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
|--------------------|-----------------|
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PLAINTIFFS' EXHIBIT NO.

| | |
|-----|-----|
| 239 | 95 |
| 250 | 80 |
| 251 | 24 |
| 252 | 107 |
| 253 | 70 |
| 254 | 14 |
| 256 | 9 |
| 257 | 31 |
| 259 | 91 |

* * *

DEFENDANTS' EXHIBIT NO.

None admitted in afternoon session

* * *

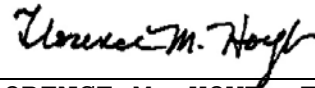
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

6/20/19

DATE

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 28 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR | 55 | 2/25/2020 | 006952-006958 |

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| | WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | | | |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 11 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 4/16/2019 | 000237-000251 |
| 17 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT | 8 | 5/16/2019 | 001025-001037 |
| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS | 59 thru 60 | 4/14/2020 | 007401-007717 |

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| | COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | | | |
| 16 | DEFENDANT IN INTERVENTION'S OPPOSITION TO PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER | 8 | 5/10/2019 | 000975-001024 |
| 287 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |
| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |

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| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 374 | DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 10/30/2020 | 048131-048141 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |

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| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITITES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

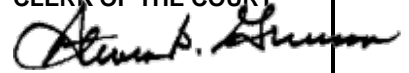
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC,)
et al.,)

Plaintiffs,)

vs.)

STATE OF NEVADA DEPARTMENT OF)
TAXATION,)

Defendant.)

CASE NO. A-19-786962-B
DEPT NO. XI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

WEDNESDAY, JUNE, 19, 2019

EVIDENTIARY HEARING - DAY 9

VOLUME I OF II

RECORDED BY: JILL HAWKINS, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

APPEARANCES:

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ROSS J. MILLER, ESQ.
WILLIAM S. KEMP, ESQ.
NATHANAEL R. RULIS, ESQ.
ADAM K. BULT, ESQ.
MAXIMILIEN D. FETAZ, ESQ.
THEODORE PARKER, III, ESQ.

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WITNESSES FOR THE PLAINTIFF:

JORGE PUPO

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1 **LAS VEGAS, CLARK COUNTY, NEVADA, JUNE 19, 2019, 8:58 A.M.**

2 * * * * *

3 THE COURT: While we're waiting for Mr. Kemp, since
4 Mr. Rulis is here, how are we doing on our schedule, guys? How
5 are we doing on a schedule? Somebody tell me, Judge, we're
6 going great. Judge, we got four more days. Judge, we're never
7 getting done. Any of those would be good.

8 MR. SHEVORSKI: I don't know what's going on. I'm at
9 a side table, Your Honor.

10 THE COURT: Mr. Rulis, how are we doing?
11 Mr. Cristalli, how are we doing? I'm grilling them on
12 schedules, the guys who are actually doing the legwork as
13 opposed to those of you doing the brainwork.

14 MR. KOCH: What's our next week that we still -- we
15 have a jury trial going.

16 THE COURT: Supposedly.

17 MR. KOCH: All right.

18 THE COURT: They have not told me that they've
19 resolved their matter yet. They are scheduled to go through
20 July 2nd or July 3rd.

21 MR. GENTILE: Your Honor, other than our expert,
22 which, as I said --

23 THE COURT: Right, I got it.

24 MR. GENTILE: -- can't bring him, I'm going to try to
25 get a proffer, in which case, if the Court would accept the

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1 proffer. But I'm having logistic problems, because he's in
2 Australia.

3 THE COURT: Did you know it's a lot of time
4 difference there?

5 MR. GENTILE: I have no idea.

6 THE COURT: It's huge.

7 MR. GENTILE: Is it?

8 THE COURT: Like, 12 hours' difference.

9 MR. GENTILE: Wow, okay. Well -- but other than
10 that, with this, I don't think we're going to call any others.
11 That'll be it for my clients.

12 THE COURT: Okay. So let me go back to my question.
13 I show on our list we have Mr. Pupo who's here with us this
14 morning, Anderson, Groesbeck, Hawkins, your gaming person that
15 we've talked about, Hernandez, and Cronkhite. Anybody else
16 that I need to add to the list?

17 MR. SHEVORSKI: We have one more witness for the
18 State. It's an IT person.

19 THE COURT: IT person. Talk to me about listservs,
20 huh?

21 MR. SHEVORSKI: Correct.

22 THE COURT: How did I know?

23 MR. GENTILE: And Judge, on Mr. Groesbeck, I know
24 Mr. Koch wants to call him in his case in chief, which, you
25 know, he did me the courtesy of producing Mr. Java [phonetic],

1 so we would produce Mr. Groesbeck.

2 THE COURT: Sure.

3 MR. GENTILE: I'm not sure what points he wants to
4 make. Maybe there's another way to do it. But I want to talk
5 to him about that.

6 THE COURT: All right. So best guess on how long
7 Mr. Pupo's going to take, who's my lead on Mr. Pupo?

8 Mr. Miller, how long? Best guess. Put your DA
9 mindset on.

10 MR. MILLER: Most of the day.

11 THE COURT: Okay. We're not getting done this week.
12 Okay.

13 Anybody else got anything before I ask Mr. Pupo if
14 he'd like to join me up here?

15 Good morning, Mr. Pupo. Would you like to come up
16 and be sworn in?

17 Sir, I'll tell you as you walk up here that you're in
18 charge today. So if you need a break, you need more water, you
19 need coffee, you let me know. There's also M&Ms in those
20 dispensers behind you.

21 Raise your right hand, please. The little trucks and
22 things have M&Ms.

23 **JORGE PUPO**

24 [having been called as a witness and being first duly sworn,
25 testified as follows:]

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1 THE CLERK: Thank you. Please be seated. Please
2 state and spell your name for the record.

3 THE WITNESS: My name is Jorge Pupo. That's
4 J-o-r-g-e, P-u-p-o.

5 THE CLERK: Thank you.

6 THE WITNESS: Good morning.

7 THE COURT: And, sir, there are lots of exhibit
8 binders. If you need help, let us know, because they are not
9 as well organized as I would like them to be.

10 You may proceed.

11 DIRECT EXAMINATION

12 BY MR. MILLER:

13 Q Sir, how are you presently employed?

14 A I'm the deputy executive director of the Marijuana
15 Enforcement Division for the Department of Taxation.

16 Q And how long have you been employed in that capacity?

17 A Since about summer of 2017.

18 Q And before that, what -- where were you employed?

19 A Department of Taxation as a revenue tax manager.

20 Q Okay. And before that, can you describe a little bit
21 about your prior employment, what other career opportunities
22 that you've been engaged in?

23 A I've been with the Department of Taxation since 2005,
24 started as a Revenue Officer II. Then I was a Revenue
25 Officer III, and I became a Tax Program Supervisor II, and I

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1 became a Revenue Tax Manager over Enforcement and Compliance
2 statewide.

3 Q And what did you do prior to joining the Department
4 of Taxation?

5 A So I did some work in manufacturing. I was a -- for
6 a while there I was a medical equipment repair tech, and a few
7 other jobs in private industry in the '90s.

8 MR. GENTILE: Your Honor, it's really difficult to
9 hear Mr. Pupo.

10 THE COURT: Jill, should we just have him move up?
11 He just --

12 THE COURT RECORDER: I can hear him fine.

13 THE COURT: Okay. Mr. Gentile is sometimes hard of
14 hearing. He will tell you that himself. It's not me saying
15 something he doesn't know. So if you will keep your voice up,
16 it may help. Sometimes I have people who sit too far back;
17 that's not you. Sometimes I need to move the mic; that's not
18 you.

19 So we'll do our best, Mr. Gentile.

20 MR. GENTILE: Thank you. Too much -- too many
21 Rolling Stones concerts.

22 THE COURT: I wasn't explaining why you had hearing
23 issues.

24 MR. GENTILE: Okay.

25 THE WITNESS: I hear you.

1 BY MR. MILLER:

2 Q And can you describe your duties and responsibilities
3 as the Deputy Director of the Marijuana Division?

4 A So I have, basically, oversight of the program as a
5 whole, the medical and recreational side. I also have other
6 duties regarding other excise taxes, cigarettes, other tobacco
7 products, live entertainment tax, other excise taxes. But
8 generally, oversight of the Marijuana Enforcement Division is
9 my primary responsibility.

10 Q All right. And as the Deputy Director position, is
11 that classified employee?

12 A That's an unclassified position.

13 Q Okay. And so who do you currently report to?

14 A To Director of the Department of Taxation, Melanie
15 Young.

16 Q Okay. And during the period of this application, who
17 was the Director of the Department of Taxation?

18 A Of the application process? So it would be Deonne
19 Contine and I believe Bill Anderson was around for part of it.

20 Q And the Director of the Department of Taxation,
21 that's a busy job, right?

22 A Yes.

23 Q And the director has a broad range of
24 responsibilities as director; is that right?

25 A Yes.

1 Q And certainly the director had a busy job during the
2 time period of this application process also, right?

3 A Yes.

4 Q Is it the Department of Taxation is a very large
5 agency; is that correct?

6 A It's a good size.

7 Q Okay. All right. In 2018 it oversaw the collection
8 of over \$6.87 billion in tax revenue; is that right?

9 A Yes.

10 Q And that was collected from over 17 different tax
11 sources?

12 A Yes.

13 Q And they maintain over 381 employees in the overall
14 department; is that right?

15 A Approximately.

16 Q Okay. And approximately a budget of about
17 \$31 million, I have my numbers here right?

18 A Approximately.

19 Q Pulled this from the budget hearings I think you were
20 present at --

21 A Right.

22 Q -- correct?

23 A Yeah.

24 Q All right. And other than Department of Taxation,
25 how many employees are -- do you oversee in your division?

1 A In the Marijuana Enforcement Division, approximately
2 44, 45, and Excise Division, probably another 30.

3 Q How big is your annual budget?

4 A Not sure. I'm not even sure what that number is.

5 Q Yeah. So who does the Director of Taxation report
6 to? Directly to the governor; is that right?

7 A Yes.

8 Q Ah. And the elected governor oversees the director;
9 is that right?

10 A Yes.

11 Q And you report directly to the director; is that
12 right?

13 A Technically, I report directly to the chief deputy.

14 Q Okay. But the governor appoints the director; is
15 that right?

16 A Yes.

17 Q And the director serves at will to the governor?

18 A Yes.

19 Q And of those three positions, the governor, the
20 chief -- who is the chief executive officer of the state, is an
21 elected position; is that right?

22 A Yes.

23 Q All right. The only people that can hold the
24 governor accountable or remove him from office are the people;
25 is that right?

1 A Yes, I believe so.

2 Q And your position is an unclassified, so that means
3 that -- who appointed you?

4 A The director.

5 Q Ah. So you serve at will -- on an at-will employee
6 at the pleasure of the director; is that right?

7 A That's right.

8 Q And we've heard testimony from both Mr. Plaskon on
9 Mr. Gilbert, but those report to you also; is that right?

10 A Say that again?

11 Q Those individuals report to you, right?

12 A Yes.

13 Q Mr. Gilbert and Mr. Plaskon?

14 A Well, Steve Gilbert is direct report. Mr. Plaskon
15 reports to Steven Gilbert.

16 Q Okay. But they work under you?

17 A Yes.

18 Q Okay. And you're the person that's ultimately
19 responsible for the enforcement and the administration of the
20 Marijuana Enforcement Division; is that correct?

21 A Yes.

22 Q All right. We've heard a reference a couple of times
23 during this hearing about the buck stops here; are you familiar
24 with that phrase?

25 A Yes.

1 Q Is it fair to say when we look at the accountability
2 of the administration of Nevada's Marijuana Enforcement
3 Division, that the buck stops with you?

4 A To a certain extent. I mean, ultimately, the
5 director's responsible for all of -- all programs under their
6 umbrella.

7 Q Okay. But we talked about that, about how big that
8 department is, right? And that's a very busy job, correct?

9 A Still responsible for it.

10 Q Okay. But, you know, anyway, in terms of the
11 administration of this division and the application process
12 that your division oversaw, ultimately, who has accountability
13 for how that process was run?

14 A I would say I do.

15 Q Yep. So is it fair to say that the buck stops with
16 you?

17 A Sure.

18 Q During this last legislative session, your division
19 requested additional resources and positions to align with the
20 needs of this growing industry; is that right?

21 A Yes.

22 Q Okay. And there are changes to Nevada's regulatory
23 structure that were also imposed under AB533; is that right?

24 A Yes.

25 Q And that new regulatory structure is based on

1 Nevada's gaming regulatory structure; is that fair to say?

2 A Partly, yes.

3 Q And the governor's general counsel, Brent Gibson, who
4 came from -- who was a general counsel to the Nevada's gaming
5 regulatory structure, led that change as part of the Governor's
6 Advisory Commission; is that right?

7 A Yes.

8 Q And you were present at those hearings?

9 A Yes.

10 Q And the new structures holds the position for the
11 executive director who would be appointed by a board that will
12 oversee the industry; is that correct?

13 A I'm not sure if it's going to be appointed by the
14 board or by the governor.

15 Q Okay. Well, if told you that Section 61.2 of the
16 statute says that the director -- the executive director is
17 appointed by the board and may be removed by the board, you
18 don't have any reason to doubt that, do you?

19 A No.

20 Q Okay. And is that a position that you intend to seek
21 appointment for?

22 A No.

23 Q You're not interested in holding it -- this new
24 position as executive director?

25 A No.

1 Q Will you expect to hold some position with -- from
2 the regulatory oversight of marijuana moving forth?

3 A No.

4 Q Okay. Your division is the agency tasked with the
5 oversight of regulating marijuana, we've discussed; is that
6 right?

7 A I'm sorry, say that again?

8 Q Your division is the only division in the state
9 that's tasked with the regulation of marijuana; is that
10 correct?

11 A No.

12 Q What other agency is tasked with oversight of
13 marijuana in the state?

14 A Department of Public Behavioral Health.

15 Q And where does their rules and responsibilities in
16 terms of oversight come into play?

17 A Patient Registry Program.

18 Q Got it. But in terms of the oversight for the
19 purposes of this application on retail marijuana dispensaries,
20 is your division the only division in the state that has
21 oversight of the marijuanas program --

22 A Yes.

23 Q -- marijuana program? Okay. And it was the people
24 of the state of Nevada directly, not the legislature, that
25 entrusted your division with establishing a robust regulatory

1 oversight of Nevada's marijuana licensing system when they
2 passed question to the initiative to regular tax marijuana in
3 2016; is that right?

4 A No, they entrusted it to Department of Taxation.

5 Q Got it. But it was the people of the state of
6 Nevada --

7 A Yes.

8 Q -- that entrusted the Department of Taxation with
9 that responsibility; is that right?

10 A Yes.

11 Q Got it. And you're aware that in order to qualify
12 for the ballot, the group that circulated 2016's Question 2
13 needed to obtain signatures of registered voter that equaled at
14 least 10 percent of the voters from the 2014 general election;
15 you aware of that?

16 A No. I knew that -- I know that they had to collect
17 signatures aren't on me.

18 Q Okay. You don't have any reason to doubt that?

19 A No.

20 Q And eventually they obtained those signatures and
21 Question 2 passed. You've seen the abstract from the Nevada
22 Secretary of State of those election results with 1,106,107
23 votes were cast for Question 2, with 602,463 in favor and
24 503,644 opposed. Now, I'm not asking you how you voted, but
25 you did vote in the 2016 general election, did you not?

1 A Yes.

2 Q Okay. So you sought a ballot measure with the
3 explanation and the full text that appeared on that ballot; is
4 that right?

5 A Yes.

6 Q Okay.

7 MR. MILLER: Will you show Exhibit 226.

8 THE COURT: 226?

9 MR. MILLER: Yeah, 226.

10 THE COURT: Last book or --

11 MR. MILLER: Page 25.

12 THE COURT: So I thought we had the ballot question
13 in yesterday as 2020.

14 MR. SHEVORSKI: Yes.

15 THE COURT: Is everybody okay using 226, which
16 appears to be similar?

17 MR. SHEVORSKI: I haven't seen it, but if it's the
18 same thing, then I'm good.

19 THE COURT: It looked like it had the seal on it and
20 everything when I saw it flash up.

21 Okay, Shane?

22 MR. MILLER: Got it. That's -- that's what I'm
23 saying, Judge.

24 THE COURT: Can we use it?

25 MR. SHEVORSKI: It's fine.

1 THE COURT: Yes, no? Come on, Mr. Shevorski.

2 MR. MILLER: We can switch to the other exhibit, it's
3 got the full packet. Page numbers are the same.

4 MR. SHEVORSKI: Fine. It's fine. I don't want to
5 hold things up.

6 THE COURT: Okay. You can hold us up, they've been
7 holding us up a lot, you can hold us up a little. If you want
8 to open the book and look at it.

9 MR. SHEVORSKI: No. I try to follow the Golden Rule.

10 THE COURT: It'll be admitted. Okay.

11 (Plaintiffs' Exhibit Number 226 admitted)

12 BY MR. MILLER:

13 Q So I think it begins on page 25. And you're aware
14 that the full text of that measure appeared on the ballot,
15 right?

16 A I suppose. I don't remember. I don't -- I guess so.

17 Q All right. And you're aware that as part of that
18 ballot measure, there were also arguments presented by both
19 sides, both for and against, right?

20 A Yes.

21 Q Turn to page 17. So it was an argument for passes
22 and there's a rebuttal to that argument. And then the
23 opponents give an argument. And then the pro side gets a
24 rebuttal. Are you aware of that?

25 A Yes.

1 Q Okay. So once that measure passed and those -- and
2 the vote totals were ultimately canvassed by the Supreme Court,
3 you're aware that that measure immediately became law?

4 A Yes.

5 Q And you required -- you're aware that it required no
6 legislative action, once the people passed that measure, it
7 became the law of the state?

8 A Yes.

9 Q And you're aware that the Nevada Constitution of
10 mandates that if a statutory measure is enacted by the people,
11 that statutory measure can't be amended by the legislature for
12 a period of three years; is that right?

13 A Yes.

14 Q And you're aware that it can't be amended by anyone
15 else for a period of three years, correct?

16 A Yes.

17 Q Was that a yes?

18 A Yes.

19 Q Okay. As part of the regulatory oversight, your
20 division is tasked with evaluating whether an applicant meets
21 Nevada's requirements to obtain a license to sell marijuana in
22 Nevada; is that right?

23 A Yes.

24 Q And you reviewed those legal requirements as part of
25 the competitive process in the last round of applications?

1 A Yes.

2 Q The regulatory oversight of the competitive process
3 in evaluating whether an applicant meets the legal requirements
4 to obtain a license to sell marijuana in Nevada is an important
5 part of your duties, right?

6 A Yes.

7 Q In fact, among all your duties, the regulation of
8 whether an application meets those legal requirements to obtain
9 a license to sell marijuana in Nevada is the most important
10 duty; is that also true?

11 A Say that again?

12 Q Among all your duties, the regulation of whether an
13 applicant meets the legal requirements to obtain a license to
14 sell marijuana in Nevada is the most important duty that you
15 have?

16 A I don't think so.

17 Q Okay. What ones are more important?

18 A Public safety, health.

19 Q Public safety and health. All right. And where does
20 that rank?

21 A Where does what rank?

22 Q I'm asking -- regulation of whether an applicant
23 meets the legal requirements to obtain a license; is it -- is
24 overseeing public safety and health a duty of yours?

25 A Yes. Like, regarding marijuana.

1 Q All right. Regarding marijuana. So you're talking
2 about public safety and health with respect to marijuana. Now,
3 how would your duties with public safety and health be an
4 oversight of yours? Give me some examples.

5 A Testing of marijuana.

6 Q Okay. So testing of marijuana?

7 A Yes.

8 Q Is it -- is your oversight of testing of marijuana
9 more important than evaluating whether or not an applicant
10 meets the requirements in order to obtain a license?

11 A I don't think we -- I would rank what's more
12 important than the other. They're all parallel duties. I
13 mean, one's not necessarily more important than the other.

14 Q Well, if you're force to rank them, where would you
15 put them? You've got somebody testing, is it more important?

16 A I'd say they're tied for first.

17 Q Tied for first.

18 A How's that?

19 Q So say it again. The testing of marijuana is equally
20 important to your determination of the qualifications for
21 licensure?

22 A Sure. Public health and safety is important.

23 Q All right. Any other ones that are equally important
24 to evaluating somebody's qualifications to obtaining a license?

25 A No. Not that I can think of right now.

1 Q So the testing of marijuana in order to maintain
2 public safety and health; is that fair?

3 A Sure.

4 Q Is equally important as evaluating someone's
5 qualifications for licensure to sell marijuana in the state?

6 A Sure.

7 Q All right. Now, up until a few years ago, if you
8 wanted to buy marijuana, the only way you could do it was to
9 purchase from people that are considered illegal drug dealers;
10 is that right?

11 A Prior to --

12 Q Prior to the passage of Medical Marijuana Program in
13 2014?

14 A Yes.

15 Q Okay. And as part of your regulation of issuing a
16 Nevada license to sell marijuana, you're now tasked with the
17 responsibility of taking the cultivation and sale of marijuana
18 out of that domain of criminals and regulating it in a
19 controlled system; is that right?

20 A Will you say that again?

21 Q As part of your regulation of issuing a Nevada
22 license to sell marijuana, you're now tasked with the
23 responsibility of taking the cultivation and sale of marijuana
24 out of that domain of criminals and regulating it in a
25 controlled system; is that right?

1 A No.

2 Q No? You're not tasked with that?

3 A No.

4 MR. MILLER: Okay. Can we pull up NRS 453D.020.

5 THE COURT: So, sir, this is the statute. If you'd
6 like the actual book, you -- I have it here if that would be
7 helpful to you rather than looking at it on the screen.

8 THE WITNESS: Okay. Thank you.

9 BY MR. MILLER:

10 Q Can you read me subsection 2?

11 A The people of the state of Nevada find and declare
12 that the cultivation and sale of marijuana should be taken from
13 the domain of criminals and be regulated under controlled
14 system where businesses will be taxed and the revenue will be
15 dedicated to public education and enforcement of regulations of
16 this chapter.

17 Q So when you read subsection 2, it says,

18 The people of the State of Nevada
19 declare the cultivation and sale of marijuana
20 should be taken from the domain of criminals
21 and be regulated in a controlled system.

22 How is that not one of your duties?

23 A Well, we regulate licensees. And that's where our
24 part comes in. As far as if you're talking about criminals,
25 black market, stuff like that, that's left to local law

1 enforcement.

2 Q It says that it's -- they're declaring that the
3 cultivation and sale of marijuana should be taken from the
4 domain of criminals and be regulated under a controlled system.

5 A Sure. I guess it's taken from them once you have a
6 license -- someone that's licensed to sell marijuana.

7 Q But the point of the licensure and the entire purpose
8 of the passes of this was it not to try to take this out of the
9 hands of the black market --

10 A Sure.

11 Q -- and license and control this in a controlled
12 manner?

13 A Sure.

14 Q All right. And if that is the point, and if that's
15 what the legislature -- if that's what the people of state of
16 Nevada tasked you with, that is one of your duties then, isn't
17 it?

18 A Sure.

19 Q Okay. And that's your job, right?

20 A Sure.

21 Q All right. Because in that area, the buck stops with
22 you; is that right?

23 A Yes.

24 Q All right. And taking marijuana out of the hands of
25 criminals, is it also your job to ensure that Nevada only

1 grants licenses to business owners who are suitable to sell
2 marijuana?

3 A Yes.

4 Q You know, the questions of suitable, the buck stops
5 with you also, right?

6 A Yeah, I think we've already determined that.

7 Q Okay. Well, I'm not taking anything for granted
8 here, sir.

9 The suitability of a Nevada licensee to produce or
10 sell marijuana is particularly important because producing or
11 selling marijuana is a criminal offense and a federal law;
12 you'd agree with that wouldn't you?

13 A Yes.

14 Q In fact, marijuana's still categorized on the Federal
15 Controlled Substances Act as a Schedule 1 drug; are you aware
16 of that?

17 A Yes.

18 Q Got it. And if convicted of those -- some of those
19 offenses, there can be big penalties, up to life in prison; is
20 that right?

21 A Sure.

22 Q And I'm sure you're familiar with the Cole
23 memorandum, right?

24 A Yes.

25 Q All right. And what did that memo say?

1 A The Cole memorandum said priorities for, basically,
2 states that had legalized or decriminalized marijuana, federal
3 priorities for the states to follow, but it did not take away
4 the enforcement rights of the federal government.

5 Q Okay. It has since been rescinded; is that right?

6 A Yes.

7 Q Got it. But when the voters passed Question 2, the
8 Cole memorandum was in effect and could have served as guidance
9 for the voters; is that right?

10 A Yes.

11 Q Got it.

12 MR. MILLER: Can we show Exhibit 223.

13 MR. SHEVORSKI: Are you referring to the memorandum?

14 MR. MILLER: Yes.

15 THE COURT: Any objection --

16 MR. SHEVORSKI: It was changed to 263.

17 THE COURT: -- to showing the memorandum?

18 MR. GRAF: Yes, 263 now.

19 MR. MILLER: Now it's 263?

20 THE COURT: Which number, Mr. Miller?

21 MR. MILLER: 263.

22 THE CLERK: Proposed.

23 THE COURT: Any objection to 263?

24 MR. SHEVORSKI: And what is it?

25 MR. MILLER: It's the full memo.

1 MR. SHEVORSKI: No objection.

2 THE COURT: Be admitted.

3 (Plaintiffs' Exhibit Number 263 admitted)

4 BY MR. MILLER:

5 Q It says -- says,

6 Congress has determined that marijuana
7 is a dangerous drug and the illegal
8 distribution and sale of marijuana is a
9 serious crime and provides a significant
10 source of revenue to large-scale criminal
11 enterprises, gangs, and cartels.

12 Nothing's changed either before or after the Cole
13 memo was written with regard to that statement; is that right?

14 A No.

15 Q Okay. And you talked about a list of priorities that
16 the Cole memo established, right, in which federal authorities
17 identified harms that can be subject to federal enforcement
18 even in states that allow the sale and cultivation under -- as
19 admissible under state law; is that right?

20 A Yes.

21 Q All right. And you've heard that list identified as
22 the Cole memo priorities?

23 A Yes.

24 Q All right. And those Cole memo priorities are areas
25 where the federal government has never wavered on its

1 commitment to enforce federal criminal marijuana statutes; is
2 that right?

3 A No.

4 Q Okay. It says that,

5 The department's guiding in this
6 memorandum rests on its expectation that
7 states and local governments that have
8 enacted laws authorizing marijuana-related
9 conduct will implement strong and effective
10 regulatory and enforcement systems that will
11 address the threat that those state laws
12 could oppose the public safety, public
13 health, and other law enforcement interests.

14 You're aware of that statement?

15 A Yes.

16 Q Okay. And,

17 If state law enforcement efforts are not
18 sufficiently [indiscernible] protect against
19 the harm set forth above, the federal
20 government may seek to challenge the
21 regulatory structure itself in addition to
22 continuing to bring individual enforcement
23 actions, including criminal prosecutions
24 focused on those harms.

25 So the Cole memo meant absolutely clear that to the

1 extent that there was lax regulation in any state, they would
2 continue to enforce federal law; is that right?

3 A Yes.

4 Q Okay. So no one says that even though there is a
5 letter that may give comfort to the states as the federal
6 government wouldn't crack down, violations of the criteria
7 underlined under the Cole memo priorities would lead to a very
8 bad things; is that fair?

9 A It may, yes.

10 Q Okay. And you're also familiar with the concerns of
11 federal regulators with financial transactions as it intersects
12 with marijuana?

13 A I'm sorry. Say that again.

14 Q Are you broadly familiar with the concerns of federal
15 regulators with respect to financial transactions in
16 conjunction --

17 A Somewhat, yes.

18 Q -- with the legalized marijuana industry? And are
19 you familiar with the set of guidelines that was sent out by
20 FinCEN in 2014 in order to provide clarity to the financial
21 institutions under that Cole memo?

22 A Somewhat, yes.

23 Q Okay. I'll just show you Exhibit 225.

24 THE CLERK: Proposed.

25 MR. MILLER: 225?

1 THE COURT: No objection?

2 MR. SHEVORSKI: No objection.

3 THE COURT: 225 will be admitted.

4 (Plaintiffs' Exhibit Number 225 admitted)

5 BY MR. MILLER:

6 Q And can you read me the headers under page 2 and 3,
7 the one that's labeled Marijuana Priority SAR Filings.

8 Well, first off, SAR is a little bit of industry
9 lingo; are you aware that that stands for Suspicious Activity
10 Report?

11 A Yes.

12 Q And you're aware that that's a report that would be
13 generated by a financial institutions, other agencies in order
14 to alert the most suspicious activity?

15 A Yes.

16 Q All right. So would you read me that header:
17 Marijuana Priority SAR Filings.

18 UNIDENTIFIED SPEAKER: Which page are you referring
19 to?

20 MR. MILLER: It's going to be on page 2 to 3. Maybe
21 we'll see it up there.

22 UNIDENTIFIED SPEAKER: Okay.

23 BY MR. MILLER:

24 Q It goes,

25 Marijuana Priority SAR Filings. In

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1 financial institutes in filing SAR in a
2 marijuana-related business that reasonably
3 believes, based on its custom of due
4 diligence implicates ones of the Cole memo
5 priorities or violates state law should file
6 a marijuana priority SAR.

7 See where that's in there, sir?

8 A They keep moving it.

9 THE COURT: And, sir, if you'd rather look in the
10 book, we do have all of these in paper filings behind you.

11 THE WITNESS: Okay. Thank you, Your Honor.

12 UNIDENTIFIED SPEAKER: I have it on page 4.

13 MR. MILLER: Okay. Sorry. Page number's screwed up.
14 All right.

15 THE WITNESS: Are we on it?

16 MR. MILLER: We're on page 5, let me find the section
17 I said is red flags to distinguish priority SARs.

18 BY MR. MILLER:

19 Q All right. Says,

20 The following red flags indicate that a
21 marijuana-related business may be engaged
22 activity that implicates one of the Cole memo
23 priorities or violates state law. These red
24 flags indicate only possible signs of such
25 activity and also did not constitute an

1 exhaustive list.

2 You're aware of that concern?

3 A Yes.

4 Q All right. So there are possible triggers for
5 additional federal oversight based on financial activity when
6 Nevada's industry doesn't regulate it appropriately; is that
7 right?

8 A No.

9 Q No?

10 A I mean, I don't know how that ties in with
11 financial -- the state regulating appropriately. I mean, can
12 you clarify that question?

13 Q Got it. Well, if you don't have strong regulatory
14 controls, right, and regulatory controls lead to a filing of an
15 SAR, that share with federal agencies that could trigger one of
16 the Cole memo priorities, it could lead to additional scrutiny
17 of Nevada's marijuana industry; is that right?

18 A No. We don't regulate their financial dealings.

19 Q You don't have any intersection at all with the
20 financial dealings --

21 A I'm sorry?

22 Q -- of the marijuana industry? You don't have any
23 intersection at all?

24 A There's some.

25 Q What are those?

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1 A They're -- as their requirements for, like, in this
2 application process, to show that they're financially stable,
3 that type of thing. But not with banking or not when -- not in
4 direct relation to how they bank or not bank.

5 Q Okay. But could this also be triggered, for example,
6 if the Department failed to conduct appropriate background
7 checks and the individuals that were obtaining revenue went to
8 a financial institution and deposited that amount, and it
9 triggered a suspicious activity report to be generated?

10 A I would agree with that.

11 Q And so you do have some involvement and enforcement
12 of areas that would potentially trigger interaction with
13 financial institution, they could alert other federal agencies
14 that they should maybe take a stronger look at Nevada's
15 regulatory structure; is that right?

16 A Sure. Okay.

17 Q So in that context, you actually wouldn't disagree,
18 then, that your enforcement of Nevada's industry, carry
19 implications throughout our agencies that could draw additional
20 scrutiny and maybe bring Nevada harm; is that right?

21 A Sure.

22 Q When -- you're aware that Attorney General Sessions
23 rescinded the Cole memo, right? We talked about that?

24 A Yes.

25 Q And Attorney General Sessions indicated that he would

1 not -- he would continue to enforce federal law even in spite
2 of state regulations; is that right?

3 A Yes.

4 Q Got it. I'm going to show you Exhibit 224. This is
5 a letter from a --

6 THE CLERK: Proposed.

7 THE COURT: Any objection?

8 MR. SHEVORSKI: No objection.

9 THE COURT: Be admitted.

10 (Plaintiff's Exhibit Number 224 admitted)

11 BY MR. MILLER:

12 Q So this letter was dated July 24th, 2017. You were
13 involved in oversight of the marijuana during that time period;
14 were you not?

15 A Yes.

16 Q All right. And you generally stay aware of
17 regulatory developments at the federal level that influence or
18 impact the industry in Nevada?

19 A What period is this?

20 Q July 24th, 2017.

21 A Yeah. I may have been over at that time.

22 Q You may have been what?

23 A I may have been in charge as deputy at that time. I
24 took over some time I believe in the summer of 2017.

25 But what's your question regarding this?

1 Q So this might have been right when you
2 [indiscernible], but when you took over the program, did you
3 make any efforts to review the federal landscape and how
4 regulators --

5 A Yes. Uh-huh.

6 Q -- saw -- okay.

7 And so are you aware that Attorney General Sessions
8 sent a letter to the states of Washington and Oregon
9 essentially criticizing them for their regulatory efforts and
10 highlighting his belief that to legalize marijuana continued to
11 cause public safety concerns?

12 A Yes.

13 Q Now, showing you the excerpts of that letter, I want
14 to read. It says,

15 "The recreationally licensed marijuana
16 market is competitive -- is incompletely
17 regulated. The leading regulatory violation
18 in that market has been the failure to
19 utilize and/or maintain traceability of
20 marijuana products."

21 "Since legalization in 2012, Washington
22 State marijuana has been found to have been
23 destined for 43 different states."

24 So Attorney General Sessions is clearly identifying
25 serious concerns that he had with states that believed at the

1 time that they were appropriately regulating marijuana; is that
2 right? Is that a fair statement?

3 A Well, I believe he had his concerns with Washington,
4 State.

5 Q Okay. And Oregon; correct? You're aware he sent a
6 letter to Oregon; right?

7 A And Oregon.

8 Q Nothing would prevent the Attorney General today from
9 sending a similar letter to the State of Nevada if they
10 identified concerns that Nevada's regulatory structures were
11 lax; is that right?

12 A Right.

13 Q And you're aware only two weeks ago the U.S. attorney
14 for Nevada Nicholas Trutanich said in a interview with the Reno
15 Gazette Journal that, Marijuana remains illegal under federal
16 law, and my job is to enforce federal law. Are you aware that
17 he made that statement?

18 A Yes.

19 Q All right. Given the current state of federal
20 indicators, is it fair to say that the Cole memo priorities are
21 the minimum standard that the State should be expected to
22 uphold?

23 A Yes.

24 Q If the regulatory structure isn't sufficient to
25 protect against those harms identified in the Cole memo

1 priorities, Nevada's entire regulatory structure could be
2 challenged by federal courts; is that right?

3 A Will you say that again.

4 Q If our regulatory structure were insufficient to
5 protect against the harms identified in the Cole memo
6 priorities, Nevada's entire regulatory structure could be
7 challenged by the federal authorities; is that right?

8 A Sure. I believe so. They have the authority to do
9 so.

10 Q All right. And if federal authorities brought
11 enforcement actions, they could potentially issue cease and
12 desist actions on Nevada's industry; is that right?

13 A Yes.

14 Q They could conduct seizures on all properties under
15 the cease and desist?

16 A Yes.

17 Q And they could bring criminal investigations and
18 prosecutions; is that right?

19 A Yes.

20 Q When we sit here today, the only comfort we have in
21 protecting against a federal crackdown on the industry is
22 maintaining a regulatory structure that's robust and effective
23 enough to let the federal government focus resources elsewhere;
24 is that fair?

25 A Yes.

1 Q And if tomorrow U.S. Attorney Trutanich led on
2 enforcement action against Nevada's licensees, our entire
3 industry may collapse; is that a fair statement?

4 A Possibly.

5 Q Okay. Because without strong, effective and robust
6 regulation of those we choose to license in the State of Nevada
7 to sell marijuana, we might not even have an industry; is that
8 right?

9 A Will you say that again.

10 Q Without effective and robust regulation of those that
11 we choose to license to sell marijuana in this state, we might
12 not even have an industry; is that right?

13 A Sure.

14 Q Do you have some doubt about that?

15 A No, that's fine. I agree.

16 Q Okay. That's fairly serious; right?

17 A Right. Yeah.

18 Q If the federal government determines at any point
19 that Nevada's regulatory structure is too lax --

20 A Sure.

21 Q -- that they need to take enforcement action, they
22 could shut the entire industry down?

23 A Yes, they can.

24 Q Okay. And it's your job to prevent that; right?

25 A Yes.

1 Q Because the buck stops with you then in that regard;
2 is that right?

3 A Yeah. Again I think we determine that.

4 Q Yeah. Well, we've been here for a couple of weeks
5 when you've been on vacation [indiscernible] where the buck
6 didn't stop with people, and we're trying to get to the bottom
7 of this?

8 MS. SHELL: Objection. Argumentative.

9 THE COURT: Overruled.

10 MS. SHELL: Thank you.

11 BY MR. MILLER:

12 Q Earlier in your testimony you said that if you were
13 asked to rank your duties of enforcement, you told me that the
14 testing of marijuana as it impacted public safety and health
15 was equally as important as the process that we're talking
16 about now, your role in determining the qualifications of
17 suitability for the licensure to sell marijuana; is that right?

18 A Yes.

19 Q So if you licensed an operation that sold marijuana
20 to kids or to a cartel, any of those concerns that were
21 outlined in the Cole memo priority, you'd have a much bigger
22 regulatory problem, wouldn't you, than your day-to-day
23 responsibilities in ensuring that the testing of the marijuana
24 maintained public safety?

25 A I think they're equally huge.

1 Q Equally huge?

2 A Sure. I mean, look, if you put out -- if marijuana
3 is not properly tested, you have immunocompromised patients
4 smoking, inhaling, eating contaminated product that may or may
5 not cause death, that could be the collapse of the industry in
6 Nevada as well.

7 Q Okay. But if you have a whole bunch of dispensaries
8 doing the same activity, don't you, in fact, have a bigger
9 problem, sir?

10 A Yeah. Yeah. I mean, you deal with it as the problem
11 persists. If you have, you know, a large amount of
12 dispensaries that are selling to minors and selling, yeah,
13 that -- or diverting product, yeah, that's a huge problem. It
14 takes priority.

15 Q But if you fail to evaluate the criteria for whether
16 or not a operation had a track record of selling to minors and
17 then initially gave more licenses to that individual, that
18 could be a big problem; right?

19 A Right. Say that again.

20 Q If you failed to identify -- if you failed to
21 consider the fact that a licensee has sold marijuana -- sold
22 marijuana to minors or had been so lax in their regulatory --
23 in following regulations that they had had a track record of
24 continuing to violate your regulations, that could be a
25 significant issue; right?

1 A Unless corrective action has been taken by that
2 licensee and the department was okay with that corrective
3 action. I mean --

4 Q If you failed --

5 A -- compliance issues all around.

6 Q If you failed to consider that as part of a licensure
7 process, that could be a significant issue for the State of
8 Nevada; is that right?

9 A If it was part of the criteria and we failed to, I
10 would say that's a problem.

11 Q What do you mean by "part of the criteria"?

12 A Well, if it's one of the things that we're supposed
13 to consider in the application process.

14 Q Well, you determined what's supposed to be considered
15 in the application process; right? Didn't we talk about the
16 buck stops with you?

17 A Sure.

18 Q So you had the ability to determine what the
19 department was going to evaluate as part of this licensure
20 process; right?

21 A I think I had a say in it, yes.

22 Q Well, ultimately the buck doesn't stop with you? Who
23 else had a say? Who else are we going to share the blame with
24 here if something went wrong with the application?

25 A I'll take the blame. It's not a matter of sharing

1 the blame.

2 Q Okay.

3 A It's a process.

4 Q Okay.

5 A I participate in the making of the regulations along
6 with the director, and as you know, you know, it goes through
7 the adoption process with the Nevada Tax Commission and then
8 ledge (phonetic) commission reviews it.

9 Q Right. We'll get to that, but your division or your
10 department developed the criteria by which the application --
11 application process went forward; is that right?

12 A Yes.

13 Q All right. So you had the ability to decide which
14 areas you wanted to focus on; is that correct?

15 A Sure. I mean, we looked at the Governor's task force
16 recommendations. We looked at 453A, which is closely related,
17 and public input from the licensees. That all went in to
18 creating the criteria for the regulations.

19 Q Okay. Did you look at the Cole memo?

20 A I don't recall specifically looking at the Cole memo
21 when doing the regulations, but I believe that, you know, they
22 were considered, those priorities, diversion, selling to
23 minors --

24 Q You gave --

25 A -- keeping money out of criminal organizations.

1 Q Right. You gave appropriate consideration you
2 believe to the concerns that were identified in those Cole memo
3 priorities and whether or not these applications were properly
4 identity evaluated, the criteria; is that correct?

5 A I think so, yes.

6 Q All right. So when you developed all of that
7 criteria, right, part of that would've included whether or not
8 a marijuana licensee appropriately tested marijuana according
9 to the regulations in order to protect public safety; is that
10 right?

11 A Yes, we looked at that.

12 Q Okay. And so when you looked at that criteria as to
13 whether or not a licensee had a track record of compliance in
14 an area, if you handed out licenses to somebody who had a very
15 poor track record in that regard and hadn't appropriately
16 tested marijuana and was leading the public safety concerns all
17 across the State, wouldn't giving them additional licenses be a
18 bigger problem than the day-to-day regulation of them?

19 MR. SHEVORSKI: Objection. Compound.

20 THE COURT: Overruled.

21 You can answer.

22 THE WITNESS: All right. Restate that. Can you
23 state that again.

24 MR. MILLER: Sure.

25 / / /

1 BY MR. MILLER:

2 Q You looked at that criteria of whether or not
3 licensees, you're telling me, that application of that --
4 you're telling me that the application evaluated whether or not
5 licensees have a track record of compliance; is that right?

6 A Whether the licensee had a good track record of
7 compliance?

8 Q Right. Didn't we just go through this?

9 A Yeah. Yeah. Go ahead. Uh-huh.

10 Q Okay. So it's part of your responsibility to make
11 sure that you didn't give out licensees -- give out licenses to
12 licensees who had a poor track record of compliance; is that
13 right?

14 A Along with other criteria, yes.

15 Q Okay. But it was part of the criteria that you were
16 supposed to look at; right?

17 A Yes.

18 Q Because if you didn't give appropriate consideration
19 to that and you gave licensee -- licenses to individuals who
20 had a poor track record of compliance, that could bring
21 additional federal scrutiny; right?

22 A It may. Yes.

23 Q Okay. And if you gave licenses to licensees who
24 didn't properly test marijuana and it posed a real threat to
25 public safety, that would cause an even bigger problem;

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1 correct?

2 A It can. Yes.

3 Q It can? Is this --

4 A I said it can.

5 Q -- something you take lightly?

6 A It can.

7 Q It would cause a very serious problem, wouldn't it?

8 A Yes.

9 Q And so isn't the licensing of those individuals and
10 taking into consideration their background the most important
11 responsibility you have, sir?

12 A Well, I think you look at an application as a whole,
13 but background is very important.

14 Q Okay. But if you fail to look at the background of
15 an individual and issued licenses to someone that was
16 associated with the cartel, for example, that could end
17 Nevada's entire industry; right?

18 A I think that's a -- I wouldn't say that it would
19 destroy Nevada's industry. It's possible, but, you know,
20 federal intervention probably just, you know -- I don't know
21 what they'll do. They could say get rid of this guy, you know,
22 or get rid of this entity, or if they choose they could try to
23 shut down the entire marijuana program in the state. I don't
24 know what they'd do.

25 Q So you told me you read that memo from Attorney

1 General Sessions; is that right?

2 A Yes.

3 Q Did you see anything as serious in that memo as the
4 State of Washington or Arizona or Oregon as the State of Nevada
5 issuing a license to a cartel?

6 A As far as I know the federal government hasn't shut
7 down their programs.

8 Q Well, Attorney General Sessions didn't allege that
9 they had issued a license to sell marijuana to cartels; is that
10 right?

11 A No.

12 Q But if you issued a license to the Sinaloa Cartel,
13 you're telling me that there's some question as to whether or
14 not the federal authorities would come in and shut down
15 Nevada's regulatory structure?

16 A Oh, no. I mean, there's -- that's a huge problem.

17 Q Okay. And you understand the seriousness of that;
18 correct?

19 A Sure.

20 Q So who you gave licenses to in the State and the
21 process by which you review those applications is the most
22 important job of yours; is that right?

23 A Is one of the important.

24 Q You're still not going to say it's the most important
25 job?

1 A Equally important.

2 Q Equally important as testing of marijuana in order to
3 maintain -- is that what you're saying, that the responsibility
4 of testing marijuana in order to maintain public safety?

5 A Public safety.

6 MS. SHELL: Objection. Asked and answered.

7 THE COURT: Overruled.

8 THE WITNESS: Public safety and health is equally
9 important. They both could bring down the industry. That's
10 what we're talking about. You're talking about bringing down
11 the industry. They could both bring down the industry.

12 Q So you're saying that your day-to-day enforcement as
13 a beat cop in looking at the testing and enforcement of --

14 THE COURT: You called him a beat cop?

15 MR. MILLER: Yeah.

16 THE COURT: I did tell you to be back in your DA
17 days, but he's a revenue officer and now the director of
18 Marijuana Enforcement Division.

19 Right?

20 So we're not a beat cop.

21 BY MR. MILLER:

22 Q If you find instances, sir --

23 A I'm sorry?

24 Q If you find instances of a licensee that's
25 inappropriately testing and that's causing a public safety

1 concern, you have the ability to shut them down; is that right?

2 A We take appropriate action.

3 Q Do you have the ability to shut them down if they are
4 cause a public safety concern?

5 A Sure.

6 Q And would that be appropriate action?

7 A There is a due process involved, but, yeah, I would
8 try to possibly shut them down.

9 Q Okay. When you say due process, what would happen?

10 A Well, we'd file a complaint. They have a right to a
11 hearing in front of an Administrative Law Judge.

12 Q And if you found that somebody was not testing
13 marijuana that was causing a public safety concern, what action
14 would you take?

15 A Well, I would do a -- I'd summarily shut them down
16 and then schedule them for a hearing.

17 Q Okay. And if you shut them down, it could
18 potentially be considered strong and effective enforcement of
19 Nevada's marijuana relations; right?

20 A Yes.

21 Q Okay. But if you allow that pattern to continue and
22 you gave licenses to people that engaged in that behavior
23 before, that's the issue that we're talking about here in
24 evaluating the licenses; is it not? That could be the bigger
25 problem. If you gave licenses to somebody that had been doing

1 it all along, and you hadn't shut them down before, that's a
2 much bigger problem; is it not? Is that a much bigger
3 priority -- shouldn't that be a much bigger priority for the
4 department? Evaluating to make sure that the qualifications
5 for licensure didn't give licenses to those kind of people?

6 A Sure. I mean, yeah, we don't want the cartel here.

7 Q We've heard testimony about the transition from
8 medical to recreational and the early start program, and we've
9 also heard testimony that the department determined that the
10 applications for recreational marijuana would be largely based
11 upon the 2014 application process; is that accurate?

12 A Yes.

13 Q Okay. In terms of the last competitive recreational
14 license application, Mr. Plaskon, Ms. Cronkhite and Mr. Gilbert
15 were largely responsible for developing that application; is
16 that right?

17 A Yes.

18 Q And then you reviewed and signed off on the
19 application; right?

20 A Yes.

21 Q And I understand you largely based the 2018
22 recreational application on the 2014 application. We heard
23 some testimony from Mr. Plaskon that I want you to confirm. If
24 we could pull up Day 5 of the transcript on page 92.

25 Can you read for me Mr. Plaskon's response when he

1 says, yeah, the question was --

2 A Just the response?

3 Q -- Was the person primarily responsible for the
4 application in other words, the form of words in that aspect?

5 Can you read me the answer.

6 A Sure. It says,

7 He was. Mr. Pupo would always give
8 final approval on stuff, but the application
9 was put together with or by Kara Cronkhite,
10 myself and Mr. Pupo, and again we took the
11 application from 2014, compared that to the
12 current NRS or NAC 453D, updated it as
13 needed, and then we actually threw it around
14 to our committee, through the office and the
15 program, and everybody fact checked --
16 checked it and ran it back and forth, did the
17 crosswalk to the regulations.

18 Q Is that a fair synopsis, do you think, of the process
19 that you undertook in order to convert the 2014 application to
20 what you used in 2018?

21 A No.

22 Q Okay. What happened?

23 A I think that looking at the 2014 application
24 [indiscernible], we looked at the governor's task force
25 recommendations, and looked at 453A and licensee's comments

1 from public workshops, and those were all taken into
2 consideration. But other than that, yeah, I gave final
3 approval. Once the application was formatted and formed, I
4 reviewed it and gave final approval.

5 Q Okay. But the application itself and what it was
6 largely based on on the 2014 application; is that correct?

7 A Along with the other things I mentioned, yes.

8 MR. MILLER: All right. So can we pull up
9 Exhibit 5002, which is a medical and Exhibit 5. This is the
10 recreational. Is it possible to do them side by side?

11 BY MR. MILLER:

12 Q Is it fair to say that the general structures are the
13 same in terms of the layout? There's a lot of similarities; is
14 that right?

15 A Yes.

16 Q Even the font?

17 A Yes.

18 Q Yeah. And the forms are largely similar. They're
19 just updated to conform with the new law and some of the new
20 criterias (sic) that you talked about; right?

21 A Yes.

22 Q And even the instructions, most of those are the
23 same; is that correct?

24 A Yes.

25 Q All right. There are some differences. Obviously

1 there are new dates; is that right?

2 A Right.

3 Q And the instructions were updated to provide
4 references to the new statutes that you talked about; right?

5 A Right. I believe to also take out any medical
6 references.

7 Q Okay. And the new grading criteria to conform with
8 some of the new laws; is that correct?

9 A Yes.

10 Q And you also updated old provisions that no longer
11 apply, and you deleted all the references to medical; is that
12 right?

13 A Yes.

14 Q Or you at least attempted to; is that right?

15 A Yes.

16 Q And then there was some effort to provide more detail
17 in the application from what was provided in 2014; right?

18 A Yes.

19 Q And as a result there were some additions to the 2018
20 application that were not present in 2014. Is that also true?

21 A I believe so, yes.

22 MR. MILLER: Okay. Can we pull up Attachment J,
23 which is page 34.

24 BY MR. MILLER:

25 Q Are you familiar with this attachment, sir?

1 A Yes.

2 Q Okay. A series of federal laws and authorities.
3 Read me section -- the one that begins Section 13 of PL92500.

4 A Section 13 of PL 92500, prohibition against sex
5 discrimination under Federal Water Pollution Control Act.

6 Q Do you know what that provision provides for?

7 A No, I don't.

8 Q Okay. It's a long statute, but I'll just read the
9 one part. It's Section 9.1.1:

10 No person in the United States shall on
11 the ground of sex be excluded for
12 participation in, be denied the benefits of
13 or be subjected to discrimination under any
14 program or activity receiving Federal
15 financial assistance under this act, the
16 Federal Water Control Pollution Act or the
17 Environmental Financing Act.

18 You're regulating an industry that's illegal under
19 federal law. Clearly none of your licensees are receiving
20 Federal financial assistance under the Federal Water Pollution
21 Control Act or the Environmental Financing Act; right?

22 A Right.

23 Q Can you read me Section 306 of the Clean Water -- Air
24 Act and Section 508 of the Clean Water Act, including executive
25 order 11738, the administration of the Clean Air Act and the

1 Federal Water Pollution Control Act with respect to federal
2 contracts or grants.

3 Do you see that provision?

4 A Where we at? Which one?

5 Q Section 306 -- these are federal statutes. So they
6 get a little wordy, sir. It took some attorneys some time to
7 review this on Attachment J I'm sure.

8 Section 306 of the Clean Air Act and Section 508 of
9 the Clean Water Act, do you see that provision?

10 A Yes.

11 Q And then there's a lot of other criteria. Do you
12 know what that one provides?

13 A No.

14 Q All right. If I represented to you that it provides
15 that if you're a party to a federal contract, grant or loan
16 with a federal agency, you'd have to comply with the Clean
17 Water Act and the Federal Water Pollution Act. Would you agree
18 that that probably also wouldn't apply to your licensees?

19 A Yes.

20 Q All right. Because none of your licensees are
21 getting grants or loans from the federal agencies; right?

22 A Not that I know of.

23 Q "Not that you know of." I mean, would it be possible
24 for licensees of marijuana establishments in this state to
25 receive federal grants?

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1 A I would not think so.

2 Q I wouldn't think so either. That might have been a
3 mistake to include this attachment.

4 MR. GRAF: Objection, Your Honor. Calls for a legal
5 conclusion.

6 THE COURT: Overruled.

7 THE WITNESS: I'm sorry. What did you say, Your
8 Honor?

9 THE COURT: Overruled. You can answer.

10 THE WITNESS: Yeah, I would probably agree. It's
11 irrelevant.

12 BY MR. MILLER:

13 Q It's irrelevant?

14 A [Indiscernible.]

15 Q Well, where did it come from?

16 A I believe that came from the 2014 application.

17 Q Okay. We'll pull up the 2014 application. Why don't
18 you look through at the end. Do you want to look through and
19 confirm whether or not this attachment was on the 2014
20 application.

21 A I mean --

22 Q Take your time.

23 THE COURT: What's the exhibit number if he prefers
24 to look at the paper copy.

25 MR. MILLER: Sure. It is Exhibit Number 5002.

1 THE COURT: So, Ramsey, can you help him find 5002
2 just in case he wants to flip through the entire application,
3 as Mr. Miller offered.

4 THE CLERK: It's at that part at the very bottom and
5 then second to the last --

6 BY MR. MILLER:

7 Q Sir, will you accept my representation that it's not
8 in there?

9 A Sure.

10 THE COURT: You offered to let him flip through the
11 whole thing. You know, I wasn't going to sit here and watch
12 Shane go through every page.

13 BY MR. MILLER:

14 Q It's not in there. You have no idea where that
15 attachment came from?

16 A No. I mean, as far as I know, my understanding of
17 that was put together by, it was my understanding that the
18 DAG's office in 2014 assisted the DPBH to do these
19 applications, and I assumed that was part of that --

20 THE COURT: Okay. Wait. What's the DAG's office?

21 THE WITNESS: The Deputy Attorney General's office.

22 THE COURT: Okay. So the AG's office.

23 THE WITNESS: The AG's office.

24 THE COURT: Okay. Thank you.

25 / / /

1 BY MR. MILLER:

2 Q So I understand, you're saying that the Attorney
3 General's office was involved in the review of which
4 application that would have been --

5 A 2014.

6 Q Okay. But I just told you to accept my --

7 A Well, I don't know if it was reviewed. They
8 assisted.

9 Q I'm sorry?

10 A It's my understanding that they assisted DPBH.

11 Q Can you break down these government acronyms for me.
12 It's been a while since I've been in government too. So --

13 A That they assisted the Division of Public Behavioral
14 Health in creating the application in 2014.

15 Q Okay. Well, again, I can offer to have you look
16 through the 2014 application, but I'm making a --

17 A No, I'm just saying that's my understanding.

18 Q All right --

19 A That's --

20 Q -- but Attachment J is not in the 2014 application.

21 A Okay. I said I would take your word for that.

22 Q Okay. But somewhere between 2014 and 2018 -- now,
23 2018, Attachment J is in that application; is that right?

24 A Apparently, yes.

25 Q What do you mean "apparently"? We can pull it up if

1 you want.

2 A Yes, it's there.

3 Q Okay. You don't have any doubts that Attachment J
4 was provided to all the applicants, do you?

5 A No.

6 Q Okay. Attachment J was included?

7 A Sure.

8 Q All right. Do you know where Attachment J came from?

9 A I do not.

10 Q Did the Attorney General's office help you in
11 assembling this application?

12 A Not that I know of.

13 THE COURT: The 2017 application?

14 MR. MILLER: The 2018 application.

15 THE WITNESS: No.

16 MR. MILLER: I'm sorry. 2017 --

17 THE COURT: I'm sorry, 2018, yeah.

18 MR. MILLER: Yeah.

19 THE WITNESS: No.

20 BY MR. MILLER:

21 Q Okay. So at some point Attachment J was included,
22 but you can't tell us where it came from?

23 A That's correct.

24 Q All right. When we moved forward with this
25 application process, recreational marijuana law was an entirely

1 new legal framework. Would you agree with that?

2 A When? Say that again.

3 Q When we moved forward with the recreational marijuana
4 law, that was established on an entirely new legal framework;
5 is that correct?

6 A Can you -- well, what do you mean by "legal
7 framework"?

8 Q Well, when they imposed -- when the voters enacted
9 Nevada's recreational law, they established an entirely new
10 legal framework for that; right?

11 A Yes.

12 Q They didn't go and amend the old medical statutes --

13 A No.

14 Q -- is that correct?

15 A Correct.

16 Q So and that required you to adopt regulations. Is
17 that also true?

18 A Yes.

19 Q All right. And QuantumMark, as I understand through
20 the testimony here that we've heard was involved in the
21 drafting of the regulations that would apply in the 2018
22 recreational process. Is that also true?

23 A Yes.

24 Q And were you involved with that as well?

25 A Yes.

1 Q All right. What was your involvement?

2 A Just participated with a group of other people and
3 gave my input.

4 Q Okay. And what happened during that process?

5 A So QuantumMark was initially brought in to assist,
6 facilitate the governor's task force meetings, and then they
7 were contracted again to assist the department in creating
8 regulations. DPBH had used them in 2014 to create the
9 regulations for 453A. Then they basically put together some of
10 the regs and formatting. They did formatting work. They
11 brought in -- they had benchmarks from other states. And then
12 we sat together as a group and discussed what -- when they did
13 the BNR regulations.

14 Q Okay. And with respect to the development of the
15 regulations, what process did you use to determine and develop
16 the regulations that pertained to the suitability
17 determinations of the licensees?

18 A So generally, you know, we would look at the
19 governor's task force. We'd look at 453A. You know, what the
20 Division of Public and Behavioral Health had done the
21 previous -- you know, how they operated the previous three
22 years or so.

23 Q Okay. Do you remember anything specifically within
24 453A? When we're talking about 453A, we're talking about the
25 language that appeared on the ballot; right?

1 A No. 453A is the medical program.

2 Q All right. Are you aware that 453A is just the
3 codification of what appeared on the ballot? Is that right?
4 We went through this.

5 A 453A, no.

6 THE COURT: 453D.

7 MR. MILLER: 453D. Sorry.

8 THE COURT: I was wondering.

9 MR. MILLER: [Indiscernible.]

10 THE WITNESS: I'm talking about 453A.

11 BY MR. MILLER:

12 Q You looked at the suitability of applicants in 453A
13 and used that as a basis in order to create the regulations
14 for -- for NAC 453D?

15 A Well, the governor's task force recommended that 453A
16 be used as a foundation for regulations for recreational.

17 Q And that would include the determinations on
18 suitability?

19 A Right. What the legislature put forth in 453A.

20 Q Okay. And when you looked at suitability, who else
21 did you consult with as to whether or not you would be
22 evaluating the right criteria?

23 A No one outside the agency.

24 Q Okay. So you did that all internally?

25 A Yes.

1 Q All right. Now, the voters tasked your department
2 with confirming that business owners are suitable to sell
3 marijuana. We covered that; right? It's 453D.0203B:

4 People of the State of Nevada proclaim
5 that marijuana should be regulated in a
6 manner similar to alcohol so that business
7 owners are subject to a review by the State
8 of Nevada to confirm that the business owners
9 and the business location are suitable to
10 produce or sell marijuana.

11 You're aware of this requirement; correct?

12 A What are we looking at? 453D.020?

13 Q -0203B.

14 A D did you say?

15 Q 453D.0203B.

16 A Oh, B.

17 Yes.

18 Q All right. And up there at the top it says, That
19 marijuana should be regulated in a manner similar to alcohol.
20 You're aware that that was the framework that the Nevada voters
21 provided to you as to how they expected you to administer this
22 program; is that correct?

23 A Yes.

24 Q All right. And this competitive application process
25 was the evaluation of which business owners among the existing

1 marijuana license holder should be granted a license to sell
2 marijuana; right?

3 A Wait. I'm sorry. I didn't hear you.

4 Q This competitive application process, that is the
5 evaluation by which business owners are granted a license to
6 sell marijuana in the state; right?

7 A Yes.

8 Q There's no additional criteria or additional review
9 that happens after this application process; isn't that
10 correct?

11 A Correct.

12 Q In ensuring the individuals who are licensed to sell
13 marijuana in Nevada aren't criminals and are suitable to sell
14 marijuana, it is a necessary area of your focus to carry out
15 the strong and effective regulation that the feds expect. Is
16 that a fair statement?

17 A Yes.

18 Q Of all the areas of regulation, suitability
19 requirements couldn't be neglected simply because they might be
20 inconvenient to carry out; is that correct?

21 A Correct.

22 Q Because a suitability determination is a necessary
23 part of your regulatory oversight of Nevada's marijuana
24 program; is that correct?

25 A Correct.

1 Q And we discussed this, but that suitability
2 determination, the buck stops with you; is that right?

3 A Sure.

4 Q Yeah. And when questioned to pass, the people of the
5 State of Nevada entrusted you to conduct background checks on
6 each prospective owner of a marijuana establishment; correct?

7 A Yes.

8 Q Okay. NRS 453D.200, Subsection 6, says,
9 The department shall conduct a
10 background check of each prospective owner
11 and board member of a marijuana establishment
12 license application.

13 Correct?

14 A Yes.

15 Q You're aware of that requirement?

16 A Yes.

17 Q Okay. And you're aware that when the people passed
18 that language in Question 2 you couldn't amend that statute for
19 a period of three years; is that also correct?

20 A Yeah, I think we discussed that.

21 Q Okay. But your department did not conduct background
22 checks of each prospective owner of a business license by the
23 State of Nevada to sell marijuana; correct?

24 A Say that again.

25 Q Your department did not conduct background checks of

1 each prospective owner of a business -- of a business license
2 by the State of Nevada to sell marijuana; is that true?

3 A Prospective owners?

4 Q Yeah.

5 A I would agree.

6 I mean, we do background checks of licensed -- of
7 people who get licenses.

8 THE COURT: That's not what he asked you, sir.

9 Can you ask your question again, Mr. Miller.

10 MR. MILLER: Yeah.

11 BY MR. MILLER:

12 Q The department did not conduct background checks of
13 each prospective owner of a business licensed by the State of
14 Nevada to sell marijuana; is that true?

15 A Can you reframe that question. I mean, "prospective
16 owner," they're not owners.

17 Q Let's go back, and we'll talk about "prospective
18 owners."

19 All right. People that apply for licenses are
20 prospective business owners or licensees; is that correct?

21 A Yes.

22 Q Okay. And to the extent that you review this
23 information, they could be granted conditional licenses --

24 A Yes.

25 Q -- is that correct?

1 All right. But you didn't conduct background checks
2 of each prospective licensee before issuing conditional
3 licenses, did you?

4 A I believe we did.

5 Q You believe that you conducted background checks of
6 each prospective owner?

7 A I believe so. If, you know -- the applications
8 requires fingerprinting and background checking to be submitted
9 and go through the process, a background check process.

10 Q Would it surprise you to learn that through the
11 testimony over the last few days we've learned of plenty of
12 instances of the department not conducting background checks of
13 ownership interest?

14 MR. KOCH: Objection. Misstates testimony --

15 THE COURT: Overruled.

16 We are on Day 9.

17 MR. MILLER: Sure.

18 BY MR. MILLER:

19 Q You believe that your department had conducted
20 background checks on each potential owner that applied for a --

21 THE COURT: The wording is "prospective" out of the
22 statute, the ballot question.

23 MR. MILLER: All right.

24 THE COURT: Let's use the right words.

25 / / /

1 BY MR. MILLER:

2 Q You believe that you conducted a background check of
3 each prospective owner of a business license by the State of
4 Nevada to sell marijuana?

5 MR. GRAF: Objection. Vague as to time.

6 THE COURT: Overruled.

7 MR. GRAF: Thank you.

8 THE WITNESS: Yes, that was my belief.

9 BY MR. MILLER:

10 Q You changed the phrase of the voters on the ballot in
11 Question 2 which said, Each prospective owner, to instead read
12 only ownership interests of 5 percent or more; right?

13 A Regarding background checks?

14 Q You're aware that your department passed a regulation
15 that changed the definition of each prospective owner to
16 instead read that you would only be required to background
17 check individuals whose ownership interests were 5 percent or
18 more?

19 A Yes.

20 Q And a change from conducting background checks of
21 each owner to ownerships of 5 percent or more would be a
22 significant change; right?

23 A I believe that ownership interest, 5 percent or more,
24 is regarding agent cards.

25 Q Who has to obtain an agent card?

1 A I'm sorry?

2 Q Who is required to obtain --

3 A Anyone employed.

4 Q Anyone employed. Okay. So only those individuals --

5 A Well, you're talking -- but you're talking ownership
6 transfers is what you're talking about, ownership interest;
7 right? So 5 percent or more.

8 Q No. Let me stop you. Who does the department
9 conduct background checks on?

10 A On owners --

11 THE COURT: Mr. Miller, I don't care about agent
12 cards for purposes now. I care about the application process
13 because that's what this injunctive relief hearing is. If we
14 could focus then back on the ballot question which includes
15 NRS 453D.200, and I believe we're at Section B -- or Section 6:

16 The department shall conduct a
17 background check of each prospective owner,
18 officer and board member of a marijuana
19 establishment license applicant.

20 So if we could continue to focus on that language
21 rather than who needs an agent card, because I don't really
22 care today.

23 MR. MILLER: Okay. Well, I'm --

24 THE COURT: Because I know employees and volunteers
25 need agent cards, and they're not here --

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1 MR. MILLER: I'm trying to figure out how he thinks
2 they intersect, Your Honor, but I'll try to focus in on the
3 statute up here.

4 THE COURT: This could be the highlighted part that I
5 think we need to talk about.

6 MR. MILLER: Yep.

7 BY MR. MILLER:

8 Q So reading that language again, sir, it says,

9 Shall conduct a background check on each
10 prospective owner, officer and board member
11 of a marijuana establishment license
12 applicant.

13 You believe that you did that in this case; is that
14 correct?

15 A Yes.

16 Q Okay. And you believe that you did it for each
17 prospective owner of a marijuana establishment and license?

18 A Yes.

19 Q Okay. And you're aware of the regulation that was
20 passed, NAC 453D.272 --

21 (Pause in the proceedings.)

22 BY MR. MILLER:

23 Q -- NAC 453D.255. Can you read that statute.

24 A Sure.

25 (Witness reads out loud to himself.)

1 Q But you believe that the department conducted
2 background checks of each prospective owner of a marijuana
3 establishment? Before issuing -- in the confines of this
4 application; correct?

5 A You have to have more than 5 percent interest.

6 Q Okay. And now you see that I showed it to you the
7 regulation appears to show that the department will check it
8 for individuals that own over 5 percent; is that correct?

9 A Yes.

10 Q Okay. And that would be a significant change in
11 ownership interest -- and who the department conducts
12 background checks on; correct?

13 A Sure. I would say so.

14 Q Okay. Because if you receive an application that
15 lists an ownership percentage of less than 5 percent that was
16 held by an LLC, there might be no requirement under that
17 regulation that we conduct any background check on that
18 ownership interest; is that also true?

19 A Wait. Say that again.

20 Q Under that regulation, did the department check
21 ownership interests that were less than 5 percent?

22 A Do we check? Was that your question? I'm --

23 Q During this application process --

24 A Right.

25 Q -- when individuals filled out the criteria that was

1 required by the application, did your division check the
2 backgrounds of individuals holding less than 5 percent
3 ownership interest?

4 A Yeah, I don't know for sure.

5 Q But if you hadn't complied with the law to check the
6 backgrounds of those individuals, that could be a significant
7 problem; correct?

8 A Sure.

9 Q All right. Because if you hadn't complied with the
10 requirement, an ownership interest of less than 5 percent
11 could, in fact, be 100 percent held by a member of a criminal
12 organization; right?

13 A I guess it's possible.

14 Q And the fact is it's possible, and you wouldn't know
15 it because you hadn't checked the backgrounds on any of that
16 ownership interest; is that right?

17 A It's possible.

18 Q Are you aware of what a background check includes?

19 A I know what we look for.

20 Q What do you look for?

21 A We look for excluded felonies, Category -- it would
22 be equivalent to a Category A in the state of Nevada.

23 Q Just in the state of Nevada? So if an individual had
24 a felony conviction elsewhere for significant crimes, that
25 wouldn't show up through your background checks?

1 A No, I said excluded felonies that would be equivalent
2 to a Category A in the state of Nevada.

3 Q Okay. And how are those background checks performed?
4 Who does it?

5 A DPS and FBI.

6 Q Okay. And then once that information is reviewed,
7 what does your department do with it?

8 A The section reviews -- reviews to see if there's any
9 excluded felony, and if there's no excluded felony, the
10 application proceeds.

11 Q Okay. And if there is an excluded felony, what
12 happens?

13 A Well, it depends on I guess the disposition. The
14 applicant is given an opportunity to explain.

15 Q Explain? They get an opportunity to explain?

16 A Well, there's -- if there's no disposition. So if
17 there's an excluded felony and it's been totally disposed of,
18 then that individual is denied. If there's no disposition,
19 sometimes the reports come back with no disposition, so we
20 don't know if they're on probation, parole or whatnot, or, you
21 know, it totally changed.

22 The applicant is given an opportunity to provide
23 documentation as to the status of that felony.

24 Q Okay. But for ownership interest less than
25 5 percent, if an individual had any of those excluded felonies

1 that would have otherwise prevented them from having a license
2 in the state, you wouldn't know; is that right?

3 A Right.

4 Q Because you didn't check?

5 A Right.

6 Q And that could be a very significant difference in
7 who you may want to issue a license to in the state; is that
8 correct?

9 A Sure.

10 Q And if you don't check ownership interests and you
11 don't ensure that they didn't have any of the, you know, red
12 flags that would suggest they'd be unsuitable to hold a
13 license, you could have an entire ownership interest that could
14 be held by criminal organizations in the state; is that right?

15 A It's possible.

16 Q Right. Because under the regulation that your
17 department proposed, we could have an application to sell
18 marijuana for up to 20 different holders -- 20 different owners
19 holding less than 5 percent who weren't background checked;
20 right?

21 A Say that again.

22 Q We talked about the fact that if there was an
23 ownership interest that held less than 5 percent, your
24 department doesn't background check them; right?

25 A Right.

1 Q Okay. So if 20 different people came in and said we
2 own, we're prospective owners of this marijuana license, we
3 want to apply, you wouldn't check any of those 20; is that
4 correct?

5 A I guess not.

6 Q All right. And if you didn't check any of those 20
7 different owners and confirm their background as required by
8 law, basically the entire organization could be held by a
9 criminal organization, and your department wouldn't know about
10 it; is that true?

11 A It's possible.

12 Q So you're telling me that the regulatory process that
13 you set up could have allowed for Nevada LLCs numbered
14 1 through 20 that applied for a marijuana license in this state
15 all indicating that they had ownership interests under
16 5 percent had been members of the Sinaloa Cartel, and yet the
17 Nevada Department of Taxation wouldn't have known about it?

18 A I guess under the circumstances, yeah.

19 Q Okay. So as you sit here today, you can't tell us
20 whether or not you've granted any conditional licenses to
21 members of the Sinaloa Cartel?

22 A I don't know.

23 Q You don't know whether or not you granted the
24 licenses?

25 A Well, I don't -- I'd have to go back and see if that

1 scenario exists. I mean, I don't -- I don't know that that
2 scenario exists.

3 Q As you sit here today, you can't tell us -- you've
4 told us that you didn't conduct background checks on each
5 individual; right?

6 A As I sit here today, I tell you that I don't know if
7 that scenario exists. I'd have to go back and look.

8 Q Okay. But that's not the question I asked.

9 THE COURT: So, Mr. Miller, can I interrupt you for a
10 second.

11 MR. MILLER: Yeah.

12 THE COURT: Because we're going to take a morning
13 break in about 10 minutes.

14 MR. MILLER: Yeah.

15 THE COURT: Sir, can you explain to me why the
16 department thought it was a good idea to change the language of
17 the ballot question which said that you had to check each
18 prospective owner's background and change it to anyone who held
19 a 5 percent interest or more?

20 THE WITNESS: I'm not sure, Your Honor. I mean, I
21 think there was some -- there may have been some concern of you
22 have companies that have hundreds and hundreds of shareholders
23 or owners that, you know, own .01 percent of a business, and
24 there's no real way to conduct background checks on hundreds,
25 maybe thousands of individuals, especially in a 90-day period.

1 THE COURT: So did you think the "shall" language in
2 the ballot question was not mandatory?

3 THE WITNESS: No, I didn't think that.

4 THE COURT: Okay. How did you define "owner" in
5 implementing the regulations and the duties you had under the
6 ballot question?

7 THE WITNESS: Well, I think that's where maybe the
8 5 percent came in. I don't -- I don't recall exactly how, you
9 know, if we made that determination on defining exactly what a
10 owner is.

11 THE COURT: How did you define "officer" for purpose
12 of the background check?

13 THE WITNESS: So officer, however they listed -- the
14 applicant listed the individual, whether it was an officer of
15 the corporation or not.

16 THE COURT: And how did you define "board member" in
17 order to implement the background check requirement of Ballot
18 Question 2?

19 THE WITNESS: Same thing, as however the applicant
20 listed in their application.

21 THE COURT: So you took the applicants at their word?

22 THE WITNESS: Yes, ma'am.

23 THE COURT: How did you undertake the obligation that
24 the department had to determine that the application was
25 complete prior to it being reviewed?

1 THE WITNESS: I'm sorry. Can you say that again,
2 Your Honor.

3 THE COURT: So you were required to determine the
4 application was complete before starting the review process.
5 How did you do that?

6 THE WITNESS: Yeah, I don't -- I don't know how my
7 staff would review. I would assume --

8 THE COURT: So we should defer to the people who've
9 come already?

10 THE WITNESS: Yes, ma'am. I mean --

11 THE COURT: Mr. Gilbert?

12 THE WITNESS: Yeah. I didn't have any -- any
13 involvement in that process.

14 THE COURT: That's fine. You can tell me that was
15 below your pay grade, and you delegated it to him to make sure
16 it happened, and that's okay. I'll take it.

17 THE WITNESS: That's basically what it is, Your
18 Honor.

19 THE COURT: All right, guys. We're going to take a
20 15-minute recess and resume. This is not a requested break.

21 Sorry for interrupting, Mr. Miller, but I was trying
22 to get on track for what I need to know.

23 THE WITNESS: I understand.

24 (Proceedings recessed at 10:23 a.m., until 10:35 a.m.)

25 THE COURT: Since Mr. Rulis is here, we're going to

1 start without Mr. Kemp.

2 Go. You're up.

3 BY MR. MILLER:

4 Q We've heard previous testimony on this, but if a
5 prospective licensee included an ownership interest and
6 included a publicly traded corporation, your department would
7 not have conducted a background check on the ownership interest
8 of that -- that entity; is that correct?

9 A That's correct for anyone under 5 percent. It's just
10 impossible to do.

11 Q So you're saying that you conduct background checks
12 on publicly traded companies for -- for publicly traded
13 companies with ownership over 5 percent?

14 A Yeah, I'm not sure it's 5 percent, 3 percent. I
15 think it's 5 percent owners, officers, and board members.

16 Q Is there a requirement in the Department to check the
17 backgrounds of ownership interests of publicly traded companies
18 that are -- that hold an ownership interest in a prospective
19 license?

20 A Publicly traded companies, unfortunately, weren't
21 addressed in the regulations or the law, for that matter.

22 Q And so you're essentially leaving it up to the
23 applicant's determination of who they want to include and who
24 they want to have background checked; is that right?

25 A Yes.

1 Q And if they don't list an ownership interest, you
2 wouldn't know?

3 A Would not know, yes.

4 Q And so if they were an ownership interest that --
5 within a publicly traded company, that held a significant
6 portion, at least 50 percent of a prospective licensee, you
7 wouldn't check their background?

8 A If someone held 50 percent?

9 Q Let's say an applicant comes in and they list that
10 this company, which is publicly traded, owns 50 percent of the
11 company that's applying for a license. If they don't list any
12 ownership interest of that publicly traded company, you
13 wouldn't check it; right?

14 A I believe we check the owners and officers and board
15 members of that company that owns 50 percent if they --
16 individuals own 5 percent or more.

17 Q And how would you know to check that if they don't
18 list it?

19 A I believe my staff asks. They say -- if there's a --
20 from what I understand, you're saying there's a company, and
21 then there's another company that owns 50 percent, but they
22 don't list the individual owners, officers, or board members.
23 Is that what you're saying?

24 Q Correct.

25 A Right. So at that point, I believe my staff then

1 asks who these owners, officers, or board members here that own
2 5 percent or more.

3 Q You believe that your staff would have, then,
4 rejected an application if it didn't appropriately list an
5 ownership interest of over 5 percent or more of a publicly
6 traded company?

7 A I don't know -- well, and when we do an ownership
8 transfer on the application, I don't think they would have
9 asked.

10 Q I'm not asking about an ownership transfer on an
11 application. I'm talking about the application itself.

12 A Okay. So, no. No.

13 Q It's a no?

14 A Yeah. No, I don't think they would have asked.

15 Q So it would have been left up to the individual
16 applicant. And if they didn't provide that information, then
17 that ownership interest wouldn't have been background checked;
18 is that right?

19 A Probably, yeah.

20 Q And with respect to those publicly traded companies,
21 there's no requirement that the licensed entity maintain a list
22 of shareholders for inspection by your department; right?

23 A No.

24 Q And we've heard testimony about out-of-state
25 ownership interest. There's no additional requirements that

1 apply to ownerships -- ownership interests that are
2 out-of-state compared to those that are in-state; correct?

3 A No.

4 Q And we've heard testimony about foreign-owned
5 ownership interests. There are no additional requirements
6 related to ownership interests that are in foreign countries
7 either; right?

8 A No.

9 Q So if an ownership interest were held by a publicly
10 traded company -- scratch that.

11 With respect to publicly traded corporations, if you
12 don't know who the shareholders are and it wasn't disclosed to
13 you, how can the Department be sure that the regulatory
14 provisions against monopolies aren't being violated?

15 A If we don't know who the shareholders are, you're --
16 see, publicly traded companies' shareholders, I guess, are
17 considered owners as well. A problem with publicly traded
18 companies, like I said, they're not addressed in statute.
19 They're not addressed in regulations. The problems -- the
20 problem we have is those shareholders change by the minute,
21 possibly -- they can, by the second, as shares are traded on
22 the market. It would be impossible for us to, you know, run
23 background checks and do all that on all those individuals that
24 own shares. So --

25 Q Well, you said it wasn't addressed in the statute.

1 The voters adhere to that statute; right?

2 A The initiative doesn't have a whole lot to go on.

3 Q Right. So it was left to the Department to enact
4 regulations; is that correct?

5 A Yes.

6 Q And you could have put in those regulations areas
7 that may have defined how you would deal with publicly traded
8 corporations; is that correct?

9 A Sure, we didn't -- we didn't anticipate this.

10 Q Okay. All right. And with respect to out-of-state
11 interests, you said that an ownership interest that may be held
12 by foreign -- by companies that are domiciled in other
13 countries, that was a concern that was identified by the ballot
14 question itself; is that correct? Are you familiar with that?

15 A No.

16 Q Okay. Can we pull up the ballot, page 20.

17 This is the wrong page, but let me -- well, clearly
18 the voters were concerned -- it was a concern of the language
19 on the ballot question on the arguments that they were
20 concerned with cartels being able to hide in plain sight;
21 correct? Do you read that from the ballot language, the
22 arguments for or against?

23 "Legalization has done nothing in the black market in
24 Colorado and it's even allowed Mexican cartels to hide in plain
25 sight."

1 A Okay.

2 Q Clearly, some of the (indiscernible) were concerned
3 with cartels being involved in their open industry; is that
4 right?

5 A Sure, there was some concern, I guess, for the people
6 arguing against.

7 Q Okay. Sir, could you have refused to take
8 applications from publicly traded corporations that didn't
9 properly identify their ownership interest?

10 A I don't believe so.

11 Q Why not?

12 A There's no prohibition in the statute or regulation
13 that says publicly traded companies can't apply.

14 Q And so if it was clear to the Department that an
15 applicant had submitted an application but had not
16 appropriately identified their ownership interest, you couldn't
17 have refused that application?

18 A No, I don't think -- I think with that, we have an
19 obligation to receive all applications.

20 Q Okay. So you would have just taken the application
21 that didn't identify the appropriate ownership interest and
22 pass it on to evaluators for the appropriate scoring?

23 A I would assume.

24 Q And if that applicant has scored the highest, you
25 would have issued them a conditional license?

1 A Yes.

2 Q And when you had the opportunity, you said that you
3 just didn't anticipate that this could have been an issue
4 regarding suitability. We discussed the fact earlier that the
5 language itself, the voters told you to regulate marijuana in a
6 manner similar to alcohol; is that right?

7 A Yes.

8 Q And when you were carrying out these regulations and
9 going through that process of developing them, did you ever
10 meet with anybody that regulated alcohol to determine how they
11 dealt with these issues?

12 A Not outside the Department. I mean, we regulate
13 alcohol to an extent.

14 Q Okay. Did you meet with people inside the Department
15 in order to determine how they review applications and how they
16 look at ownership interests?

17 A Well, we have the executive team which knows how
18 alcohol is regulated within the Department.

19 Q And so did they participate in the process of
20 drafting the regulations?

21 A Yes.

22 Q And so they could have included provisions that would
23 have applied to the regulation of alcohol and provided a little
24 further clarity; right?

25 A Well, it depends. You know, alcohol in this state is

1 on a three-tier system. I mean, to what extent do you -- are
2 you going to regulate marijuana like alcohol, similar to
3 alcohol but not like alcohol.

4 Q Right. All right. Well, can you show Exhibit 228.

5 THE COURT: Any objection?

6 MR. MILLER: It's Department of Tax's liquor license
7 application.

8 MR. SHEVORSKI: No objection.

9 THE COURT: Be admitted.

10 (Plaintiffs' Exhibit Number 228 admitted)

11 MR. MILLER: Pull up 14.

12 BY MR. MILLER:

13 Q See that discretion up at the top? "List all owners,
14 officers, members, partners. Attach additional sheets if
15 needed"?

16 A Yes.

17 Q The tax form within your department that regulates
18 alcohol requires that you list all owners; is that right?

19 A It requires what?

20 Q That you list all owners.

21 A Yes.

22 Q But you didn't follow that regulatory model; right?

23 A Well, we say list owners.

24 Q You say list all owners over 5 percent; is that
25 right?

1 A Yes.

2 Q The department that regulates alcohol says it lists
3 all owners; is that correct?

4 A Yes.

5 Q So you didn't follow that model?

6 A No.

7 Q And are you aware that the determination of
8 suitability in the confines of alcohol is also reviewed by
9 accountings but issued like a license is?

10 A Yes.

11 Q All right. Did your division meet with any of those
12 individuals, to your knowledge, or your department meet with
13 any individuals within that area, to your knowledge, in order
14 to determine how they regulate?

15 A Not to my knowledge.

16 Q Are you aware that Clark County requires disclosure
17 of all owners or members, including percentages of those
18 companies held and any investment amount?

19 A No.

20 Q And that if corporation (indiscernible) is a publicly
21 traded corporation, the applicant is required to provide a copy
22 of their last annual report. Are you aware of that?

23 A No.

24 Q And your division clearly didn't request that
25 information; right?

1 A Not to my knowledge.

2 Q But nothing would have prevented you from adopting a
3 regulation that would have required that information; correct?

4 A No.

5 Q All right. Pull up Exhibit 230.

6 THE CLERK: Proposed.

7 THE COURT: Any objection?

8 MR. SHEVORSKI: One second, Your Honor.

9 It's the Clark County Priviledged License
10 Application.

11 MR. SHEVORSKI: No objection.

12 THE COURT: Be admitted. A blank one?

13 MR. MILLER: Yes.

14 THE COURT: It can be rather long when completed.

15 MR. MILLER: Good point, Judge.

16 (Plaintiffs' Exhibit Number 230 admitted)

17 BY MR. MILLER:

18 Q Page 3. Exhibit 230, page 3. It says, "If the
19 operating entity is owned/managed by legal entities other than
20 individuals, provide documentation that evidence the ownership
21 and management of all holding/parent entities."

22 A I can't see where you're reading. I can't see it.

23 MR. MILLER: Shane, did you find that?

24 SHANE: Not for what part you're on here.

25 MR. MILLER: It's down here under additional

1 documents, second check box, third criteria down, I believe --
2 or fourth check box. There we go.

3 BY MR. MILLER:

4 Q Can you read that?

5 A Okay.

6 Q You didn't require that level of detail on your
7 applications either; correct?

8 A No.

9 Q If you can turn to page 12.

10 "Ownership: Provide information for all individuals
11 or entities that have an ownership share in this business. The
12 form must account for 100 percent of the capital invested in
13 this business. If additional space is required, please use
14 additional forms.

15 "For LLCs, limited partnerships, or publicly traded
16 corporations with numerous minor investors, individual
17 ownership interest of less than 1 percent may be grouped as one
18 item provided an explanation is provided below. Use additional
19 sheets as necessary. Provide stock certificates or other legal
20 proof of ownership for each entity or individual
21 (indiscernible)."

22 Now, nothing would have prevented you from reviewing
23 the application of a Clark County liquor license, right, and
24 incorporating those instructions and these requirements into
25 your application; correct?

JD Reporting, Inc.

1 A Correct.

2 Q Okay. Are you also aware that Clark County requires
3 that any privileged businesses that are owned by an entity
4 registered with the Secretary of State are required to complete
5 a corporate financial questionnaire, which is submitted to the
6 Las Vegas Metropolitan Police Department? No?

7 A No.

8 Q You're probably not familiar with the requirements of
9 the Montana liquor license?

10 A Right. Not familiar.

11 Q Okay. Metro's background check that would have been
12 conducted on -- as part of the corporate financial
13 questionnaire includes legal entities that may hold ownership
14 interests of the entity that's being licensed.

15 You could have asked the Metro whether or not you
16 could have participated in that program, but, to your
17 knowledge, the Department didn't do that; right?

18 A Right.

19 Q All right. I'm showing you Exhibit 229.

20 THE CLERK: Proposed.

21 THE COURT: Any objection to 229?

22 MR. MILLER: It's Metro's questionnaire for legal
23 entities.

24 MR. SHEVORSKI: No objection, Your Honor.

25 THE COURT: Be admitted.

1 (Plaintiffs' Exhibit Number 229 admitted)

2 BY MR. MILLER:

3 Q So when you're speaking about the difficulties of
4 obtaining information from publicly traded corporations or even
5 entities that (indiscernible) ownership interest, there clearly
6 appears to be a model for this in the state of Nevada; is that
7 correct?

8 A Sure.

9 Q Okay. And Metro requires substantial information as
10 part of the check they perform, including a copy of the
11 entity's past three years of federal income tax filings and the
12 last three months of bank statements.

13 Will you read page 1, Section 7.

14 It also requires a series of disclosures. "If you're
15 a publicly traded corporation, has the corporation ever been
16 investigated by the SEC? If yes, please list when, details,
17 and sanctions occurring."

18 You didn't require any of that information; right?

19 A Right.

20 Q All right. Page 1, Section 9: "Does the corporation
21 own or control any assets or liabilities located outside the
22 United States? Yes or no."

23 You didn't require disclosure of that information;
24 right?

25 A Right.

JD Reporting, Inc.

1 Q And then page 2, "Copy of the original Articles of
2 Incorporation or Articles of Organization, any applicable
3 amendments, operating agreements, list of current corporate
4 officers, members, managers, AS file with the Nevada Secretary
5 of State. List of all owners and members or manager, percent
6 the company held, the investment (indiscernible), most recent
7 financial statements, most recent minutes, income tax returns
8 for the past three years. If the corporation applied as a
9 publicly traded corporation, please provide a copy of the last
10 annual report."

11 That's a substantial amount of information and it's
12 fairly detailed; right?

13 A Right.

14 Q And that wouldn't have been difficult to obtain;
15 right? You could look on the website and obtain that?

16 A I wouldn't think so.

17 Q All right. Under the -- we talked about the fact the
18 new regulatory structure. Marijuana will be regulated in a
19 manner more similar to gaming; right?

20 A (No audible response.)

21 Q Are you aware that in Nevada, the gaming ownership
22 interests are subject to extensive review of suitability?

23 A Yes.

24 Q I'm going to read you NRS 463.170, qualifications for
25 license: Applicant, to receive a license -- move on here --

1 must be found suitable, must be a person of good character,
2 honesty, integrity, a person's whose prior activities, criminal
3 record, if any, meet the needs of the states, in all other
4 respects, qualified to be licensed or found suitable.

5 And then NRS 463.5735. This one provides individual
6 licensing and registration of members, directors, managers, and
7 other persons. And every member and transferee of a member's
8 interest with more than 5 percent ownership interest must be
9 licensed individually. All members seeking to hold a 5 percent
10 or less ownership interest -- skip down to the third line --
11 must register with the board, submit to the board's
12 jurisdiction.

13 Are you aware that per that provision, that the
14 gaming authorities in the state for ownership interest even
15 less than 5 percent conduct a fairly significant investigation?

16 A Yeah, I'm familiar that they do some in-depth
17 suitability.

18 Q Even for ownership interest of less than 5 percent;
19 is that right?

20 A Yes.

21 Q And this statute is how gaming is -- how gaming
22 regulates ownership interest of more than 5 percent appears --
23 appear there; is that correct?

24 A I'm sorry.

25 Q It appears to apply to everyone; is that correct?

JD Reporting, Inc.

1 Every member with more than a 5 percent ownership interest must
2 be licensed individually?

3 A Appears so, yeah.

4 MR. SHEVORSKI: Counsel, what exhibit is that?

5 MR. MILLER: It's not an exhibit.

6 THE COURT: It's a statute.

7 MR. SHEVORSKI: It's a statute. Fair enough, Your
8 Honor.

9 THE COURT: 463.5735.

10 BY MR. MILLER:

11 Q NRS 463.490. Now this one is the qualifications for
12 state gaming license for corporations other than publicly
13 traded corporations. Look at the requirements under
14 subsection 4: Ownership interest that are business entities
15 that aren't publicly traded corporations prior to maintain a
16 ledger in the principal office of the corporation which
17 reflects the ownership of every class, security, and be
18 available for inspection by the board, commission, and other
19 authorizations at all times without (indiscernible).

20 Now, you didn't adopt any provisions like that, did
21 you?

22 A No.

23 Q And if you had, maybe we would have access to
24 information as to who owns the marijuana licenses in this
25 state; is that correct?

1 A Right, we have licenses.

2 Q All right. NRS 463.635. Publicly traded corporation
3 owning or controlling the applicant or licensee: If a
4 corporation -- well, we'll skip down to the subsection A --
5 maintains a ledger in the principal office of its subsidiary,
6 which is licensed to conduct gaming in this state, must reflect
7 the ownership of record, ledger may individually consist of a
8 copy of its latest list of equity security holders and
9 thereafter be maintained by adding a copy. Any -- skip down
10 way at the bottom -- any owner of any interest, including
11 publicly traded stockholders, can be subject to suitability.

12 Clearly, you didn't impose any of those kind of
13 requirements either; right?

14 A Right.

15 Q All right. NRS 463.643: Suitability of persons
16 acquiring beneficial ownership of any voting security or
17 beneficial or record ownership of any nonvoting security or
18 debt security in publicly traded corporations.

19 Every person that acquires, directly or indirectly,
20 beneficial ownership of any voting security -- and then under
21 (b) you'll see that includes -- in a publicly traded
22 corporation, which it's required to be registered in the state,
23 holds more than 5 percent, must notify the Department within
24 ten days of acquiring that ownership interest and be subject to
25 the suitability determination.

1 So there appears to be a fairly substantial body of
2 statutes here that do, in fact, govern these ownership
3 interests; is that correct?

4 A Yes.

5 Q All right. And you didn't include any of those
6 models when you went through your regulatory process; is that
7 also true?

8 A That's true at that time, right.

9 Q Even though you were required to regulate marijuana
10 like alcohol?

11 A Similar to alcohol.

12 Q Similar to alcohol. You expect the foreign
13 companies, you said, that your office also didn't -- your
14 department also didn't impose any additional requirements.

15 NRS 463.627: Registration of corporation of another
16 country: A corporation or other legal entity which is
17 organized under the laws of the state of the country must
18 submit an application to the board. The application must
19 provide the board with information showing that the applicant's
20 business activities are regulated by a government authority of
21 the foreign country in a manner which will prevent those
22 activities from posing any threats that control the gaming of
23 this state.

24 Clearly, you didn't impose any of those kind of
25 requirements either; right?

1 A Right.

2 Q All right. And yet voters were concerned with
3 out-of-state owners. When we turn back to the ballot on
4 page 19 -- oh, sorry. Not that. The ballot, Plaintiff's
5 Exhibit 19, the ballot -- the State's got it in their exhibits
6 also.

7 THE COURT: 2020.

8 MR. MILLER: 2020.

9 BY MR. MILLER:

10 Q (Indiscernible) passes. Vote no on Question 2. It's
11 bad for Nevada children, bad for Nevada families, and bad for
12 Nevada taxpayers. Question 2 is about one thing: Making
13 out-of-state pot companies rich at your expense.

14 So we also previously discussed that the FinCEN
15 guidance given to the institutions on how to comply with the
16 Cole memo. I want to read to you page 6 of that exhibit, which
17 is -- have I got the wrong exhibit number?

18 THE COURT: 263.

19 BY MR. MILLER:

20 Q 263.

21 A It's the one with bumps; right?

22 Q Yeah. Page 6, it says, under these -- oh, no, no,
23 not the Cole memo. The FinCEN guidelines. 225, page 6. Here
24 are these red flags that we talked about earlier, where if any
25 of these areas are identified on financial transactions, the

1 financial institution should (indiscernible) suspicious
2 activities report to other agencies who then may be reviewed by
3 federal authorities. The owner or manager of marijuana related
4 business reside outside of the state in which the business is
5 located.

6 Clearly there is some regulatory models there, right,
7 with attached safeguards that could have protected Nevada
8 against potential violations that would have alerted the
9 federal authorities, but we don't appear to have any of those
10 in our framework; is that correct?

11 A Correct.

12 Q Even though those factors would draw additional
13 attention under Nevada's regulatory structure, your division
14 imposed no such safeguard; right?

15 A Right.

16 Q All right. Other than NRS 453D.255, which relaxed
17 the law on background checks, you imposed no additional
18 safeguards to protect suitability concerns; am I right about
19 that?

20 A Can you pull 255?

21 Q NRS -- sorry, NAC 453D.255, which is the statute we
22 referenced earlier that deals with ownership interest over
23 5 percent --

24 A Oh, okay.

25 Q -- which relaxed the ownership interest.

1 A Okay.

2 Q Other than that statute, other than that regulation,
3 you impose no additional safeguards to protect against
4 suitability concerns that the voters had; right?

5 A Right.

6 Q And compliance with regulations should also be an
7 important factor in evaluating the licenses once we get past
8 the background checks; right?

9 A Say that again.

10 Q Once we get past the background checks who those
11 apply to, then the applicants would have been thrown
12 (indiscernible) evaluated; is that correct?

13 A Right. They go to -- they move on to the evaluation.

14 Q To the evaluation. Compliance -- and a licensee's
15 compliance with regulations and their history of compliance
16 should be an important criteria in evaluating those licensees;
17 correct?

18 A Yes.

19 Q Yeah. And all of the applicants had experience in
20 Nevada; correct?

21 A Yes.

22 Q And, therefore, had experience in complying with your
23 regulations?

24 A Somewhat. I mean, we had just dropped
25 200-and-some-odd pages in February. Not all of the -- we also

1 gave them time to implement certain things in the regulations.

2 Q Did the applicants have experience in complying with
3 your department's regulations before they apply?

4 A Yeah -- yes.

5 Q And compliance with the regulations is an important
6 and necessary function of carrying out strong and effective
7 regulations such as those identified in the Cole memo; right?

8 A Yes.

9 Q And I think you indicated in a recent Marijuana
10 Advisory Commission Meeting that the State had assessed 603 --
11 \$603,250 in fines and collected \$181,500 of that, and that you
12 conducted 300 and -- 234 investigations in your first year of
13 legal recreational marijuana sales. Does that sound accurate?

14 A Yes.

15 Q And the division maintains records of those
16 violations; correct?

17 A Yes.

18 Q And as I understand it, you had four different
19 categories of violations, from category 1 being the most
20 serious, which can be --

21 A There's five.

22 Q Huh?

23 A I think there's five.

24 Q Five, okay. Five categories, category 1 being the
25 most serious and you can revoke a license for a violation of

1 that category; right?

2 A Yes.

3 Q The category 5, which are the grounds that are
4 inconsistent with the regulation of sale of marijuana; right?

5 A Category 5?

6 Q Yeah, category 5.

7 A Yeah, I'd have to look.

8 Q It's the lowest level; is that correct?

9 A Right.

10 Q And a licensee's history of compliance or
11 noncompliance would be a strong indicater of whether the
12 licensee might comply in the future; right?

13 A Yes.

14 Q So if a licensee had a horrible track record of
15 compliance, the regulatory problems could compound if that
16 licensee was granted more licenses; right?

17 A If they haven't corrected the problems, yes.

18 Q Well, if you've got -- if you gave a license to your
19 worst offender out there, those problems could just compound if
20 you gave them one or more licenses; right?

21 A I guess, I -- if they did the corrective action
22 approved by the Department and the issues resolved, then they
23 won't necessarily compound.

24 Q Are you telling me that we shouldn't look at that
25 criteria? I mean, that that shouldn't be a point of

1 evaluation? We shouldn't look at who the worst actors were
2 historically and who was the model citizen, that --

3 A No, I didn't say that.

4 Q Right.

5 A I said if they took the corrective action, then that
6 not necessarily will compound the problem if it's taken care
7 of.

8 Q In fact, the regulations you adopted did require you
9 to evaluate the applicant's compliance in operating marijuana
10 establishments; correct?

11 A Yes.

12 Q Pull up NAC 453D.272(g). Where the owners, officers,
13 or board members of the proposed marijuana establishment have
14 direct experience of the operation of a medical marijuana
15 establishment or marijuana establishment in this state and
16 they've demonstrated a record of operating such an
17 establishment in compliance with the laws and regulations of
18 the state for an adequate period of time to demonstrate
19 success.

20 And that section results from the directive given to
21 you by the voters in NRS 453D.200; right?

22 A Yes.

23 Q That the qualifications be directly and
24 demonstratively related to the operation of a marijuana
25 establishment; right?

1 A Yes.

2 Q And then also that all of the statutes that we read
3 previously about imposing appropriate regulatory controls for
4 marijuana; is that correct?

5 A Yes.

6 Q Read NAC 453D.272. We'll talk about compliance
7 again.

8 That the Department will rank the applications from
9 first to last in order from -- based on compliance with the
10 applicable provisions of this chapter and Chapter 453D of the
11 NRS.

12 So the regulations require the Department to rate the
13 applications based on compliance and provisions of the chapter
14 and then on the content of the criteria identified in the other
15 criteria, right, so it's just diversity, taxes, et cetera?

16 A So can you repeat the question?

17 Q Yeah. That provision that explains to you how you're
18 going to rank the applications. It says, You'll rank the
19 applications from first to last based on compliance with the
20 provisions of this chapter --

21 A Yes.

22 Q -- and on the content of the regulation and the
23 content of the application relating to it and then it goes on
24 to list that criteria; right?

25 A Yes.

1 Q Yet when you provided the criteria for ranking
2 applications with the application itself, you made no mention
3 of considering a record of compliance whatsoever, did you?

4 A Wait. What? Say that again.

5 Q When you provided the criteria for ranking
6 applications within the application itself, you made no mention
7 of considering a record of compliance whatsoever, did you?

8 A I don't know.

9 Q You don't know? Okay. Can we show Exhibit 5,
10 page 18. Section 6.2. This appears to, more or less, cut and
11 paste from the regulations; is that a fair assessment? It just
12 says how you're going to rank the applications?

13 A Yeah, but I don't know if it was cut and paste
14 because this references to the LCB file number, so I don't
15 know.

16 Q Can you find anywhere in there where it says that
17 you're going to review an entity's history of compliance?

18 A Yeah, I don't see it there.

19 Q It's not in there; right?

20 A No.

21 Q And when you provided instructions to the applicants,
22 you similarly made no mention of where they could even detail
23 their history of compliance with marijuana on the regulations;
24 right?

25 A Right.

1 Q So Exhibit 5, page 11 and 12. In the instructions
2 you provided the applicants, you indicated on the application
3 that they provide a 750-word narrative but then provided this
4 description.

5 Can we go to 5.2.10.5.2. Any previous experience at
6 operating other businesses or nonprofit organizations including
7 marijuana industry experience.

8 That doesn't include the entire second half of that
9 regulation about compliance, does it?

10 A I'm sorry. Doesn't include what?

11 Q The entire section that we referenced earlier, where
12 you're supposed to consider and provide information about
13 compliance. It's entirely left out of the instructions, isn't
14 it?

15 A Yeah, that doesn't include that.

16 Q Okay. And you couldn't find it anywhere else in the
17 instructions, could you?

18 A No.

19 Q All right. So if an applicant wanted to provide
20 information about their history of the compliance, they were
21 left to guess as to where to include that information?

22 A Probably, yeah.

23 Q If they were left to guess and wanted to include it
24 anyway, they'd have to do so even though the instructions,
25 though, indicate that you're going to consider that criteria at

1 all; right?

2 A Right.

3 Q And, in fact, an applicant's track record of
4 compliance with the laws and regulations in the state for an
5 adequate period of time to demonstrate such success, as was
6 required by the regulation, wasn't even evaluated as part of
7 the application scoring; right?

8 A Wait. Say that again.

9 Q An applicant's track record of compliance with the
10 laws and regulations in the state for an adequate period of
11 time to demonstrate success.

12 Let's go back just so you have it in front of you
13 because this is important. NAC 453.272(g). Not the
14 application. I want to pull up the regulation,
15 NAC 453D.272(g). So it says -- it's got the part about
16 experience. Then see where it says,

17 And have demonstrated a record of
18 operating such an establishment in compliance
19 with the laws and regulations of this state
20 for an adequate period of time to demonstrate
21 success.

22 Do you see that?

23 A Yes.

24 Q So that was required to be evaluated by your
25 department in ranking the applications for its (indiscernible);

1 correct?

2 A Yes.

3 Q But it wasn't evaluated at all; right?

4 A I don't believe it made it -- it was part of the
5 criteria.

6 Q The evaluators won't -- provided with evaluation
7 illness to consider as part of their scoring; right?

8 A Yes.

9 Q And so the evaluators would have only taken into
10 consideration the illness that you provided them; right?

11 A Yes.

12 Q So if it wasn't in there, the evaluators would not
13 have evaluated that; correct?

14 A Correct.

15 Q Let's read Exhibit 7. You see here that, under the
16 criteria itself, does talk about a narrative description not to
17 exceed 750 words and a résumé such as -- skip to the bottom --
18 any demonstrated knowledge, such as the experience part we're
19 talking about, and it demonstrated a record of operating such
20 an establishment in compliance with the laws and regulations of
21 the state for an adequate period of time to demonstrate success
22 in the compassionate use of marijuana to treat conditions.

23 That last section clearly shouldn't apply; right?

24 A Can you enlarge that a little bit?

25 Q I don't know. We're not looking at the compliance of

1 the laws and regulations of this state in the confines of a
2 recreational marijuana application for an adequate period of
3 time to demonstrate success in the compassionate use of
4 marijuana to treat conditions.

5 That's my question. You can't read this?

6 A No, I can't --

7 Q We can pull up the exhibit if we have to.

8 A Can you enlarge it?

9 Q It's -- let's see.

10 A I think it's that last part, but I can't -- okay. Is
11 there more to that on the next page?

12 Q That's it. Oh, yeah. No.

13 A No, just a couple -- okay. So what -- your question?

14 Q First off, that's the criteria within the statute;
15 right?

16 A Yes.

17 Q You're familiar with it generally -- you're familiar
18 with it generally --

19 A Yes.

20 Q -- to the criteria listed on the left? Just let me
21 finish.

22 A Right.

23 Q It's listed on the left-hand side. It recites the
24 regulation that's supposed to apply.

25 A Yes.

1 Q All right. The last provision: Compliance with the
2 laws and regulations of the state for an adequate period of
3 time to demonstrate success on the compassionate use of
4 marijuana to treat conditions.

5 That's not accurate?

6 A I don't see where it says that, compassionate use of
7 marijuana.

8 Q It's cut off. Are there different versions of the
9 evaluation criteria, sir?

10 A Not that I know of.

11 Q Okay.

12 A Other than the, you know, the evaluation --

13 Q Okay.

14 A -- criteria used on a medical application.

15 Q Wrong page. Can we get to the page number of the
16 criteria, No. 4. There it is.

17 Any demonstrated knowledge or expertise. So they do
18 recite the statute, is that right, but not accurately? Do you
19 agree that provision there isn't the same as the regulation we
20 just read?

21 A Right. It's not -- it's not entirely the same.

22 Q Demonstrating for an adequate period of time a
23 history of compliance demonstrated from success from the
24 compassionate use of marijuana to treat conditions.

25 A All right. It's not --

1 Q It shouldn't be applicable at all; right?

2 A No.

3 Q Because that was pulled from the medical --

4 A Yes.

5 Q Can we read the medical application, which is
6 Exhibit 2014, page 21 and 22. Sorry. 5002, Exhibit 5002, page
7 21 and 22. Find the instructions. Find the instructions which
8 is -- where it identifies 453A.3284. Do you see there? Any
9 demonstrated knowledge or expertise on the part of the persons
10 who are proposed to be owners, officers, or board members of
11 the proposed medical marijuana establishment with respect to
12 the compassionate use of marijuana to treat medical conditions.

13 A I'm sorry. I missed the question there.

14 Q You see that; right?

15 A Right, I see that.

16 Q Okay. It appears that you just pulled the provisions
17 from the 2014 application and pulled it into the 2018
18 application; is that correct?

19 A Appears that way.

20 Q Okay. And if you can jump back to Exhibit 7, page 4.
21 Now this is the section that would have essentially provided a
22 model answer to the evaluators under that 750-word essay;
23 correct?

24 A Yes.

25 Q Okay. It says, An excellent response would include

1 the following: Extensive knowledge of the marijuana industry,
2 as demonstrated, and prior experience running marijuana
3 establishments as indicated.

4 Sir, that excellent response, the model answer that
5 you provided the evaluators, doesn't reflect the criteria in
6 the regulation that we read at all, does it?

7 A In reference to the --

8 Q Yeah, can we pull up the side-by-side --

9 A Yeah.

10 Q -- just so you can look and see if he thinks that
11 these match up. NAC 453D.272(g). Is it cut off? We
12 can't show the full statute?

13 THE COURT: The reg is on two pages on yours. Mine,
14 not so much. Mine's continuous.

15 MR. MILLER: There we go. Technology. If I had
16 (indiscernible), it wouldn't have been a problem.

17 BY MR. MILLER:

18 Q Do you see this here, sir? So in the screen below is
19 the regulation of the criteria that the Department was supposed
20 to, by law, evaluate these applications. And above is the
21 model answer for that 750-word essay that was supposed to
22 evaluate that criteria. That model answer doesn't reflect the
23 criteria in NAC 453D.272(g) at all; right?

24 A I believe it does to some extent.

25 Q Well, to what extent do you think it reflects the

1 criteria that you're required to evaluate these applications?

2 A Well, you said extensive knowledge of the marijuana
3 industry, as demonstrated, and prior experience running
4 marijuana establishments (indiscernible) to direct experience
5 with the operation. You know, it depends what they put on the
6 narrative.

7 Q Well, I'm going to get to that one. We'll get to
8 that. But you're saying that it reflects -- it may reflect
9 with the reg some indication of what was required as it applies
10 to experience; right?

11 A Right.

12 Q But it does not reflect anywhere in there any
13 evaluation of whether or not an applicant has demonstrated a
14 record of operating an establishment in compliance with the
15 laws and regulations of the state for an adequate period of
16 time to demonstrate success; right?

17 A Right.

18 Q And we're going to talk -- it wasn't included in the
19 instructions; right?

20 A Right.

21 Q And it wasn't certainly included in the evaluation
22 that you told the applicants that you were going consider?

23 A Right.

24 Q Because, in fact, the evaluators didn't consider that
25 provision at all; right?

1 A I guess.

2 Q You agree, though, that that provision of operating
3 on a marijuana establishment and compliance with the laws and
4 the regulation -- the laws and regulations of the state for an
5 adequate period of time, I think most directly addresses the
6 strong regulatory considerations we've identified in the Cole
7 memo; would that be a correct statement?

8 A Say it again.

9 Q Of all the criteria that you were required to include
10 in the application and evaluate, right, of all that criteria,
11 that provision that we're talking about, of demonstrating a
12 record of -- a record of compliance, that provision most
13 directly addresses the concerns that were identified in the
14 Cole memo; is that correct?

15 A I would agree.

16 Q Because other than that provision, there's no other
17 areas of the evaluation criteria that would consider a record
18 of compliance at all; right?

19 A Wait. Say that again.

20 Q Other than that provision that was left off of the
21 evaluation criteria, there's no other provisions in the
22 application that would evaluate a record of compliance in the
23 application at all; right?

24 A I don't believe so. I don't -- I don't -- I don't
25 think there's anything else on the application.

1 Q Because this is the only provision that would have
2 tied the evaluation of the applications to a licensee's history
3 of compliance; right?

4 A Yeah, possibly. I've got to -- I'd have to rereview
5 the application as a whole, but --

6 Q Let's turn to a different subsection. It's going to
7 be subsection (h) of that same criteria. NAC 453.272.

8 Now, the experience of an applicant's key personnel
9 in operating a recreational marijuana establishment was also
10 not scored in this application; is that correct?

11 A Yeah, I don't know.

12 Q You're not sure? Okay.

13 A Not sure.

14 Q I think that's -- that section, section (h), is its
15 own criteria; right, within that statute? It's no different
16 than diversity; right, which is subsection (a)? You know, this
17 isn't a part of a provision that just could have been ignored;
18 right? This is an entire provision, subsection (h), which
19 (indiscernible) the whole statute --

20 A Section (h) what?

21 Q -- was given the --

22 THE COURT: It's 453D.272.1(h). It's in the little
23 box on the screen.

24 BY MR. MILLER:

25 Q Pull out and just show him the whole regulation with

1 all the criteria. Here's all the areas you were supposed to
2 consider; right?

3 A Right, okay.

4 Q And you have (a) through (i).

5 A Okay.

6 Q Diversity was its own category on the application;
7 correct?

8 A Right.

9 Q It's clear to the applicants that that was going to
10 be scored. Educational achievements was its own category. It
11 was clear that that was going to be scored; right?

12 A Right.

13 Q But subsection (h), the experience of key personel
14 that the applicant intends to employ in operating the type of
15 marijuana establishment for which the applicant seeks a license
16 wasn't scored at all; right?

17 A I don't remember.

18 Q Let's turn to the application itself, page 17.
19 Again, these are the instructions. Yet the description of the
20 proposed organizational structure of the proposed marijuana
21 establishment and information concerning each owner, officer,
22 and board member, including key personnel of the proposed
23 marijuana establishment, including information provided
24 pursuant to R09217 and page 18, 6.2.7, that whole section is
25 going to be worth 60 points; right?

1 A Where?

2 Q If you turn to Instruction 6.2.7. The experience of
3 key personnel that the applicant intends to employ.

4 A Okay.

5 Q All right. But the instructions don't provide any
6 guidance on where to include evidence of recreational marijuana
7 retail experience when a key employee is under that
8 application. Read page 11.5.2.1.0. Did you read that section
9 there?

10 A Yeah. Could you scroll up a little bit more? Is
11 there anything below it, after the narrative, a -- okay.

12 Q There's nothing in there that would give any
13 potential applicants any indication of where they were supposed
14 to list the experience of their key employees; is that correct?

15 A Correct.

16 Q And if it was to be included in an application,
17 despite the fact you didn't give them any indication as to
18 where to include it, would you agree that maybe the only area
19 that that might make sense is if the -- if it had been
20 evaluated in the experience section?

21 A In their experience or organizational structure,
22 maybe.

23 Q Okay. We've looked at the criteria and the
24 experience on that organizational structure. We can look back
25 at it, if you want. If you pull up Exhibit 7 again.

1 You have an excellent response, under the --
2 excellent response:

3 Extensive miles of the marijuana
4 industry is demonstrated in a prior
5 experience running marijuana establishments
6 as indicated.

7 There's nothing in there that deals with the
8 reviewing of the key -- of the experience of key employees, is
9 there?

10 A No.

11 Q And we looked already at the criteria that's above
12 that, of what they were supposed to be looking at, and that's
13 just a half resuscitation of subsection -- the other
14 subsection; right? It doesn't include anything about key
15 employees?

16 A No.

17 Q So you left out an entire subsection that you were
18 supposed to consider; is that correct?

19 A It appears.

20 Q Can we just show Exhibit 255. This is portions of
21 TGIG's compliance application. It's a proposed exhibit.

22 MR. SHEVORSKI: TGI0, fine. Who is TGI?

23 MR. MILLER: Yeah.

24 MR. SHEVORSKI: That's fine.

25 MR. MILLER: Admitted, Judge?

JD Reporting, Inc.

1 THE COURT: Yes. Sorry. I thought --

2 (Plaintiffs' Exhibit Number 255 admitted)

3 MR. MILLER: Losing your hearing.

4 THE COURT: Yeah.

5 MR. MILLER: All right. I'll speed up.

6 BY MR. MILLER:

7 Q This is the application of one of my clients, TGIG.
8 Now, that an entire 11 pages discussing their experience of
9 their key employees. (indiscernible) audience here, all of the
10 other employees that contributed to -- they determined to be
11 the success of their business that should have even been
12 considered as criteria and whether or not they should even
13 (indiscernible) license.

14 So even though they devoted substantial energy and
15 attention to try and address that session of the criteria that
16 was supposed to be evaluated, it wasn't taken into account at
17 all; right?

18 A You know, I -- I don't know because I don't know -- I
19 don't know if that was part of their training that they were
20 given to include that. I mean, I see that's not on the
21 evaluation sheet, but I don't know if it was part of their
22 training. If it wasn't, then --

23 Q You're looking at the evaluation sheet, so you've
24 already told me that if it wasn't in the instructions given to
25 the evaluators and it wasn't part of the criteria that they

1 were supposed to consider, they wouldn't have considered it;
2 right?

3 A Well, again, I don't know if it was part of their --
4 the additional training outside of the evaluation sheets.
5 Because they did receive training from staff for --

6 Q You just -- you're speculating that that might have
7 happened, even though the face of the application that we just
8 walked through -- we can walk through it again --

9 A I mean, we're speculating on a lot of things here.

10 THE COURT: Sir, I don't want you to speculate. I
11 want you to tell me why the Department did what it did and made
12 the decisions it made after Ballot Question 2 was passed and
13 your department was charged with implementing.

14 MR. MILLER: Well, let me say it this way.

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: Wait. Thank you, sir. Now you may go,
17 Mr. Miller.

18 MR. MILLER: Were you asking a question, Judge. I
19 didn't catch it all.

20 THE COURT: I was making a statement. He said, "Yes,
21 Your Honor," and I just needed him to verify that while we were
22 here.

23 MR. MILLER: Got it.

24 BY MR. MILLER:

25 Q Let's pull up the application. And then we get to

1 the scoring criteria. You were involved in that; right? You
2 determined which points were going to be awarded?

3 A Yes.

4 Q And this is the --

5 MR. MILLER: We should pull up the -- I think it's
6 going to be page 18, 17. There we go, the page before.

7 BY MR. MILLER:

8 Q -- talking about an organizational structure; right?
9 You evaluate that criteria that was described there; right?

10 A I'm sorry?

11 Q You reviewed that criteria that was described there;
12 right?

13 A Under "organization"?

14 Q Yeah. Sixty points on the top, not up -- it's going
15 the wrong way. Yeah, organization.

16 A Right, uh-huh. Yes.

17 Q Description of the proposal -- and then you, in turn,
18 that's all (indiscernible). The description of the proposed
19 organizational structure of proposed marijuana establishment
20 and information concerning each owner, officer, and board
21 member of the proposed marijuana establishment, including the
22 information provided in response to the regulation. Right?

23 A Yeah.

24 Q And you determined that that criteria should be worth
25 60 points in total; right?

1 A Well, there are subcategories that make up that 60.

2 Q Right. You didn't disclose that to the applicants,
3 did you?

4 A No.

5 Q So it was secret to the applicants as though which
6 criteria are going to be included in that regulation and how
7 many points are going to be awarded; right?

8 A Yes.

9 Q Why did you keep that secret?

10 A Well, it's almost like -- my opinion, it's almost
11 like giving the answers to the test.

12 Q Is it?

13 A I mean --

14 Q How would it --

15 A Everyone's score -- sorry.

16 Q -- be like giving answers to the test, letting
17 everyone know that diversity, for example, was going to be
18 given 20 points, but the experience of key employees was going
19 to be worth zero because it wouldn't be considered. Is that
20 giving answers to the test?

21 A Wait. Say that again.

22 Q How would it be giving the answers to the test to
23 tell the applicants that diversity, within that 60 points, was
24 going to be awarded 20 points?

25 A The application can be tailored to, you know, those

1 specific areas, I guess.

2 Q Well, how did you come up with the weighting for it?

3 A A lot of it came from the 2014 application with some
4 adjustments.

5 Q Okay. So when you reviewed those adjustments, did
6 you look at it with an eye to what appropriate weight should be
7 given for a recreational license?

8 A Right, we -- it was discussed.

9 Q And when you discussed it, how did you come up with
10 the answers as to how many points should be awarded to each of
11 those criteria?

12 A Well, it was part of the discussion where we looked
13 at -- we had -- we added diversity so we had to pull -- we
14 wanted to keep the 250 points the same as it was in 2014. So
15 we pulled points from other areas to create the points for the
16 diversity and, you know, looked at state priorities, you know,
17 or what was different in 2014 versus 2018 and adjust the --
18 moved some points around.

19 Q Okay. So when you say "state priorities," what do
20 you mean? You looked at the state priorities in order to
21 determine the appropriate weight? What do you mean?

22 A Well, I say -- you know, I say what was important
23 maybe in 2014 was not necessarily so important in 2018.

24 Q Okay. So you made adjustments to the weighting of
25 the criteria based on your evaluation of what was more

1 important for a recreational license; is that fair?

2 A Yes.

3 Q Okay. When you made those adjustments, you gave some
4 criteria more consideration than others; right?

5 A Yes.

6 Q And when you made that determination, how did you
7 determine that diversity would be worth 20 of the 60 points?

8 A Well, looked at -- one consideration was the
9 legislature had amended 453A to include that criteria. So one
10 of the things we looked at was that the legislator felt that
11 diversity wasn't important enough to amend current law on the
12 medical study. And they couldn't amend 453D. We looked at --
13 you know, industry had -- one of the things over the period of
14 time was they wanted consistency between chapters and felt that
15 diversity isn't an important part of -- of running a business.

16 Q Okay. So you used that criteria, and you determined
17 that diversity would be worth a full third of that entire
18 section of the evaluation; correct?

19 A Yes.

20 Q Why would it have been giving the answers to the exam
21 to let the applicants know in advance that you were going to be
22 giving diversity 20 points?

23 A Well, I think, generally, overall, and not just on
24 that criteria, in all the other criteriums, I think what we
25 were trying to avoid was, you know, when I say give the answers

1 to the tests, that applications will be -- could be tailored,
2 and they all max out. And what do you do, you know, when they
3 all max out? It's just --

4 Q There's a lot going on there, so just let me back you
5 up. Applications could be tailored; right, to meet that
6 criteria? Is that what you said? That was a concern?

7 A Not just that criteria, but, you know, overall.

8 Q But isn't that the point of the application process
9 and the weight that you decided to associate with it? You want
10 applicants to focus attention on the areas that you determine
11 is the most important; right?

12 A I guess, yes.

13 THE COURT: This is a good time to break for lunch.
14 This is not a requested recess.

15 Sir, if we could be back at 1:15.

16 (Proceedings recessed at 11:43 a.m., until 1:19 p.m.)

17 -oOo-

18 ATTEST: I do hereby certify that I have truly and correctly
19 transcribed the audio/video proceedings in the above-entitled
20 case.

21 
22

23 Dana L. Williams
24 Transcriber
25

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 27 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 45 | CORRECTED FIRST AMENDED COMPLAINT. | 34 | 7/11/2019 | 003950-003967 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |
| 50 | ANSWER TO CORRECTED FIRST AMENDED COMPLAINT | 37 | 7/15/2019 | 004414-004425 |
| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |

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| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAR HANDS AGAINST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |

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| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
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| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

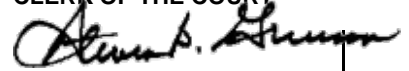
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**EVIDENTIARY HEARING - DAY 8
VOLUME II**

TUESDAY, JUNE 18, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL CRISTALLI, ESQ.
ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
NATHANIEL RULIS, ESQ.
ADAM BULT, ESQ.
MAXIMILIEN FETAZ, ESQ.
THEODORE PARKER, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
THERESA HAAR, ESQ.
RUSTY GRAF ESQ.
BRIGID HIGGINS, ESQ.
ERIC HONE, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
JOSEPH GUTIERREZ, ESQ.

1 LAS VEGAS, NEVADA, TUESDAY, JUNE 18, 2019, 1:15 P.M.

2 (Court was called to order)

3 THE COURT: Sir, I'd like to remind you you're still
4 under oath.

5 THE WITNESS: Okay.

6 THE COURT: And I think Dulce has added some more
7 documents to your pile over there. Let's see what happens.

8 THE WITNESS: Okay.

9 THE COURT: We're trying to be organized, but if you
10 can't find something that somebody's looking for you, please
11 ask for help and we will assist you, because this is a rather
12 complex group of documents.

13 THE WITNESS: I will, Your Honor. Thank you.

14 THE COURT: Mr. Shevorski, you're up.

15 MR. SHEVORSKI: Thank you, Your Honor.

16 CROSS-EXAMINATION (Continued)

17 BY MR. SHEVORSKI:

18 Q Mr. Gilbert, when we left off we were talking about
19 our good friends the Manpower people, and we had left off
20 where there were six people who were graders and two people
21 who were assisting them in administrative capacity. Does that
22 sound correct?

23 A Yes.

24 Q So let's pick up where we left off. So I understand
25 it, correct me if I'm wrong, there was a person who had

1 experience as a fire inspector?

2 A Yes, that's correct.

3 Q Okay. And what, if anything, do you know about that
4 person's experience?

5 A Well, based on, you know, the experience that we
6 were looking for in that position he had over 30 years of
7 being a fireman, fire inspector, building inspector, you know,
8 he had experience reviewing plans based on fire code, the
9 layout of floor plans and basically what the fire department
10 requires as far as approved plans.

11 Q And were you a part of the interview process for
12 that person?

13 A Yes, I was.

14 Q Okay. With respect to -- let's dive a little bit
15 into the experience. You said reviewing plans. What kind of
16 plans? Was it residential, commercial?

17 A I think Mr. Lemons says both. He's a building
18 inspector, he's got that experience along with, you know, fire
19 code inspection.

20 Q You say he's -- Mr. Lemons is the fire inspector?

21 A Yes, he is.

22 Q That's the fellow we just talked about with Exhibits
23 304 and 305?

24 A Yes, I believe so.

25 Q And do you recall how long Mr. Lemons was a building

1 inspector?

2 A I don't recall specifically how many years of
3 experience he had per se in that position, but I know he had a
4 pretty good chunk of time throughout his career where he was,
5 you know, involved in that type of duty.

6 Q And he also was a fire inspector. I assume that was
7 for longer than one day.

8 A Yes.

9 Q How -- about how long do you recall he was a fire
10 inspector?

11 A I don't recall the dates, but, you know, his whole
12 life was -- or his whole career was based around working for
13 the fire department, working as a building and construction
14 inspector, which spanned over 30 -- over 30 years.

15 Q So Mr. Lemons was not 18 years old?

16 A No, he was not.

17 Q I don't want to make him blush, even though he's not
18 here. Was he over 50?

19 A Yes.

20 Q With respect to the next person I believe they had
21 experience in real estate development and accounting. Do you
22 recall what experience, if any, that person had with respect
23 to those topics?

24 A Yes, I do. So that individual had years of
25 experience. I want to say it was maybe 15 years' experience,

1 I'd have to go back and look, but as an owner/operator of a
2 real estate development company. And then she managed all the
3 books, all of the bids, and the general, you know, day-to-day
4 duties that are for those.

5 Q And she owned her own company?

6 A Yes, she did.

7 Q Do you know about for how long she owned her own
8 company?

9 A I want to recall that it was about 15 years, but,
10 again, I'd have to go back and verify that.

11 Q What kind of properties, if any, did she develop
12 rather -- strike that. What properties were the subject --
13 what kinds of properties were the subject of her real estate
14 development business?

15 A That I'm not sure on.

16 Q And you mentioned accounting. What experience, if
17 any, did she have in accounting?

18 A The day-to-day experience with the books for the
19 overall business. And then after her time as being an
20 owner/operator she had various experience as an
21 accountant/bookkeeper with various other real estate
22 development companies.

23 Q So separate and apart from her own real estate
24 company she had experience in accounting with respect to other
25 development companies, real estate development companies?

1 A Yes.

2 Q Okay. And this person, was she 18 years old?

3 A She was not.

4 Q Was she over 50?

5 A I would say yes.

6 Q And there was also I believe, correct me if I'm
7 wrong, an environmental health specialist?

8 A Yes.

9 Q What experience, if any, did that person have in
10 environmental health?

11 A He was retired 20-something years with the State of
12 Nevada working for the Environmental Health Division, which
13 included, you know, health inspections, floor plan reviews,
14 plan reviews, kitchen inspections, laboratory inspections, all
15 the various duties of a environmental health specialist. He's
16 a registered environmental health specialist.

17 Q What is your understanding of what environmental
18 health means?

19 A It means the inspection and adherence to the
20 regulations for all the health and safety of commercial
21 businesses.

22 Q And this person had done that their entire career?

23 A Yes.

24 Q And was retired by the time that -- that they worked
25 for Manpower for the State of Nevada?

1 A Yes, he was retired.

2 Q Next person is described as an MBA project manager.
3 What does that mean?

4 A So she had -- she was on the identified side. She
5 had multiple years of experience working with large
6 corporations. One of them was Microsoft, as a senior manager
7 with Microsoft. She had, you know, other experience in some
8 aerospace companies working as a project manager, fiscal
9 manager -- I use the word fiscal, that's more of a state, but,
10 you know, a financial budget manager for senior levels.

11 Q And how long, as an estimate, did that person work
12 for Microsoft?

13 A I think it was 10 years maybe. I'd have to go back
14 and verify that.

15 Q How long, if you can recall, approximately did that
16 person work in the aerospace industry?

17 A I don't recall the number of years, but it was just
18 under 10, I think.

19 Q About 10, so --

20 A Under 10.

21 Q About 10 years with Microsoft in the senior
22 capacity, and about 10 years in the aerospace industry?

23 A Yeah, give or take, uh-huh.

24 Q What specific duties, if at all, did that person
25 have working in a senior capacity at Microsoft?

1 A Well, based on her resume, the discussions that we
2 had, she played a, you know, an integral role in managing a
3 small component within the corporation.

4 Q The next person is described as government
5 accounting and IT. Let's deal with the government accounting
6 first. What does that mean?

7 A So within governmental agencies they call the
8 positions fiscal related. And that could be, you know,
9 preparing budgets, annual -- biennial budgets. It could be,
10 you know, going to the Interim Finance Committee and
11 testifying on the needs for funds to be used to run the
12 agency. And then when you get to the administrative level
13 it's a lot of managing of the fiscal-related folks.

14 Q What experience, if any, did that person have in
15 government accounting?

16 A Quite a few years. The number of years I'm not
17 positive on, but I know she worked her way up through the
18 ranks up to deputy administrator.

19 Q And based on her resume and your discussions with
20 her, what kind of tasks did she perform on the government
21 accounting side?

22 A So the tasks -- a lot of the experience that we
23 looked for in those folks was their ability to interpret the
24 regulations and apply them to criteria. So with her, you
25 know, 30 years' or so experience reading and interpreting and

1 applying regulations to either a fiscal ledger-related aspect
2 of the agency or, you know, organizational structure. You
3 know, there's a lot of structure within the government that
4 needs to be organized, and that's part of the job when you get
5 to that level.

6 Q The second part of her qualifications says IT. What
7 does IT mean?

8 A IT is the computer segment of the technical side of
9 agencies.

10 Q What importance, if any, did you place on her IT
11 capabilities?

12 A Quite a bit. I mean, we were looking more for the
13 fiscal related and the organizational management, but what
14 that does show is she had the capabilities of managing the
15 project, managing time, managing folks, people, which was in
16 her role, you know, very important with, you know, the
17 managing of the 90-day process.

18 Q Next person, it looks like it's government
19 operations and fiscal manager. What does government
20 operations mean?

21 A So that's more at the administrative level where
22 this individual, she was, you know, at one of the top levels
23 within an agency as a deputy administrator. A lot of times
24 that's a level or two away from the governor, able to manage
25 the operation of a large agency.

1 Q And was this person a female?

2 A Yes.

3 Q And how many years', if you recall, experience as an

4 estimate did she have on the government operations side?

5 A Well, she was a retired 30-year state employee, at

6 the upper level I would -- about 15 years I would think would

7 be at the management level.

8 Q And she also had experience as a fiscal manager?

9 A Yes.

10 Q And what does a fiscal manager mean?

11 A Managing the biennial budgets, putting them

12 together, looking at costs, projections, working with, you

13 know, the Governor's Finance Office and the Legislative

14 Council Bureau Budget Office.

15 Q And how many years did that person have as a fiscal

16 manager?

17 A I think it was about 15. I'd have to go back and

18 verify all that, but --

19 Q The persons we just discussed which were on the --

20 strike that. The criteria for grading, there was an

21 identified side and a non-identified side; correct?

22 A Correct.

23 Q Okay. Which persons were on the identified side?

24 A The three last individuals that you described.

25 Q So government accounting, government operations, and

1 MBA project manager?

2 A Yes.

3 Q Okay. And so by process of elimination, fire
4 inspector, real estate development, environmental health
5 specialist were on the non-identified side?

6 A Yes.

7 Q Okay. With respect to those persons did anyone have
8 any college-level courses in the business of marijuana?

9 A No.

10 Q Okay. Back in the mists of time there was a fellow
11 who came to testify named Paul Seaborn, and he's from the
12 University of Denver. Have you ever heard of Mr. Seaborn?

13 A I have not.

14 Q I'll represent to you that the first class he has
15 offered in the business of marijuana was in the spring of
16 2017, and he represented to the Court that that was, if not
17 the first, one of the first business school courses ever in
18 the business of marijuana. Does it surprise you that the
19 applicant -- the persons you hired did not have any college-
20 level courses in the business of marijuana?

21 A No, it doesn't surprise me.

22 Q So in the states that have legalized retail
23 marijuana, California, Oregon, Washington, let's stick with
24 those three, did any persons from those states apply to work
25 this particular task for Manpower?

1 A No, they did not.

2 THE COURT: So while you're taking a breath let me
3 ask you a question. Sir, did you identify the individuals who
4 were going to work on identified, non-identified, and
5 administrative team before they went to Manpower to just be
6 serviced as temp employees, or did Manpower send you their
7 resumes?

8 THE WITNESS: We identified the six evaluator
9 graders. The administrative assistants were sent from
10 Manpower.

11 THE COURT: So you did a recruitment of some sort,
12 identified folks, and then sent them to Manpower to process
13 the temporary employee stuff that has to be done for the
14 State?

15 THE WITNESS: Yes.

16 THE COURT: Okay. Sorry.

17 MR. SHEVORSKI: Not at all, Your Honor.

18 BY MR. SHEVORSKI:

19 Q My friend Mr. Gentile discussed the differences
20 between --

21 That was for you, Your Honor --

22 -- the differences between 453A, which was passed by
23 the legislature on or in sometime in 2013, and 453D that was
24 created as the result of an initiative. Do you recall that?

25 A Yes.

1 MR. SHEVORSKI: Okay. Let's go to Exhibit 2020.
2 That was the exhibit from today, Your Honor. May I
3 approach, Your Honor?
4 THE COURT: You may.
5 MR. SHEVORSKI: I'll find it, Your Honor.
6 THE COURT: I know you will. I have confidence in
7 you.
8 MR. SHEVORSKI: Dulce, do you remember where you put
9 it?
10 THE CLERK: At the very bottom.
11 MR. SHEVORSKI: Okay.
12 THE CLERK: The second State's binder.
13 MR. SHEVORSKI: Perfect. Thank you. Good job.
14 BY MR. SHEVORSKI:
15 Q Mr. Gilbert, you've been handed what's been marked
16 as Exhibit 2020. Please take a moment to review it, and let
17 me know when you're done.
18 A Okay. Yes.
19 Q Okay. Thank you. So you've had a chance to review
20 Exhibit 2020?
21 A Yes.
22 Q What does that exhibit appear to be?
23 A It's the statewide ballot questions.
24 Q And just limited to Question 2 in 2016; correct?
25 A Yes.

1 Q Now, when my friend Mr. Gentile asked you questions
2 regarding the differences between initiatives and a law passed
3 by the legislature -- you're not a lawyer are you?

4 A I'm not.

5 Q Okay. And Judge said you weren't allowed to say --
6 he wasn't allowed to ask you how you voted, but I do believe
7 you said you had read the initiative before.

8 A Yes.

9 Q Okay. And had you read the material that's
10 identified as 2020 that is provided by the Secretary of State
11 -- the Nevada Secretary of State for voters?

12 A Yes, I did.

13 Q Okay. Please turn to what's marked at the bottom as
14 page 14, and look up at the paragraph that's just below "State
15 Question Number 2, an amendment to the Nevada Revised
16 Statutes." Will you please read that paragraph to yourself,
17 and let me know when you're through.

18 A On page 14?

19 Q Yes, sir. It's the first full paragraph.

20 A I'm sorry. Which paragraph?

21 Q The first full paragraph right below "amendment to
22 the Nevada Revised Statutes."

23 A Okay.

24 Q And below that paragraph there are two boxes. It
25 says "Yes" and the other one says "No." What is your

1 understanding of those boxes, if any, as someone who read
2 this?

3 A I would say yes, you agree -- yes or no to the
4 previous paragraph.

5 Q To the question presented to the voters?

6 A Yes.

7 Q If you look at the second-to-last sentence, it says,
8 "Require the regulation in licensing of marijuana cultivators,
9 testing facilities, distributors, suppliers and retailers and
10 provide for certain criminal penalties." Did I read that
11 correctly?

12 A Yes.

13 Q Do you see anywhere in that paragraph that the
14 question states the initiative is going to provide the details
15 of the regulation that the Department of Taxation must
16 provide?

17 A No, I don't.

18 Q Maybe we'll look a little further. Page 15. Look
19 at the first full paragraph, and let me know when you're
20 through. It's the one that starts, "In addition to
21 licensing."

22 A I've read it.

23 Q Okay. It says, "In addition to licensing, the
24 Department of Taxation --"

25 And that's who you work for; correct?

1 A Yes.

2 Q "-- would be charged with adopting regulations
3 necessary to carry out the provisions of this ballot measure."
4 Did I read that correctly?

5 A Yes.

6 Q It says, "regulations necessary." Now, you know
7 from several days that you've been testifying that's actually
8 different from what's in the initiative itself, is it not?

9 A Yes, it is.

10 Q "The regulations must address licensing procedures,
11 licensee qualification." Do you see anywhere that this
12 explanation is saying that the initiative is going to dictate
13 the details of marijuana licensing procedures to the
14 Department of Taxation?

15 A I don't.

16 Q What about licensee qualifications?

17 A Not in that paragraph, no.

18 Q Okay. Now, we discussed that that language,
19 "regulations necessary to carry out provisions," that's --
20 and you agree that that is different than what's actually in
21 the initiative itself; correct?

22 A Yes.

23 Q So let's look at the language -- you should have --
24 It should be in the back, Eric.
25 Nevada Revised Statute 453D, and it's 201(b).

1 A Is that page 25?

2 Q Yeah. Start at 1. Do you need help in getting
3 there?

4 A No. It's page 25?

5 Q I'm not sure if it's on page 25 or not. It's NRS
6 453D.200.

7 THE COURT: Does he have the ballot question or the
8 statute --

9 MR. SHEVORSKI: He does, yes.

10 THE COURT: -- because the statute is Section 5 --

11 MR. SHEVORSKI: In Section 5.

12 THE COURT: I mean, the ballot question is
13 Section 5.

14 MR. SHEVORSKI: May I approach, Your Honor?

15 THE COURT: You may.

16 MR. SHEVORSKI: Thank you.

17 THE COURT: I have the cross-reference on my notes.

18 MR. SHEVORSKI: Thank you, Your Honor.

19 THE COURT: Uh-huh.

20 BY MR. SHEVORSKI:

21 Q On Section 5 there, you know, you've seen this
22 language before, it says, "Not later than January 1st, 2018,
23 the Department shall adopt regulations necessary or convenient
24 to carry out the provisions of this chapter." Now, you would
25 agree with me that that language adds the word "convenient"

1 with regard to the regulations that the Department is charged
2 to adopt; correct?

3 A Yes. Uh-huh.

4 Q You would agree with me that actually the language
5 in the initiative gives the Department broader power to adopt
6 regulations than even is in the explanation of the initiative
7 to the voters?

8 A I would agree with that, yes.

9 Q We've talked a lot about background checks. We
10 haven't talked about how it's actually carried out. Now, in
11 NRS 453D and this 200(6) it says, "The Department shall
12 conduct a background check of each prospective owner, officer,
13 board member of a marijuana establishment license applicant."

14 MR. GENTILE: Can I ask the exhibit that is on the
15 screen, please?

16 MR. SHEVORSKI: That was the statute.

17 THE COURT: This is the statute.

18 MR. GENTILE: But is it marked as an exhibit?

19 THE COURT: The statutes?

20 MR. GENTILE: Yes.

21 THE COURT: The statutes are not marked as an
22 exhibit. That's law.

23 MR. GENTILE: No, I understand that. I just wanted
24 to know what he was referencing. We have a lot of material
25 here.

1 THE COURT: I know, which is why I had the question
2 about the ballot question in Section 5 pursuant to the statute
3 in Exhibit 2020.

4 BY MR. SHEVORSKI:

5 Q Okay. Now, prior to the adoption of that particular
6 provision -- rather the enactment of that provision was there
7 a background check process used by the Department of Public
8 Health -- Health and Public Behavioral Health with respect to
9 medical marijuana?

10 A Yes.

11 Q And what was that process?

12 A Similar to the process we do now, and it's just have
13 the applicant or the owners, officers, and board members,
14 employees, volunteers and contractors submit fingerprints to
15 the Department of Public Safety, and we've received their FBI
16 and State background check.

17 Q So the first thing that happens is there is a
18 fingerprint; correct?

19 A Yes.

20 Q And then that is sent to the Central Repository for
21 Nevada Records of Criminal History; correct?

22 A Yes.

23 Q That's the second part. The third part is it has to
24 go to our friends the FBI.

25 A Yes.

1 Q Now, is there any -- can the Department of Taxation,
2 for example, force the FBI to turn that around in a series of
3 days?

4 A No, we can't. We've actually experienced delays
5 with them in the past. It's their workload that probably
6 dictates our turnaround.

7 Q They can take as long as they want, can't they?

8 A I believe so.

9 Q So once the FBI is done with that part what happens
10 next?

11 A It goes back to the Department of Public Safety, the
12 report.

13 Q Okay. When that process was first adopted was it
14 2013?

15 A Yeah, right around probably '14

16 Q '14?

17 A Yeah, end of '13.

18 Q Do you recall how long that process was taking from
19 start to finish.

20 THE COURT: Just the fingerprints?

21 BY MR. SHEVORSKI:

22 Q The entire process.

23 A From my -- it's fluctuated throughout the years, but
24 there has been a time, and I think it was in 2014, where FBI
25 was taking an extended amount of time, a couple of months.

1 Q Couple months?

2 A Yes.

3 Q Because we already discussed the Department of
4 Taxation nor the Department of Public Health can force them to
5 go faster.

6 A No, we can't.

7 Q They can actually just say no, couldn't they?

8 A I would think so, yes, on the FBI side.

9 Q And going back to 453D.200(6), it says, "Prospective
10 owner, officer, and board member of the marijuana
11 establishment license applicant."

12 THE COURT: It's "a," not "the." "A marijuana
13 establishment."

14 BY MR. SHEVORSKI:

15 Q "...a marijuana establishment." And Mr. Gentile,
16 Mr. Parker both asked you at length about "owner," the phrase
17 "owner." And we've been over this before many times. "Owner"
18 is not defined in Chapter 453D; correct?

19 A Correct.

20 Q Is the word "prospective" defined in 453D?

21 A Not that I can recall.

22 Q Is the word "officer" defined in 453D?

23 A I don't think it is.

24 Q And certainly not "board member"; correct?

25 A Right. Correct.

1 Q Would you agree with me that a common description
2 possibly of the word "prospective" might be "in the future"?
3 Correct?

4 A I would agree with that, yes.

5 Q We don't know what the drafters of the initiative
6 meant by that word one way or the other, do we?

7 A I don't.

8 Q There's a lot of talk about -- many questions about
9 listed corporations occasionally on the Canadian Securities
10 Exchange, occasionally possibly on other listed Exchanges;
11 correct?

12 A Correct.

13 Q Do you know what daily volume means in the context
14 of a company listed on a Securities Exchange?

15 A I mean, I can -- it's kind of outside of my
16 specialty, but I would think that the amount of movement
17 throughout the day.

18 Q I'm going to proffer a definition. It's probably a
19 bad one, but let me know if you agree or disagree. Daily
20 volume means the amount of times that a share is bought and
21 sold for a particular stock on that day. Is that a fair
22 definition?

23 A Yes.

24 Q Okay. Now, let's assume that one of the companies
25 that's a party to this case is a listed company, let's just

1 make that wild assumption, might be more than one, and the
2 daily volume is 500,000 shares for a company that has let's
3 say 70 million common shares trading on that day. Now, you
4 wouldn't know one way or the other whether that's a high
5 volume -- high daily volume or a low daily volume, would you?

6 A I wouldn't.

7 Q Safe to assume that some listed companies might have
8 a higher volume, for example, if they have more outstanding
9 shares that could be traded or there was greater interest in
10 that stock; correct?

11 A Yes.

12 Q Now, earlier we discussed that the start of the
13 background checks where the State -- where the medical
14 marijuana sphere were taking at least several months. Is it
15 possible to do a background check on shareholders of a listed
16 company that exchanged hundreds of thousands of times per day?

17 A Not on the process, no, it wouldn't be.

18 Q Do you know what a court -- what a legal
19 interpretation -- what a court should do where a statute is
20 legally impossible to comply with?

21 A I do not.

22 THE COURT: No objections.

23 MR. KOCH: Just asked if he knows.

24 BY MR. SHEVORSKI:

25 Q And the same process that the Department of Taxation

1 uses for background checks -- used for background checks in
2 September 8, 2018, that was the same process that was used in
3 the medical marijuana sphere in 2014?

4 A Yeah. I mean, it evolved over time to where we
5 worked more closely with DPS, but, yes, it's the same process.

6 Q So presumably the drafters of the initiative knew
7 that was your process; correct?

8 A Yes.

9 Q My friend Mr. Gentile discussed diversity quite a
10 bit with you. And a lot of his questions dealt with how can
11 diversity be related to someone's ability to operate a
12 marijuana establishment. Do you recall those questions?

13 A Yes.

14 Q In NRS 453D.201(b) is the word "ability" mentioned?

15 A What was the number? It's not mentioned in (b).

16 Q And preceding that subpart (b), before we get to
17 subpart (a) it says, "The regulation shall include," whose
18 regulations are those?

19 A The Department of Taxation's.

20 Q So whose perspective -- from whose perspective are
21 the qualifications if the Department of Taxation is creating
22 the regulations?

23 A Department's.

24 Q We've talked a lot about directly and demonstrably.
25 Is the word "operation" defined anywhere in Chapter 453D to

1 your recollection?

2 A Not to my recollection.

3 Q Now, does Chapter 453D contain any possible elements
4 to what an operation of a marijuana establishment may be?

5 A Not that I can recall. Nothing specific.

6 Q I'm going to list a series of elements that may or
7 may not be pertinent to the operation of a marijuana
8 establishment, and let me know if you agree. Security, is
9 that possibly related to the operation of a marijuana
10 establishment?

11 A Yes, it is.

12 Q Economic security, is that possibly related to the
13 operation of a marijuana establishment?

14 A Yes.

15 Q Human resources, is that possibly related to the
16 operation of a marijuana establishment?

17 A Yes.

18 Q Finance, is that possibly related to the operation
19 of a marijuana establishment?

20 A Yes.

21 Q Marketing, is that possibly related to the operation
22 of a marijuana establishment?

23 A Yes.

24 Q Business strategy, is that related to the operation
25 of a marijuana establishment?

1 A Yes.

2 Q Physical operations, is that related to the
3 operation of a marijuana establishment?

4 A Yes, it is.

5 Q Inventory management --

6 A Yes.

7 Q -- is that related to the operation of a marijuana
8 establishment?

9 A Yes.

10 Q Management itself, the ability to manage people, is
11 that related to the operation of a marijuana establishment?

12 A I believe it is, yes.

13 Q Quite possibly many different elements that are
14 related to the operation of a marijuana establishment other
15 than aptitude; correct?

16 A Yes.

17 Q With respect to diversity in the category of --
18 element, rather, of human resources is it rational to believe
19 that diversity might be related to human resources creating a
20 inclusive environment within the operation?

21 A I'm sorry. Can you be more specific.

22 Q Certainly. If you had a characteristic that was
23 inherent to you, for example, if you -- your gender, do you
24 think it's rational to believe that if the operation had an
25 inclusive environment where there were other women who had

1 hired possibly on the management team, would that be related
2 to the human resources of that operation?

3 A I don't. It would be an aspect of it.

4 Q It would certainly be an aspect, wouldn't it?

5 A Right.

6 Q Respect to marketing and a particular member of a
7 team had an inherent diversity trait, such as race, and that
8 inherent diversity trait possibly was consistent with an
9 underrepresented community that the business wanted to serve,
10 do you think that person might have something important to
11 contribute about how to market to that underrepresented
12 community?

13 A Potentially, yes.

14 Q Who is the end user for a retail business?

15 A The consumer.

16 Q Consumer, the person buying the product; correct?

17 A Yes.

18 Q And the people buying the product may have inherent
19 diversity characteristics; correct?

20 A Yes.

21 Q Is it possible that an employee who shared those
22 characteristics might be useful to the operation in order to
23 market to that end user who shares those diversity
24 characteristics?

25 A Yes.

1 Q My friend Mr. Gentile mentioned taxes, and he asked
2 you how are taxes directly and demonstrably related to the
3 ability to operate a marijuana establishment. Do you remember
4 that?

5 A I do.

6 MR. GENTILE: Objection. It misstates the question
7 that was put to him.

8 THE COURT: Overruled.

9 BY MR. SHEVORSKI:

10 Q Now, we already discussed that the word "ability"
11 does not appear in 453D.2101(b); correct?

12 A Yes.

13 Q Payment of taxes in Nevada, one of those things
14 might be sales tax; correct?

15 A Correct.

16 Q And in this particular context we're looking back
17 five years; correct?

18 A Right.

19 Q And we already discussed that economic stability is
20 possibly related to the operation of a marijuana
21 establishment; correct?

22 A Yes.

23 Q Is it possible that taxes is related to the
24 characteristic of economic stability, the payment of taxes?

25 A Yes, it is. It could show a solid history or a

1 weak.

2 Q Economic stability might just be relevant to the
3 State of Nevada where an initiative has launched a nascent
4 industry; correct?

5 A Correct.

6 Q And what kind of product were they selling? Was it
7 candy bars, or was it something else?

8 A I'm sorry. Can you repeat that question.

9 Q What kind of product were they selling, this nascent
10 industry? It was marijuana; correct?

11 A Correct.

12 Q Are there special security concerns that the State
13 of Nevada might have with respect to that product?

14 A Yes, there are.

15 Q And are those security -- in order for those
16 security concerns to be met is it expensive to secure a
17 marijuana establishment?

18 A Yes, it is.

19 Q So it's rational, in your opinion, for the State of
20 Nevada to care about economic stability to ensure that those
21 security mechanisms can continue to be met for that product;
22 correct?

23 A Yes.

24 Q Friend Mr. Gentile also talked about charitable
25 contributions. And these are charitable contributions over

1 the last five years, prior to the application date?

2 A Yes.

3 Q Would you agree with me that the level of charitable
4 giving over the last five years with respect to -- in the
5 State of Nevada is relevant to that company's level of
6 commitment to the community it's operating in?

7 A I do, yes.

8 Q And that's related to the stability of that
9 particular operation?

10 A Sure. It's a good indicator.

11 Q Friend Mr. Gentile also talked about wealth, and he
12 wasn't talking about the day-to-day operations, but the wealth
13 in a global sense of the applicant, how much money do they
14 have, not to cover the day-to-day expenses, but how much money
15 in general do they have. Do you recall that?

16 A I recall.

17 Q He said, how could it be that being wealthy makes
18 someone more qualified to run a marijuana establishment, or
19 words to that effect. Do you recall that question to you?

20 A I do.

21 Q Did you live here in 2008?

22 THE COURT: Here or in --

23 MR. SHEVORSKI: In the State of Nevada.

24 THE COURT: -- Carson --

25 THE WITNESS: Myself?

1 BY MR. SHEVORSKI:
2 Q Yes.
3 A Yes, I did.
4 Q How did the -- in your experience how did the
5 economic crash, or however you want to phrase it, affect where
6 you lived?
7 A Tremendously to the negative.
8 Q Companies go out of business?
9 A Yes.
10 Q The ability to weather a macroeconomic storm like
11 that might be -- it might be that the person's wealth might be
12 relevant to that; correct?
13 A Sure, it could.
14 Q So with respect to being able to weather an economic
15 storm like the crisis that hit this State in 2008 it might be
16 that wealth is relevant to the operation of a marijuana
17 establishment; correct?
18 A Yes.
19 Q It's related to the stability of that business, is
20 it not?
21 A Yes, it is.
22 Q My friend Mr. Parker asked you quite a bit about
23 location and how could you judge the impact on the community
24 if you didn't know the location of the particular marijuana
25 establishment. Do you recall that?

1 A Yes, I do.

2 Q Was this application process just for Las Vegas, or
3 was it for -- was it statewide?

4 A It was statewide.

5 Q Let's talk about some of the communities that were
6 going to be served. White Pine County is one of them;
7 correct?

8 A Yes.

9 Q Storey County is one of them; correct?

10 A Yes.

11 Q Pershing County was another one?

12 A Yes.

13 Q Nye County was another one?

14 A Yes.

15 Q Mineral County was another one?

16 A Yes.

17 Q Lyon County was another one?

18 A Yes.

19 Q Humboldt County was another one?

20 A Yes.

21 Q Eureka County was another one?

22 A Yes.

23 Q Esmeralda County was another one?

24 A Yes.

25 Q Was there any requirement in the initiative, that

1 you recall, that the State of Nevada develop an application
2 specific to one county?

3 A Not that I can recall.

4 Q So the differences that my friend Mr. Parker was
5 mentioning, do you have any idea whether or not those are
6 relevant to Humboldt County?

7 A I don't.

8 Q It's a small county, is it not?

9 A Yes.

10 Q What about Mineral County?

11 A It's small, too.

12 Q Let's go to Exhibit 20, please. It should be right
13 behind you. It should be right behind you in those white
14 binders. And it should be in the one that starts DOTMM1
15 through 182.

16 A Where do I find that?

17 THE COURT: You may approach, Counsel.

18 MR. SHEVORSKI: Thank you, Your Honor.

19 BY MR. SHEVORSKI:

20 Q It's here in Volume 5. Starting at 00629A will be
21 the first page.

22 THE COURT: Do you need Dulce's help?

23 MR. SHEVORSKI: Probably.

24 THE COURT: Dulce, they're missing some exhibits.
25 They think they're missing some exhibits.

1 MR. SHEVORSKI: Exhibit 20, Volume 1?

2 THE COURT: She's coming.

3 (Pause in the proceedings)

4 BY MR. SHEVORSKI:

5 Q Let's turn to page, it's page labeled DOTMM6. Are
6 you there?

7 A Yes, I am.

8 Q Who is the applicant on that page?

9 A It's MM Development, Incorporated.

10 Q Okay. My friend Mr. Kemp mentioned before that half
11 the applicants got what's been marked as Exhibit 5 and half
12 the applicants got what's been marked as Exhibit 5A. Do you
13 recall -- do you recall that?

14 A I think so.

15 Q Okay. And then he later clarified maybe some of the
16 applicants got Exhibit 5 and some of the other applicants got
17 5A. Does that refresh your recollection?

18 A Yes, it does.

19 Q Now, with respect to MM we can see that they got
20 Exhibit 5A; correct?

21 A Yes.

22 Q If you'd turn to page DOTMM950. Can you let me know
23 when you're there.

24 A I'm there.

25 Q Okay. And my friend Mr. Parker mentioned whether or

1 not the clarification on Exhibit E actually made it into
2 Exhibit 5A. Do you recall that?

3 A I do.

4 Q So with respect to at least MM, MM got the
5 clarification; correct?

6 A It looks to be, yes. That's correct.

7 Q We're going to use that in a second. Why don't you
8 put that aside for right now.

9 There's been a lot of talk by my friend Mr. Kemp, my
10 friend Mr. Parker about this concept of real officers versus
11 what's called non-real officers. And I understand you're not
12 a lawyer. Do you know if that question, their question,
13 distinguished between real officers and someone else who is
14 called an officer? Does that have any basis in law?

15 A I don't know. I wouldn't know.

16 Q Let's look at Chapter 78.

17 THE COURT: Really? You're going to have him go to
18 Chapter 78?

19 MR. SHEVORSKI: Well, the concept came up, Your
20 Honor.

21 THE COURT: I'm just wondering, because we are in
22 Business Court. So --

23 MR. SHEVORSKI: I know, and I recall that Your Honor
24 was looking at Chapter 78 --

25 THE COURT: I was. I look at Chapter 78 a lot. Do

1 you want me to give it to the witness?

2 MR. SHEVORSKI: Yes, Your Honor.

3 THE COURT: Sir, it's in this book. I don't think
4 you have to go to the -- there's not a pocket book, still have
5 to order that.

6 BY MR. SHEVORSKI:

7 Q Now, it was last amended in 2011, so -- this
8 particular part. We should be good. Would you go to NRS
9 78.130, and we're going to be on Parts 1 and 2. Are you
10 there?

11 A Okay. I think I'm there.

12 Q It says, "Every corporation must have a president, a
13 secretary, and a treasurer or the equivalent thereof." Did I
14 read that correctly?

15 A Yes, you did.

16 Q Part 2, "Every corporation may also have such other
17 officers and agents as may be deemed necessary." Did I read
18 that correctly?

19 A Yes, you did.

20 Q It looks like below --

21 And I was wrong, Your Honor.

22 -- this particular version was "last amended in
23 2015." Did I read that correctly? If you look right below
24 the statute. It says, "2015 3220." I'll represent to you
25 that that's the statutes of Nevada, which shows the amendment.

1 A I see that.

2 Q Do you see where that's indicated?

3 A Yes.

4 Q Okay. And that's prior to the initiative; correct?

5 A Yes.

6 Q So presumably the persons who drafted the initiative
7 would know that, right, that an officer can be whomever the
8 corporation directs? That's a safe assumption; correct?

9 A I would think so, yes.

10 Q There's been a lot of talk about limited liability
11 companies and what kind of personnel they can have. There's
12 been a great deal of talk about advisory boards and whether or
13 not limited liability companies can even have officers. Do
14 you recall that?

15 A Yes.

16 Q And I know I'm on a short leash here. Let's look at
17 Chapter 86 real quick.

18 I should have a copy for him, Your Honor, so you
19 don't have to --

20 THE COURT: It's okay, I can share my book on LLCs.

21 MR. SHEVORSKI: Okay.

22 THE COURT: He's welcome to look at it.

23 MR. SHEVORSKI: May I have the book, Your Honor?

24 THE COURT: Can you have the book?

25 MR. SHEVORSKI: May I give it to the witness.

1 THE COURT: He has it.
2 MR. SHEVORSKI: Oh. He does?
3 THE COURT: It's in the same volume.
4 MR. SHEVORSKI: It's in the same volume.
5 THE COURT: Yeah. 78 and 86 are close to each
6 other.
7 MR. SHEVORSKI: Almost cousins, Your Honor.
8 BY MR. SHEVORSKI:
9 Q Okay. Why don't we go to 86.263. This is what
10 you're supposed to file as part of your annual list to the
11 Nevada Secretary of State.
12 A Okay. I'm there.
13 Q Okay. Now please look at 1(a) through (e).
14 A Okay. I went over it.
15 Q Do you see the word "officer" mentioned there?
16 A I don't.
17 Q Okay. Why don't you go to 86.311.
18 A Okay.
19 Q Are you on subpart (c)? And read that and let me
20 know when you're done.
21 A Of 1?
22 Q Yes, sir.
23 A Okay.
24 Q You can see from that paragraph that a limited
25 liability company can have officers; correct?

1 A Well, yeah, (c) says, "Any agent, officer."
2 Q "Any agent, officer, employee." So a limited
3 liability company is not limited to members and managers;
4 correct?
5 A Looks like based on this language, yes.
6 Q Let's go to 86.281.
7 A Okay.
8 Q And what is the title of that particular section?
9 A "General Powers."
10 Q I want you to read Part 9, and then read Part 11.
11 A Would you like me to read it out loud?
12 Q Just read to yourself.
13 A Okay.
14 Q Part 9 says, "Appoint managers and agents, define
15 their duties, and fix their compensation." Is it just
16 possible that an advisory board member is an agent of a
17 limited liability company?
18 MR. PARKER: Your Honor, I just can't help it. I've
19 got to object on that one.
20 THE COURT: Sustained.
21 MR. PARKER: Thank you. I was forced --
22 THE COURT: Sir, we're going to go to a new question
23 now.
24 THE WITNESS: Okay.
25 //

1 BY MR. SHEVORSKI:

2 Q Let's look at Chapter 86. Let's go back to Exhibit

3 20. And we're going to go to page DOTMM1112. And you recall

4 this exhibit pertains to MM Development; correct?

5 A Yes.

6 Q The paragraph that starts "The first budget," it

7 says, "The first budget is for Location 1 in the application,

8 which is an already built, inspected, and fully compliant to

9 Nevada dispensary previously operated and currently leased by

10 the company." Did I read that correctly?

11 A Yes, you did.

12 Q Now I want you -- "previously operated." What does

13 that mean to you?

14 A It was, you know, previously operational and open

15 for business.

16 Q And possibly closed, correct, by this time?

17 A Yes.

18 Q Previously means past tense, does it not?

19 A Yes, it does.

20 Q This would be in September of 2018?

21 A Yeah, it could have been around that time.

22 Q Let's go to DOTMM9. There's so many zeros there --

23 A Okay. I'm there.

24 Q Okay. It says, "License location preference is 1";

25 correct?

1 A Yes.

2 Q The top of the page.

3 A Uh-huh.

4 Q And this is in unincorporated Clark County; correct?

5 A Yes.

6 Q If you look at the second full paragraph, the

7 sentence that starts with "Thus," do you see where that's

8 indicated?

9 A Yes, I do.

10 Q Okay. "Thus, the approved license transfer will

11 result in closing 4850 West Sunset Road location prior to

12 November 1st, 2018." Now, previously when we looked at the

13 last page we were discussing didn't it say that it already

14 closed?

15 A I think it did. Yes, I recall.

16 Q Can you tell from this application whether that

17 location at this time was open or closed?

18 A Not from this application.

19 Q Can you tell from this application how long it had

20 been closed?

21 A Not here. No, I can't.

22 Q In the budget area it said it had been previously

23 operating; correct?

24 A Yes.

25 Q And with respect to -- now, you're -- you understood

1 -- or you understand that MM Development had a transfer of a
2 particular license, correct, from West Sunset Road to a space
3 on Desert Inn?

4 A Yes, I was aware of that.

5 Q And that was the transfer in both the retail and the
6 medical marijuana license?

7 A Yes.

8 Q And they were going -- they were attempting to gain
9 a new license and reopen West Sunset Road; correct?

10 A Yes, that's what it appears to be, yes.

11 Q What process, if any, would apply to someone seeking
12 a new license for that location?

13 A They would have the same requirements that any other
14 licensee would have. They have to fulfill the conditional
15 requirements, including initial inspection and approval,
16 before they become operational.

17 Q They'd have to have their signage re-approved?

18 A Yes.

19 Q They'd have to be inspected?

20 A Yes.

21 Q They'd have to have their floor plan approved?

22 A Yes.

23 Q They couldn't just rely on what they had done
24 before; correct?

25 A No, they wouldn't.

1 Q Let's go to DOTMM1031.

2 A Okay. I'm there.

3 Q Who would have done the training with respect to --

4 for Manpower personnel on the category described as Tab 3?

5 A That would have been Ms. Cronkhite.

6 Q Ms. Kara Cronkhite?

7 A Yes.

8 Q Okay. When Mr. Kemp was talking to you he mentioned

9 there was a floor plan and there were pictures of the facility

10 when it was in operation. Please look through Tab 3 and let

11 me know if you see any pictures of the facility in operation.

12 A I don't. I just see the floor plans and artist

13 renderings.

14 Q Let's go back to page DOTMM11. Are you there?

15 A All right. I'm there.

16 Q There are two pictures on that page; correct?

17 A Yes.

18 Q Two pictures on the next page?

19 A Yes.

20 Q And if you look at DOTMM9, it says, "pictures of

21 existing facility"; correct? At the bottom of the page on 9,

22 below location map.

23 A Yes, it does.

24 Q Okay. With respect to that page do you see a date

25 for when those pictures were taken?

1 A I don't. I don't see a date.

2 Q The medicine facility had been operational as a
3 medical marijuana facility; correct?

4 A Yes.

5 Q So it was in existence at that -- when it was
6 operating as a medical marijuana facility?

7 A Yes.

8 Q Now, on page 11 do you see any date with respect to
9 those pictures?

10 A I don't see any dates on 11.

11 Q How about 12? Do you see any dates there?

12 A No, I don't.

13 Q Is there any way from the document you've seen to
14 tell when those pictures were taken from the application?

15 A Not from the pictures.

16 Q And we've already seen persons reviewing these
17 applications, occasionally they say it was previously operated
18 and closed. And they also say it will be closed; correct?

19 A That's correct, yes.

20 Q Who was weighing that information in order to grade
21 MM Development on the building plan area?

22 A The evaluators.

23 Q And they would have to -- as part of their job they
24 would have to weigh that information, wouldn't they?

25 A They would, yes.

1 Q They don't know when this particular facility was
2 closed.

3 A No.

4 Q They don't know when these pictures were taken.

5 A That's correct.

6 Q My friend Mr. Kemp asked you quite a bit about hand
7 sinks. Do you recall that?

8 A I do, yes.

9 Q Who gave the training to the Manpower folks on hand
10 sinks? Would that be Ms. Cronkhite?

11 A Yes, it would.

12 Q Let's go to DOTMM001032.

13 A Okay. I'm there now.

14 Q On the preceding page it might be able to help you
15 there. It says, "The company --" if you would get there real
16 quick. "The company has included two sets of plans in this
17 non-identified section. The first set of plans is for a
18 leased 4600-square-foot facility already built as shown and
19 has been operated as a fully compliant Nevada licensed
20 marijuana dispensary and has previously passed Nevada
21 Department of Taxation inspection and approvals." Again, it
22 says, "has been operated." We can't tell from that sentence
23 when it was opened or closed; correct?

24 A Correct.

25 Q And turning over to the next page, looks like

1 there's a hand sink in the break room, and there are hand
2 sinks in the toilet areas. Do you see any hand sinks other
3 than the one in the break room and other than the ones in the
4 toilet facilities in the entire building?

5 A I don't. It looks like those are the three sinks.

6 Q Okay. Are you familiar with the regulations
7 pertaining to how many hand sinks other than hand sinks in the
8 bathroom areas are required for a marijuana establishment?

9 A Yes.

10 Q I'm at NAC 453D.446(b). "Except for a marijuana
11 distributor, at least one hand-washing sink not located in a
12 toilet facility and located away from any area in which edible
13 marijuana products are cooked or otherwise prepared to prevent
14 splash contamination." Is that consistent with your
15 understanding of regulations pertaining to hand sinks in
16 marijuana establishments?

17 A Yes.

18 Q Okay. And who would have given the training to the
19 Manpower associates with respect to that particular issue?

20 A Ms. Cronkhite.

21 Q Mr. Kemp asked you about advertising and signage.
22 Do you recall that?

23 A Yes, I think I recall.

24 Q And there was a note in a Manpower grader as no
25 advertising or signage; correct?

1 A Yes.

2 Q As a new licensee for that particular facility, if
3 it was going to reopen, they would have to get approval, would
4 they not, for their advertising and signage?

5 A Yes, they would.

6 Q It may be if their advertising and signage is
7 exactly the same, but it may not; correct?

8 A It could be, but it may not.

9 Q Let's go to Exhibit 21. It should be behind you.
10 We're going to be on -- starting on page 2.

11 MR. SHEVORSKI: May I approach, Your Honor?

12 THE COURT: You may.

13 BY MR. SHEVORSKI:

14 Q And who is the applicant here?

15 A It's LivFree Wellness LLC.

16 Q And forward -- Mr. Kemp was talking about some
17 people got Exhibit -- they got Exhibit 5, and some people got
18 Exhibit 5A. By looking at page 2, which one does it look like
19 LivFree got?

20 A Can you refresh my memory on A and B.

21 Q Sure. Attachment A, which you have in front of you,
22 LivFree Bates Number 2, it has in the second quadrant -- it
23 says, "Marijuana establishment's proposed physical address if
24 the applicant owns property or has secured a lease or other
25 property agreement (this must be a Nevada address and cannot

1 be a P.O. box)." Do you need to see Exhibit 5A, or does that
2 refresh your recollection as to --

3 A I wouldn't mind seeing 5A, if you can, please.

4 MR. SHEVORSKI: May I approach, Your Honor.

5 THE COURT: You may.

6 (Court recessed at 2:41 p.m., until 2:53 p.m.)

7 THE COURT: So, as I told Mr. Shevorski, I would
8 really like to get this witness done today.

9 Okay. Mr. Shevorski, you're back up.

10 MR. SHEVORSKI: I'll move it along, Your Honor.

11 THE COURT: I need the witness, though.

12 Okay. Go.

13 BY MR. SHEVORSKI:

14 Q Okay. Mr. Gilbert, please turn to Exhibit 21,
15 page 2, DOT-LivFree2. I believe you also have up there
16 Exhibit 5A.

17 A Yes.

18 Q Does that appear to be identical to Exhibit 5A with
19 respect to the second quadrant that starts "Marijuana
20 establishment's proposed physical address"?

21 A Yes, it does.

22 Q Okay. Now turn to DOT-LivFree5. That's in Exhibit
23 21.

24 A Right.

25 Q I apologize.

1 A Is it what's up here on the screen?

2 Q Yeah. It's just -- if you look down at the bottom

3 right it says, LivFree5. Are you there?

4 A I don't know.

5 Q Exhibit 21.

6 A Oh. 005?

7 Q Yes, sir.

8 A Got it.

9 Q Okay. Now, I want you to compare that to

10 Exhibit 5A, Attachment E to Exhibit 5A. And that's on

11 page 29, if that helps you, Exhibit 5A. Do they appear to be

12 the same, or different?

13 A To 005?

14 Q To Exhibit 5A, Attachment E to Exhibit 5A.

15 Now, I'm just interested in the language in the

16 first quadrant.

17 A They appear to be the same.

18 Q They appear to be the same?

19 A Yes.

20 Q Look again.

21 A No. They're not the same.

22 Q They're not the same.

23 A Sorry.

24 Q Now look at Attachment E in Exhibit 5. And I'm

25 interested in the first quadrant. Are you there?

1 A I am. I'm looking at it right now.

2 Q Okay. Does it appear that LivFree used Attachment A
3 from 5A and then used Attachment E from Exhibit 5 in their
4 application?

5 A Yeah. I mean, these are the same.

6 Q Excuse me?

7 A Can we repeat that question.

8 Q Does it appear from reviewing this application that
9 LivFree used Attachment A from Exhibit 5A and Attachment E
10 from Exhibit 5?

11 A Yes.

12 Q Let's go to page -- Exhibit 21, DOT-LivFree130. Are
13 you there?

14 A Yes, I am.

15 Q Okay. Now, this is Tab 8, Documentation of Liquid
16 Assets. Are you familiar with this tab as it relates to
17 what's called --

18 We know they got Exhibit 5A; correct?

19 A Yes.

20 Q And read along with me. "Documentation
21 demonstrating the liquid assets and the source of those liquid
22 assets from a financial institution in this state or in any
23 other state or the District of Columbia must be included in
24 this tab and demonstrate the following criteria: That the
25 applicant has at least 250,000 in liquid assets which are

1 unencumbered and can be converted within 30 days after request
2 to liquid such assets and the source of those liquid assets."
3 Did I read that correct?
4 A Yes.
5 Q Okay. Would you turn to DOT-LivFree132. Are you
6 there?
7 A Yes, I am.
8 Q Upper left-hand corner says it's a balance sheet;
9 correct?
10 A That's correct.
11 Q Do you see an indication that this was a document
12 from a financial institution?
13 A No, I don't.
14 Q Go to page 134. Are you there?
15 A Yes.
16 Q Who's the owner of that checking account?
17 A Bilco Holdings LLC.
18 Q Are they the applicant?
19 A No. It's LivFree Wellness.
20 Q Now let's go back to 130. At bottom paragraph it
21 says, "The following documents are attached following Tab
22 5.2.8.2." See where that's indicated?
23 A Yes.
24 Q Why don't you read that to yourself and let me know
25 when you're through.

1 A Okay.

2 Q It says, "This account is owned by LivFree Wellness
3 as majority owner."

4 Now, going back to page 134, do you see any
5 information on that checking account statement that shows that
6 LivFree has any right to access those funds?

7 A No, I don't.

8 Q Staying on 134, are you aware of the term "credit"
9 with relation to consumer banking?

10 A Yes.

11 Q Okay. And what's your understanding of the word
12 "credit"?

13 A Funds available for use.

14 Q It's also possible that a credit is when someone
15 deposits money into an account?

16 A Yes.

17 Q But look, there's a credit on 7/20. Do you see
18 that? Looks like a wire transfer.

19 A Yeah, I see that.

20 Q It looks like it's from BP Solutions LLC?

21 A Yes.

22 Q If that's what we can interpret?

23 A Yes.

24 Q Is BP Solutions LLC the applicant?

25 A No, they're not.

1 Q Let's look at debits. And what's your understanding
2 of "debit" in relation to consumer banking?

3 A Money going out.

4 Q Taking money out. It looks like there's a debit on
5 7/3?

6 A Yes.

7 Q Looks like Minu Holdings LLC, it's a wire transfer
8 to them?

9 A Yes.

10 Q Is Minu Holdings LLC the applicant?

11 A No, they're not.

12 Q So this account is owned by Bilco Holdings LLC, and
13 it looks like several different companies are accessing it;
14 correct?

15 A Yes.

16 Q And there's nothing on, for example, 5.2.82 at DOT-
17 LivFree133 from the financial institution showing that LivFree
18 has a legal right to access those funds?

19 A No, there's not.

20 Q Let's go back to the balance sheet, 132, and look at
21 assets. It says, "Cash in Bilco Holdings." We've already
22 been through that Bilco Holdings is not the applicant;
23 correct?

24 A That's correct.

25 Q And it says, "Cash in management company, overages."

1 We don't have any idea who the management company is, do we?

2 A No, we don't.

3 Q Now, going back to pages 133 through 136, is there

4 any information from a financial institution regarding that

5 cash in management account, which is \$678,687 on 7/31?

6 A I don't see anything.

7 Q Now, who would have given the training to the

8 Manpower associates to evaluate that balance sheet and that

9 checking account statement in relation to Tab 8?

10 A Damon Hernandez.

11 Q Let's go to LivFree page -- that same exhibit --

12 1555.

13 A Okay. I'm there.

14 Q Okay. Read that first paragraph, and let me know

15 when you're done.

16 A Okay. I'm done.

17 Q Okay. Reading that paragraph it's your

18 understanding that those are the owner's assets, right, that

19 are \$217,812,665?

20 A Yes.

21 Q Does it say anywhere in that paragraph that those

22 are the resources of the applicant, that the applicant has

23 217,812,665?

24 A No, it doesn't.

25 Q Let's go to the balance sheet, the next page. Are

1 you there?

2 A Yes.

3 Q It says, "LivFree Wellness LLC, owner, financial
4 summary; correct?

5 A Yes, it does.

6 Q You see under the left it says "Last name, first
7 name." Do you see LivFree listed there?

8 A No, I don't.

9 Q Let's go to DOT-LivFree1586. Let me know when
10 you're there?

11 A Okay. I'm there.

12 Q "If the applicant is relying on funds from an owner,
13 officer, or board member or any other source, evidence that
14 such person has unconditionally committed such funds to the
15 use of the applicant in the event the Department awards a
16 recreational marijuana establishment license to the
17 applicant." Did I read that correctly?

18 A Yes, you did.

19 Q What did LivFree write under 5.2.11.2? It says,
20 "LivFree is a thriving business that will not need to rely on
21 moneys from outside sources. The profits from the current
22 operations in the state will allow for future growth in the
23 industry." Did I read that correctly?

24 A Yes, you did.

25 Q So LivFree, based on the information here, is not

1 relying on the owner's balance sheet; correct?

2 A Correct.

3 Q There's no unconditional commitment of those funds

4 on the owner's balance sheet to LivFree; correct?

5 A Correct.

6 Q Let's go back to Exhibit 20 real quick. It'll be on

7 page 9 again.

8 A Okay. I'm there.

9 Q On page 9?

10 A Yes.

11 Q Middle of the second-to-last paragraph says, "If a

12 license is granted, the anticipated January 1st, 2019, or

13 earlier reopening of 4850 West Sunset Road is forecasted to

14 produce -- is forecast to produce forecasted 2019 revenue is

15 \$19,868,676 of total taxable sales." Did I read that

16 correctly?

17 A Yes, you did.

18 Q Okay. So the forecasted opening date for that

19 facility may be January 1st, 2019; correct?

20 A Yes.

21 Q Let's go back to the budget information on

22 DOTMM1112.

23 A Okay. I'm there.

24 Q Are you there? Now let's go to the next page. We

25 haven't looked at that. DOTMM1113. What year is that budget

1 forecast for?

2 A 2019.

3 Q Okay. And we've already seen from the previous page

4 -- we can't tell. It says, "previously operating," so it may

5 be closed. What money, if any, can we tell from this page

6 that MM is spending on rent, for example, for that facility

7 prior to 2019? Can we tell?

8 A No, we can't. It's not one of the line items.

9 Q Now, no line items for 2018; correct?

10 A Correct.

11 Q So we don't know if they're spending any money on

12 maintenance.

13 A Correct.

14 Q We don't know if they're spending any money on

15 restoring equipment, we don't know if they're spending any

16 money on furniture, for example.

17 A Correct.

18 Q Now, I'll tell you from looking at page 9 that MM

19 represents this facility's in turn-key condition; correct?

20 A Yes.

21 Q So I guess we just take their word for it?

22 A The evaluators weren't trained to do that.

23 Q They're weighing the evidence in front of them based

24 upon the application; correct?

25 A Correct.

1 Q This facility may or may not have been closed for at
2 least three months prior to the anticipated opening date of
3 2019?

4 A Correct.

5 Q And we're unsure about its physical condition,
6 because we don't know the date of the pictures that were
7 provided; correct?

8 A Correct.

9 Q My friend Mr. Parker asked you about how could
10 Manpower possibly grade operating expenses if they didn't have
11 a baseline for what it would cost to operate a marijuana
12 establishment. Do you remember that?

13 A Yes, I do.

14 Q And he said that a 5,000-square-foot building cost
15 \$3.5 million per year to operate. Do you remember that?

16 A I think I recall something similar to that, yes.

17 Q Okay. Was that in Humboldt County, or was that
18 somewhere else?

19 A I don't think he specified.

20 Q Mineral County? Lyon County? How about city of
21 Sparks?

22 A I don't think so.

23 Q That include fixed costs, or variable costs?

24 A I don't know.

25 Q Depreciation on equipment. Did Mr. Parker's

1 estimate include that?

2 A I don't know.

3 Q Did it include costs to pay off a line of credit?

4 A Again, I don't know.

5 Q How about interest payments on a construction loan?

6 A I don't know.

7 Q Was Mr. Parker's estimate based upon a rental, or

8 that they -- or that applicant owned the building?

9 A I don't know.

10 Q In order to have a baseline you'd have to know those

11 assumptions; right? You'd have to know it for every single

12 county in the state of Nevada; correct?

13 A Correct.

14 Q Not very realistic, is it?

15 A Not in this scenario, no, it was not.

16 Q Mr. Parker's estimate include funding for tenant

17 improvements that year he shows to \$3.5 million?

18 A I don't know.

19 MR. SHEVORSKI: No further questions, Your Honor.

20 THE COURT: Thank you.

21 Mr. Koch.

22 And that was two hours including our break. It goes

23 back to my doubling whatever lawyers told me rule of thumb.

24 MR. KOCH: Well, I already knew I wasn't getting

25 M&Ms, so -- he's been here so long the Judge has had a

1 haircut, Mr. Shevorski has, and maybe Mr. Parker. I don't
2 know if Mr. Parker has or not. It's been a while.

3 CROSS-EXAMINATION

4 BY MR. KOCH:

5 Q Mr. Gilbert, you've been here a while. You've had a
6 chance to reflect on the process, look at a lot of documents.
7 And looking back on everything, do you think the Department
8 did a good job in the licensing application process here?

9 A Yes, I do.

10 Q Did they do a perfect job?

11 A Close to it.

12 Q Were there some things that you would have changed
13 if you were doing it again starting today?

14 A There's always room for improvements. You learn
15 from processes.

16 Q In fact, you were part of the process in 2014 for
17 medical; right?

18 A Yes.

19 Q And in 2018 when the licensing application process
20 came up the Department did things a little differently than
21 the Department of Public Health -- Behavioral Health did; is
22 that right?

23 A Yes, we did.

24 Q Learned maybe a little bit from 2014?

25 A Yes, we did.

1 Q And some changes were made?

2 A Yes.

3 Q Do you think if different people were employed by
4 the Department of Taxation in 2018 there could have been
5 different decisions made, for example, with the number of
6 points that were allocated to each category?

7 A Can you be -- clarify a little bit for me.

8 Q I think you said that you, Jorge Pupo, and Kara
9 Cronkhite worked and decisions were made with respect to the
10 number of points that were allocated to let's say diversity.
11 Those decisions were made within the Department; is that
12 right?

13 A That's correct.

14 Q Let's say if 12 different individuals were there
15 making those decisions. Do you think there could have been
16 different decisions made with respect to the number of points
17 allocated to that?

18 A Potentially.

19 Q For example, you know, Mr. Parker spent a lot of
20 time talking about diversity, and his clients have something
21 that's important to them. If Mr. Parker were on the
22 Department, perhaps he would have allocated 40 or 50 points to
23 diversity. That have been a possibility?

24 A Could have been. It wasn't my decision ultimately,
25 but, yes, that could have been.

1 Q And Mr. Gentile I think has argued that diversity
2 [unintelligible] isn't even related at all to the operation.
3 Maybe he would have given 1 point. Could that have been a
4 possibility?

5 A It could have been a possibility.

6 Q There were no points stated in the initiative for
7 each category, were there?

8 A No, there were not.

9 Q So there may have been a difference of opinion,
10 depending upon who was working at the Department at the time?

11 A Yes.

12 Q Do you think the decisions that were made were
13 reasonable based on your review and observation?

14 A I do.

15 Q Let me ask you for a second about these Manpower --
16 we keep calling them Manpower employees. I think -- my
17 understanding is, and correct me if I'm wrong, the Department
18 went out and listed job openings and sought applicants for
19 those job openings; is that right?

20 A We didn't post job openings, but we did recruit
21 based on the skills and experience that we needed.

22 Q And those who the Department interviewed or
23 recruited, do you think that they had the qualifications the
24 Department was looking for?

25 A Absolutely, yes.

1 Q Registration with Manpower, that was just a
2 procedural process; is that right?

3 A Yeah, that's correct. So the State of Nevada has a
4 contract with Manpower, and that's a way for -- actually to
5 pay salaries and hourly wages.

6 Q Do you know if any of these evaluators went back to
7 work for Manpower after they got done evaluating?

8 A I don't know. We still do have -- yes, they did.
9 We have one working for us right now.

10 Q Working for the Department?

11 A Yes.

12 Q And being paid through Manpower?

13 A Yes.

14 Q Very good. Now, the qualifications that you looked
15 for in these evaluators, was preference in type of music one
16 of those qualifications?

17 A No, it wasn't.

18 Q And if an evaluator liked to play country music,
19 would that have disqualified him from being an evaluator?

20 A No.

21 Q Would classical music, any other types of music?

22 A No.

23 Q Irrelevant?

24 A That was irrelevant during the interview process.

25 Q Based on your observation of these employees that

1 were hired through Manpower did you believe them to be
2 competent?
3 A Yes.
4 Q Did you have the chance to interact with them?
5 A I did, yes.
6 Q You weren't observing their evaluation or scoring;
7 is that right?
8 A I did not do that, no.
9 Q But you were able to speak with them?
10 A Yes.
11 Q They seem intelligent to you?
12 A Very much so.
13 Q You had a chance to interact with them before the
14 scoring started?
15 A Yes.
16 Q And what about after the scoring was completed?
17 Also then?
18 A Yes.
19 Q And your observation of those employees both before
20 and after that they were competent to perform the functions
21 they were hired to do?
22 A Yes.
23 Q Has anything that you've seen in the documents, the
24 questions that you've been asked changed your opinion of the
25 competence of those employees?

1 A No.

2 Q Let's look at Exhibit 303. I'm not sure which
3 binder that's in.

4 (Pause in the proceedings)

5 BY MR. KOCH:

6 Q Let's just go off --

7 A I can go off the screen.

8 Q We'll go off the screen. Yeah. Why don't you -- if
9 you've got it you there it might be a little bit easier than
10 trying to zoom around.

11 Tell me when you're there. You got 303?

12 A Yeah, I am.

13 Q All right. So what is this sheet?

14 A It's a tracker that we had to track the progress.

15 Q And that was used by the Department for every
16 application that was received?

17 A Yes.

18 Q Okay. You talked I think a little bit about that.
19 I want to ask just a little bit more. Was there a process for
20 when the application was received -- the Judge has asked a few
21 questions about checking it for completeness. Was that a part
22 of this tracking sheet?

23 A The steps that you see -- well, each step would be a
24 step in the completion.

25 Q Okay. Let's just walk through a few of those. So,

1 for example, Blossom Group is the very top entity there. I
2 don't think Blossom Group is a part of this case. But the
3 first column there says, "Address." This says "TBD." Do you
4 see that?

5 A Yes.

6 Q So they didn't have an address listed; is that
7 right?

8 A That's correct.

9 Q It does have a county. It's in very small type, so
10 let me know if you have a hard time reading it. County and
11 location jurisdiction, those are both listed?

12 A Yes.

13 Q Those would be listed on the application when it's
14 received?

15 A Yes, they would have.

16 Q And it has the arrival date; is that right?

17 A Yes.

18 Q Then it says, "App fee confirmed." Do you see that?

19 A Yes.

20 Q There's four items there for Blossom. One is black,
21 and one is in red. Do you know why some are in red and some
22 are in black?

23 A I don't.

24 Q Okay. And then on the top of that section it says,
25 "Michelle or Marilyn complete yellow columns." Who is

1 Michelle, and who is Marilyn?

2 A Michelle is a Department of Taxation administrative
3 assistant in the Las Vegas office, and Marilyn is the same
4 position in Carson City.

5 Q Okay. And those individuals would complete those
6 columns that are listed below there?

7 A Yes.

8 Q The next section that's in purple says Diane
9 completes? Is that right?

10 A Yes, that's Diane.

11 Q Okay. What's Diane's last name?

12 A O'Connor.

13 Q Is she a Department employee?

14 A Yes, she is.

15 Q And Diane completes this fourth column. The first
16 one says "Ownership confirmed." Do you know what that means?

17 A Yes. So she was part of the process of confirming
18 the ownership in the application matched what the Department
19 had on record.

20 Q Okay. Let's look at a few examples there. Under
21 Blossom it says "Yes." So she would have confirmed that with
22 what the Department had?

23 A Yes.

24 Q Going below, Greenway is the next one. It says,
25 "Pending CHOW matches." Is that what it says?

1 A Yes. So that would have been, like I described
2 earlier, if we had a transfer of ownership or a CHOW in the
3 house, then we would compare that.

4 Q Okay. And then -- so there could have been a
5 complete match, there could have been something pending. That
6 would have been checked by Diane when received?

7 A Yes.

8 Q Then Nevada Organic Remedies, it says, "Yes per
9 Jeannine." Do you know what that means?

10 A So Jeannine is another Program Officer III who
11 manages the transfer of ownership process, so she was involved
12 in the record verifications.

13 Q All right. And the next one I want to ask you,
14 Green Leaf Farms Holdings. It says, "CHOW does not match
15 app." What does that mean?

16 A That would mean that we had to investigate a little
17 bit more to see why the transfer of ownership didn't match the
18 application.

19 Q Well, you said transfer of ownership. Was there a
20 transfer of -- is a CHOW a transfer, or is that the existing
21 list?

22 A Yeah. Sorry. So the CHOW -- a CHOW is a transfer
23 of ownership. Same thing.

24 Q Okay. So each -- for each of the items it says CHOW
25 there was something that was pending with the Department

1 perhaps at that time?

2 A Yes.

3 Q Then it says under "Diane completes," there's

4 initial, looks like she initialed several of those. Date

5 delivered to IDAA. Do you know what that means?

6 A Yes. That would be when the application was

7 confirmed and available to be given to the evaluators.

8 Q Do you know what AA stands for?

9 A Administrative assistants.

10 Q Okay. And the next column says, "Date delivered to

11 non-IDAA." That's I guess the administrative assistant for

12 non-ID?

13 A Yes.

14 Q Two different people?

15 A Yes.

16 Q All right. And then the last three columns that

17 appear to be filled out there, "Contract AAs complete." What

18 does that mean?

19 A That's the date that they -- you know, I'm -- that's

20 the date I'm assuming that would be that they were given to

21 the ID team or the non-ID team.

22 Q Okay. And the contract dates, were those the

23 administrative assistants hired through Manpower?

24 A Yes.

25 Q And that's the only part of this sheet, it looks

1 like, that the contract administrative assistants completed.

2 Is that right?

3 A Yes.

4 Q And they track the dates that those were -- date
5 given to evaluation teams, the date the ID completed its
6 scoring; is that right?

7 A Yeah, that's the scoring -- when the scoring was
8 complete, it looks like.

9 Q And then the date the non-ID team completed its
10 scoring?

11 A Yes.

12 Q So in the very first example there it was given to
13 the evaluation team on 9/14, the ID team completed on 9/18,
14 and then the completion date -- or non-ID team completion date
15 was 9/28; is that right?

16 A Yes.

17 Q Okay. And the rest, we go down here, there appear
18 to be different dates for the ID team completion and the non-
19 ID team completion. Does that surprise you that there's
20 different dates for those?

21 A No, it doesn't, because they were worked in --
22 separately, in separate groups, separate offices. And the ID
23 might have been slower than the non-ID, so they were never in
24 unison.

25 Q Okay. Why don't you turn to -- if you'd turn to the

1 third page of that document, please, DOT41837. And there's
2 several red items there under "Ownership confirmed." Top one
3 says, "Euphoria does not match pending CHOW." I think you've
4 explained that. There's a transfer and the applicant doesn't
5 match that; is that right?

6 A Yes.

7 Q In the middle of the page there's a few that says
8 "Okay per JW 10/9." Do you know what that means?

9 A That they confirmed the match.

10 Q What is JW?

11 A That must be Janine Warner.

12 Q Okay.

13 A She had a hyphenated last name, Sher-Warner.

14 Q So that was a Department of Taxation employee?

15 A Yes.

16 Q And you think that this sheet that was prepared and
17 completed by the Department was helpful in completing the
18 process of scoring the applications?

19 A Yeah, it was. It helped us -- helped them keep
20 track of everything that was being handed out and completed.

21 Q There's a lot of applications.

22 A There was; 462.

23 Q You talked a fair amount about this -- there was
24 questions about the tie breaker process, and if we can turn to
25 Exhibit 2003 --

1 MR. KOCH: And maybe just pull that out, Brian.

2 BY MR. KOCH:

3 Q -- page 2279. And Exhibit 2003 is part of the
4 training material. I just want to ask you about one page
5 here. All right. Was this page part of the training
6 materials, if you recall?

7 A Yes.

8 Q Okay. And it describes the tie breaker process
9 being initiated if the last spot available for a provisional
10 certificate has a tied score. Were there any last spots that
11 had a tie score that you're aware of?

12 A There wasn't.

13 Q So there's no tie breaker to even apply?

14 A No.

15 Q And so the next bullet point there, "The applicant
16 with the highest score for their proposed organizational
17 structure will be awarded a provisional certificate," that was
18 never even needed in this process; is that right?

19 A No, it wasn't.

20 Q The [unintelligible] that was part of the
21 organizational structure?

22 A Yes, part of that component.

23 Q Also on the materials -- and for the sake of time I
24 don't think I'll pull it up. But there were some questions
25 there about confidentiality or some instructions about

1 confidentiality, and those who were being trained were told
2 that if they're contacted by anyone in the industry during the
3 application process that they should come to you and let you
4 know about that. Do you remember that instruction?

5 A Yes, I do.

6 Q Did anyone, the evaluators or anyone else ever come
7 to you and say, hey, somebody's contacting me, I think it's
8 improper, and they let you know about that?

9 A No, they did not.

10 Q You were not aware of any contacts from anyone in
11 the industry directly to an evaluator; is that right?

12 A I'm not aware of any of that.

13 Q What about with anyone else that was part of the
14 process that you were notified might be improper?

15 A No.

16 Q All right. Secretary of State. We've had all sorts
17 of questions about the Secretary of State versus the
18 Department's ownership list. And you said that the Department
19 doesn't go look at the Secretary of State's officers,
20 directors, board members; is that right?

21 A That's right.

22 Q Do you know if the Secretary of State's list is any
23 more accurate or inaccurate than the Department's ownership
24 list or board, officers, owners list?

25 A I don't. I can't speak to Secretary of State's

1 accuracy.

2 Q Do you know how hard it is for an entity to change
3 the list of officers or board members that are listed with the
4 Secretary of State?

5 A I've never done it, but from what I've heard it's
6 fairly easy.

7 Q Would it surprise you if I could get on, for
8 example, my law firm, click on there, and add the Las Vegas
9 Aces? I could have the front line of the Las Vegas Aces are
10 officers of my company today. That surprise you?

11 A It wouldn't based on what I've heard.

12 Q The Aces are great. I could add Mr. Parker on, I
13 could add anybody I wanted to. I would be attesting under
14 penalty of perjury that's an accurate statement, but do you
15 know if the Secretary of State actually does a background
16 check or checks to make sure that those individuals are
17 actually officers of the company?

18 A I don't -- I don't know what they do.

19 Q Mr. Miller, I told him maybe we'll call him as an
20 expert witness. He knows about this process, but I don't
21 think the Secretary of State actually checks to see if those
22 officers are actually officers. Would that surprise you, that
23 they don't actually check that?

24 A It wouldn't surprise me based on what I've heard.

25 Q And let me -- let me show you one thing. I guess

1 let's go to Exhibit 5040. This is -- this is the Nevada
2 Wellness Secretary of State.

3 THE CLERK: Proposed.

4 MR. KOCH(Pa~~use~~ in the proposed exhibit 5040.

5 MR. PARKER: No objection, Your Honor.

6 THE COURT: Be admitted.

7 (Defendants' Exhibit 5040 admitted)

8 BY MR. KOCH:

9 Q All right. Do you have 5040 in front of you there?
10 All right. See that? That's the Secretary of State printout
11 for Nevada Wellness Center LLC. See that?

12 A Yes, I do.

13 Q And can you tell me who the officers who are listed
14 there bottom of that page.

15 A I see a Mr. Frank Hawkins and a Mr. Andre Rhodes.

16 Q Okay. So there's two officers listed there; is that
17 right?

18 A Yes.

19 Q Okay. Now, we can keep that open. Let's turn to
20 Exhibit 5023. And 5023 is the current ownership list that the
21 Department has. And --

22 THE CLERK: Proposed.

23 MR. KOCH: That was admitted.

24 THE CLERK: Oh. Sorry. It's admitted.

25 //

1 BY MR. KOCH:

2 Q Okay. So 5023 -- we don't have Bates numbers I
3 think on this page, but we're going to go alphabetically to
4 Nevada Wellness, which is directly after Nevada Organic
5 Remedies about halfway through this set of documents.

6 MR. KOCH: Can you find that, Brian?

7 BY MR. KOCH:

8 Q Okay. RD009 is Nevada Wellness Center. You see
9 that?

10 A Yes.

11 Q Okay. And this is the Department's list of current
12 owners and officers; is that right?

13 A Yes. It looks -- appears to be the one left side.

14 Q Okay. RD009 is for Nevada Wellness Center's retail
15 dispensary. You see that?

16 A Yes.

17 Q And if you look, there are three individuals listed
18 there. Can you tell me who those individuals are.

19 A Frank Hawkins, Luther Mack, and Andre Rhodes.

20 Q And what is the designation for each of those
21 individuals to the right of the names?

22 A They're owner-officers.

23 Q Okay. And we saw Mr. Hawkins and Mr. Rhodes listed
24 with the Secretary of State. Mr. Mack is not listed there.
25 Do you have a problem with that, that the Department has a

1 different list than the Secretary of State has?

2 A No, we wouldn't.

3 Q Do you know if Mr. Mack is in fact an officer of the

4 company?

5 A Personally I don't. I don't know.

6 Q Did the Department trust the representation that

7 Nevada Wellness Center that Mr. Mack was an officer of the

8 company?

9 A Yes. We would have compared it to what we have on

10 record.

11 Q And that Mr. Mack was an owner of the company, did

12 you trust that representation?

13 A Yes.

14 Q Did you ever go out and check and look for a

15 purchase and sale agreement from Mr. Mack buying part of the

16 company to make sure that he was an owner?

17 A No, we didn't, but --

18 Q Did you ask for proof in any way other than the

19 representation that Nevada Wellness Center made that Mr. Mack

20 was an owner and officer of the company?

21 A No.

22 Q So the Secretary of State listing was not something

23 that you checked and then called Nevada Wellness Center and

24 said, hey, what's this other guy doing on there?

25 A We did not do that.

1 Q And do you believe that Nevada Wellness Center did
2 anything improper by including those three individuals as
3 owners and officers?

4 A I don't think they did.

5 Q Look at one more. Let's go to Exhibit 20, and we're
6 going to look at pages 62 and 63, Bates Number 62, 63.

7 MR. KOCH: All right. Exhibit 20 has been admitted,
8 I believe. Is that right?

9 THE CLERK: It is.

10 BY MR. KOCH:

11 Q Okay. So Exhibit 20 is part of MM Development's
12 application. This appears to be a Secretary of State listing
13 from March 14th, 2018. Do you see that?

14 A Yes.

15 Q And it states it's for the period of March 2018
16 through March 2019; is that right?

17 A Yes.

18 Q If you look at the bottom of that page, who are the
19 individuals listed there as officers, directors of the
20 company?

21 A Robert Groesbeck.

22 Q Okay. Let's go to the next page. I think there's
23 one more individual listed. There's one more there; right?

24 A Yes.

25 Q All right. And it's Larry Scheffler?

1 A Yes.

2 Q Okay. So there's two individuals listed with the
3 Secretary of State in March 2018; is that right?

4 A Yes.

5 (Pause in the proceedings)

6 MR. KOCH: Move to admitted Exhibit 5039. I don't
7 think there's an objection.

8 MR. KEMP: No objection, Your Honor.

9 THE COURT: Any objection? Be admitted.

10 (Defendants' Exhibit 5039 admitted)

11 BY MR. KOCH:

12 Q All right. 5039, Mr. Gilbert, do you have that?

13 A I see it on the screen.

14 Q Okay. Exhibit 5039 is a Secretary of State listing
15 dated August 28th, 2018. Do you see that date on the top?

16 A Yes.

17 Q And this is for the same period, March 2018 through
18 March 2019. You see that?

19 A Yes, I do.

20 Q Okay. And on the bottom of that page are there
21 different individuals than you saw in the previous list?

22 A Yes, there is.

23 Q Who's different there that you haven't seen before?

24 MR. KOCH: Let's try on the bottom of page 1, Brian.

25 THE WITNESS: William Vargas, Layton Koeller.

1 BY MR. KOCH:

2 Q Okay. Go to page 2.

3 A Adrian O'Neal.

4 Q All right. I think those are the three that I saw
5 that were listed there. Now, this was -- this additional list
6 was filed about 10 days before the applications are due to the
7 Department of Taxation. Did the Department have any problem
8 with applicants changing their boards prior to the application
9 time period?

10 A No.

11 Q Did the Department have the requirement of tenure
12 that an individual had to be on the board prior to being
13 listed on the application?

14 A No, there was not.

15 Q And the fact that these individuals listed here, Mr.
16 Koeller, Mr. Vargas, and Ms. O'Neal had not been part of the
17 list before, the Department didn't have any issue with that,
18 did it?

19 A No.

20 Q Mr. Vargas is listed as Hispanic, I believe, and Ms.
21 O'Neal is listed as an African-American female. Did the
22 Department have any problem with a company adding individuals
23 like that whom they count for diversity to their board prior
24 to the application process?

25 A No.

1 Q If an applicant added individuals the day before
2 they submitted the application, would the Department have a
3 problem with that?

4 A No. As long as it's listed on Attachment C.

5 Q As long as that individual is listed. That's what
6 the Department is looking for.

7 A Right.

8 Q And would the Department perform a background check
9 on each individual that was provided to the Department as part
10 of the application?

11 A Yes.

12 Q In reality, if -- I think there's some testimony
13 about this. If the State or the Department or whoever is
14 trying to increase diversity and the world of applicants that
15 could file an application was defined as those who already had
16 a medical marijuana certificate, isn't it true that the only
17 way that diversity potentially could be increased would be by
18 adding board members, officers, directors, owners to the
19 existing entities that were applying?

20 A Yes.

21 Q So MM didn't do anything wrong by adding those
22 individuals, did it?

23 A They didn't.

24 Q And the fact that -- let's go to Exhibit 5022,
25 please. In fact, on MM's current Website it does not show Ms.

1 O'Neal as part of its team or its board. Does the Department
2 have any problem with that?

3 A No.

4 Q The Department didn't go out and start looking at
5 Websites and performing investigations into what was
6 represented other than completing a background check; is that
7 right?

8 A Right. And what was provided in the application.

9 Q Right. And so you trusted what the applicants
10 submitted; correct?

11 A Yes.

12 Q And trusted them to tell the truth; is that right?

13 A Yes.

14 Q And you relied upon them?

15 A Yes.

16 Q And did you think that was a reasonable thing to do
17 for the Department?

18 A I do.

19 Q Did you go out and conduct any interviews of these
20 individuals to see if they were qualified to be a board
21 member?

22 A No, we did not.

23 Q What if a company listed let's say 10 vice
24 presidents of operations as officers and described their
25 duties there? Would the Department go back and tell that

1 applicant that they could not list that person as an officer?

2 A No, we would not.

3 Q As long as they provide a description of that
4 officer's duties and explain what they would do, would the
5 Department trust that representation?

6 A Yes. It was the narrative that they provided.

7 Q And when it came to races and ethnicities if someone
8 wrote Caucasian as their race, did the Department go out and
9 try to verify that?

10 A No, we did not.

11 Q And did the Department perform any DNA tests?

12 A No.

13 Q Did the Department ask for any family trees or
14 genealogies?

15 A No.

16 Q What if someone wrote "African-American"? Would the
17 Department go out and test that?

18 A We would not.

19 Q Same thing, no further testing other than what the
20 applicant put on the application?

21 A That's correct.

22 Q What if someone were 50 percent Asian and 50 percent
23 Caucasian? Do you know if that would count for diversity?

24 A If they marked Asian on Attachment C, it would.

25 Q And if someone were let's say 25 percent Asian and

1 75 percent Caucasian and they wrote down Asian, would the
2 Department try to go in and evaluate those percentages?

3 A No, we would not.

4 Q Let's go to Exhibit 21, page 1466. Do you have
5 Exhibit 21 up there?

6 A There is nothing. I have it over here somewhere.

7 MR. KOCH: May I approach?

8 MR. SHEVORSKI: He should have 21 up there.

9 (Pause in the proceedings)

10 BY MR. KOCH:

11 Q All right. We can go to 1466 in this book. This is
12 LivFree's application that we looked at earlier. Okay. And
13 1466, we can go through the whole thing, but I just want to
14 look at this one as an example to ask what the Department's
15 interpretation was.

16 This is Tia Dietz or Dietz, I'm not sure how she
17 pronounces it, and she is listed as a board member for
18 LivFree; is that right?

19 A Yes.

20 Q Okay. She's female, so that automatically counted
21 for diversity; correct?

22 A Correct.

23 Q I guess you don't know whether she's female. She
24 says she's female, and we trust her on that; is that right?

25 A Yes.

1 Q The race says white, Asian, and ethnicity Caucasian,
2 Korean. Do you know what percentage, what balance there was
3 between those ethnicities or races?

4 A I don't. Not off of this.

5 Q If Ms. Dietz came in and she had blonde hair and
6 blue eyes, would the Department say, well, we're going to
7 follow up and make some further checks on this because we're
8 not quite sure whether this representation's correct?

9 A No, we wouldn't.

10 Q The Department ask for pictures?

11 A No.

12 Q So you completely trust what the applicants put on
13 there; is that right?

14 A Yes.

15 Q You thought that was reasonable?

16 A We did.

17 Q We looked earlier at I think Mr. Parker asked you
18 about an individual with the name Flintie. That was in
19 Exhibit 37A, page 1741. I don't want to take the time to turn
20 to it, but his first name was Flintie. Based on that first
21 name do you have any idea whether that person is male or
22 female?

23 A I didn't.

24 Q Yeah. And Mr. Parker asked you, look at the names,
25 some are obvious maybe, Barbara, Kathy, whatever there may be.

1 Some may not be so obvious; is that right?

2 A Correct.

3 Q Did the Department make any judgment calls based
4 upon a person's name whether they're actually male or female?

5 A No. We went off the information provided in
6 Attachment C.

7 Q If the Department wanted to go out and investigate
8 every applicant, every officer, every board member, did the
9 Department have the resources to do so?

10 A No.

11 Q How many employees did the Department have in the
12 marijuana division or group?

13 A It's 44.

14 Q And if you sent all those people out to score all
15 these applications, do you have any estimate how long that
16 would take?

17 A I don't.

18 Q Longer than 90 days?

19 A Oh, absolutely.

20 Q Fair to say that once there's a decision made to
21 score diversity there could be some gaming of the system, but
22 the Department has to just rely upon what's provided in order
23 to complete its process?

24 A Yes. And they attested to the information provided.

25 Q And did diversity change any other scores in the

1 application?

2 A I'm sorry. Can you --

3 Q So diversity got 20 points; is that right?

4 A That's right.

5 Q And let's say an applicant got 20 points because
6 they had hundred percent diversity, hundred percent owners
7 that we're female or minority in there listed applicants. Is
8 that -- that would give you 20 points; is that right?

9 A Yes.

10 Q Did that applicant after they got the 20 points for
11 diversity get any further consideration or benefit for the
12 application let's say on the financial side? Because they had
13 high diversity did they get any sort of preference based upon
14 financial?

15 A No. Not based on the diversity.

16 Q What about organizational structure?

17 A No.

18 Q Were there any other categories that were affected
19 because someone's diversity score was high or low?

20 A There wasn't.

21 Q So an applicant had to not only have enough
22 diversity points, but they had to have enough other points to
23 qualify to receive a license; is that right?

24 A That's correct.

25 Q And we could have, I suppose, given a thousand

1 points for diversity and made that the sole characteristic
2 with everything else counting as 10 points. But that's not
3 the decision that was made, was it?

4 A No, it was not.

5 Q And the Department didn't score one set of
6 applicants, put one pile for 20 points for diversity and one
7 pile for 4 points for diversity and score those separately,
8 did it?

9 A No.

10 Q It was just one of the factors that was considered.

11 A It was.

12 Q What would happen if an individual were listed as an
13 officer of the company, let's say an African-American male is
14 listed as an officer of the company, that applicant received a
15 conditional license on December 5th, 2018, and on January 5th,
16 2019, that individual quits their job. Does the Department go
17 back and re-score that application?

18 A No.

19 Q So is there any requirement of tenure after the fact
20 for an applicant to have a board member, owner, or officer to
21 be diverse?

22 A There's -- no, there isn't to my knowledge.
23 Nothing.

24 Q For every person that was listed as an owner,
25 officer, or board member did the Department in fact conduct a

1 background check or submit that person for a background check?

2 A They submitted their own fingerprints, and we
3 conducted the background check.

4 Q And tell me, if the background check revealed that
5 that individual say was a criminal, was a drug peddler or
6 something, what would happen if that came up in the background
7 check?

8 A We would have addressed it at that point. It didn't
9 come up, but it would have been elevated up for the proper,
10 you know, discussion and potential ramifications.

11 Q Would -- if there were one officer of the company
12 that had a felony conviction for something, would that
13 applicant be disqualified?

14 A Yes.

15 Q And if that background check turned up that
16 conviction, the applicant would have been notified?

17 A Yes.

18 Q Let's suppose that one of the owners -- there's talk
19 about, you know, some owner out there may not have been
20 disclosed. Let's suppose an owner that is disclosed is --
21 goes back to his house and there's this Canadian Mafia boss --
22 we talked about the Canadian Mafia. I don't know why. I
23 don't even know if the Mafia exists in Canada, but let's
24 suppose it does, and let's suppose there's a Canadian --

25 THE COURT: How about we call them Canadian

1 organized crime.

2 BY MR. KOCH:

3 Q -- Canadian organized crime boss who's back at that
4 owner's house and is extorting that owner, requiring that
5 owner to give him all the money he gets from the company, to
6 vote how that Canadian crime boss wants him to vote, and has
7 effective ownership of that company. Would the Department
8 know about that individual?

9 A No, we wouldn't.

10 Q And it's possible, but they're not listed on the
11 application.

12 A They're not, right.

13 Q And the Department doesn't go out to that person's
14 house to see if that Canadian Mafia boss is sitting there with
15 a gun to the owner's head to see if somebody's there, and so
16 it's possible that somebody could theoretically get around
17 this background check; is that right?

18 A Theoretically. We hope that they don't, but
19 theoretically, yes.

20 Q And you believe that the Department's process for
21 completing those background checks in light of the
22 circumstances and the information that's received was
23 reasonable even though somebody could theoretically get around
24 that criminal background history?

25 A Yes. We do the state background check and the FBI.

1 Q All right. There's some talk about the community,
2 the relevant community and whether the jurisdiction or the
3 community has an effect. Now, I've seen, for example, in
4 Planet 13 the company, they sell a lot of marijuana. I think
5 they said the highest [unintelligible] seen a lot of their
6 taxicabs around advertising to different parts of the city.
7 Is the community as defined limited to that block that the
8 marijuana dispensary is located?

9 A No, it's not.

10 Q I think Planet 13 is actually right next to I think
11 like the Erotic Heritage Museum or something like that. Did
12 you look at that museum next door to see if Planet 13
13 affecting that Heritage Museum that was there?

14 A No.

15 Q Okay. What about somebody who's on the other side?
16 Do you look at those immediate neighbors? Was that in your
17 consideration of these locations?

18 A It wasn't.

19 Q The community, would that be broadly defined?

20 A Yes. I think so.

21 Q So the community -- if Planet 13 has a dispensary
22 that's sitting there on Desert Inn, Industrial Road down there
23 and has a lot of other neighbors that might be different types
24 of neighbors than somebody else has down the road, that
25 wouldn't necessarily be a consideration that was scored in the

1 applications or submitted in this case, would it?

2 A No, it wasn't.

3 Q And the fact that Planet 13 advertises all around
4 the city, that's not something that the Department would take
5 into account in scoring its application, would it?

6 A No.

7 Q Exhibit 5007. Can you turn to that Exhibit 5007.
8 We looked at it before. It's some of the tally sheets -- or
9 all the tally sheets, I think, for all the applicants. We've
10 seen this before. The first one is RD210 through 213. You
11 see that?

12 A Yes.

13 Q Okay. And Mr. Parker showed you several tally
14 sheets that all had the same points and the same time given by
15 each of the scorers. Is every tally sheet that you've looked
16 at, do all of them have the same points for all three scorers
17 and all of them had the same time for all three scorers?

18 A No. There's some differences.

19 Q So on this one, for example, for the I think it was
20 Blossom Group, if we look on the total score, it did pretty
21 miserably, frankly, 36, 37, 35. You see that?

22 A Yes.

23 Q Okay. And the scorers' time, how much time did they
24 give below?

25 A Total time 3 hours, 2.75, and 6.25.

1 Q That's a pretty wide range there.

2 A Yeah.

3 Q And I don't know what one scorer was doing or the
4 other, but they had different times; is that right?

5 A Yes.

6 Q And then if we look at the next page, RD214, I think
7 this is GreenWay. RD214, if we look at the total scores,
8 they're close, 57, 58, 55; right?

9 A Yes.

10 Q Not the same?

11 A No.

12 Q And the times listed below, now, these times they're
13 pretty close, 3 hours on the organizational, little variation
14 on financial, and same for tax; is that right?

15 A Yes.

16 Q Does it surprise you that these scorers got similar
17 times on scoring these categories?

18 A No, it doesn't surprise me.

19 Q And over time do you have any understanding or
20 expectation about the evaluators and their ability to score
21 these as far as the time that it took to score each
22 application?

23 A No, I don't.

24 Q You didn't participate in the timing at all; is that
25 right?

1 A No.

2 Q All right. And does it surprise you that some
3 applicants had a high number of hours on the scoring, for
4 example -- well, I'll just say the three hours we just looked
5 at versus one and a half with somebody else, does it surprise
6 you there's variation there?

7 A No. It depends comprehensive their application was.

8 Q All right. Were some of the applications -- do you
9 know how long some of the applications were?

10 A I know thousands of pages.

11 Q And were some less than thousands of pages?

12 A Yes.

13 Q Were some hundreds of pages?

14 A Yes.

15 Q And so there's a wide variety in the length of the
16 applications; is that right?

17 A Yes, there is.

18 Q Do you believe that a longer application would take
19 longer to score?

20 A I do. Because they need to go through the entire
21 thing.

22 Q Okay. All right. Mr. Gilbert, were you pressured
23 by any applicant to change any scores?

24 A No, I was not.

25 Q Are you aware of any bribes or payments that were

1 made to you or anyone at the Department to obtain a license?

2 A No.

3 Q Do you believe that you fulfilled your

4 responsibilities properly?

5 A Yes, I do.

6 Q Do you believe that everybody at the Department that

7 you had a chance to observe did a reasonable job to fulfill

8 their responsibilities and duties properly?

9 A Yes.

10 Q Do you believe that the standards that were listed

11 and the categories, the points, the criteria were applied, to

12 the best of your knowledge, to the scoring properly?

13 A Yes.

14 Q Do you believe that it was done impartially?

15 A It was not.

16 Q It was not done impartially?

17 A I'm sorry. I misunderstood the -- yes.

18 Q All right. Let me ask it without a negative. Was

19 there any partiality that you observed in the scoring process?

20 A No.

21 Q Okay. And there was also a call for the numerically

22 based scoring system to be applied. Did you -- do you believe

23 that the Department used a numerically based scoring system in

24 grading these applications?

25 A Yes.

1 Q Was there any subjectivity that did not involve a
2 numerically based system that you observed?

3 A Can you repeat that one.

4 Q Was there any other sort of subjective
5 qualification, like I think this is a really nice company,
6 that somehow affected the outcome other than what was actually
7 applied in the numerically based system?

8 A No. They followed that criteria.

9 Q And to the best of your knowledge the Department
10 followed the regulations and statutes that govern the process
11 that we're talking about today?

12 A Yes.

13 MR. KOCH: Thank you. No further questions.

14 THE COURT: Mr. Kahn?

15 MR. KAHN: No questions.

16 THE COURT: Mr. Hone? Ms. Shell?

17 MS. SHELL: No, Your Honor.

18 THE COURT: Mr. Gutierrez?

19 MR. GUTIERREZ: No questions.

20 THE COURT: Mr. Graf?

21 MR. GRAF: Your Honor, I've only got like one
22 question, two questions.

23 THE COURT: Can you keep your voice up instead of
24 walking over Ms. Higgins.

25 MS. HIGGINS: No, he's okay.

1 THE COURT: Okay.

2 MS. HIGGINS: My foot is down right now, so he's
3 okay.

4 MR. GRAF: Exhibit 130, that's the exhibit, right?

5 THE CLERK: Yes.

6 CROSS-EXAMINATION

7 BY MR. GRAF:

8 Q Good afternoon, Mr. Gilbert. My name is Rusty Graf.
9 I represent Clear River in this action.

10 A Good afternoon.

11 Q Exhibit 130, do you recognize that document?

12 A Yes, I do.

13 Q What is it?

14 A That's the analysis that we did towards the end of
15 the evaluation process to look at owners, officers and board
16 members.

17 Q And who prepared this document?

18 A I don't recall.

19 Q Is it somebody at the Department of Taxation?

20 A It could have been one of the contractors.

21 Q This wasn't prepared by somebody at Clear River,
22 though, was it?

23 A No, it was not.

24 Q So the term prospective board member or prospective
25 officer, that was something that was filled in by somebody at

1 the Department of Taxation?

2 A Yes.

3 Q Okay. And then I forget if it was Mr. Shevorski or
4 Mr. Koch, but they went over NRS 453D.200, subpart 6, right?
5 NRS 453D.200, paragraph 6. It says there -- and what is this
6 section, Mr. Gilbert, as you understand it?

7 A The Department shall conduct a background check for
8 each prospective owner, officer and board member. So it would
9 be a State background check for criminal activity, as well as
10 an FBI.

11 Q So here the terms, owners, officers and board member
12 are used to describe individuals that are identified in the
13 application; correct?

14 A Yes.

15 Q And the term board of directors isn't utilized
16 within this statute anywhere, is it?

17 A Not that I can recall a board of directors, no.

18 Q The term directors isn't used anywhere, either, is
19 it?

20 A I don't think so.

21 Q Okay. Now, going back to our list, Exhibit 130, the
22 ones as to --

23 MR. GRAF: If you could blow up the Clear River
24 numbers. It just doesn't blow it up, does it? If I can
25 approach the screen, Your Honor?

1 THE COURT: You may.

2 BY MR. GRAF:

3 Q Mr. Gilbert, we also went over some exhibits that
4 showed that Mr. Black was identified as the owner -- only
5 owner and the applicant. Do you recall that?

6 A Yes.

7 Q Exhibit 37A.

8 A Yes.

9 Q And then there are several individuals that are
10 identified there as -- two as prospective board members,
11 Flintie Williams and Tisha Black. Do you have any reason as
12 you sit here today to believe that they don't sit as board
13 members on that company?

14 A No, I don't.

15 Q Have you been given any information by anybody, even
16 during the testimony of this entire proceeding, that that is
17 not accurate?

18 A No.

19 Q Then these other individuals, Mr. Twiddy, Mr.
20 Biorick (phonetic), Mr. -- excuse me, Ms. Hart, Ms. Biorick,
21 Hardin, DeGraff, Hyatt, Desharon (phonetic), Gentile -- I
22 don't think there's any relation -- and McBride, those
23 individuals, do you have any reason to believe that they're
24 not now and at the time of the application employees of Clear
25 River?

1 A No, I don't.

2 Q Okay. Various attorneys asked you some questions
3 about NRS 86. I'm just going to ask you one question. Did
4 anybody show you any statute that said an LLC cannot have a
5 board?

6 A No.

7 Q Did any of these individuals show you any statute
8 that said that you couldn't have an officer of an LLC as
9 opposed to a member or manager?

10 A Not that I can recall, no.

11 MR. GRAF: Okay. Nothing further.

12 THE COURT: Thank you.

13 Redirect.

14 REDIRECT EXAMINATION

15 BY MR. KEMP:

16 Q Good afternoon, Mr. Gilbert.

17 A Good afternoon.

18 Q You told me awhile back that LLCs don't have board
19 members or that's your understanding? Was that your testimony
20 before?

21 A I don't know.

22 Q Do you want me to read it to you?

23 A Please.

24 Q You're not intending to change that today, are you?

25 A No.

1 Q All right. Well, let's skip over that, then. With
2 regards to the questions that you were just asked about Clear
3 River, Clear River listed Flintie Ray Williams and Tisha Black
4 as advisory board members. Do you understand that?

5 A I'd have to look at the application.

6 Q Okay. Flintie Ray Williams is a former Rebel
7 basketball player. Are you aware of that?

8 A I'm not.

9 Q And Tisha Black is Mr. Black's daughter. Did you
10 know that?

11 A I didn't.

12 Q And by having Mr. Williams, an African-American, and
13 the daughter, they managed to raise their diversity points by
14 2 points, 2 full points?

15 MS. SHELL: Objection. Argumentative.

16 THE COURT: Overruled.

17 BY MR. KEMP:

18 Q Do you understand that? Mr. Parker went through
19 that witness.

20 A Yeah, I'd have to look at the listing.

21 Q Okay. And that made them winners instead of losers
22 in unincorporated Clark County?

23 A I don't know if that --

24 Q Would you agree with me --

25 MR. GRAF: Your Honor, incomplete hypothetical in

1 that the rest of the application was also evaluated.

2 MR. KEMP: Well, if we took away the --

3 THE COURT: Overruled, Mr. Graf.

4 MR. GRAF: I'll take -- [inaudible].

5 BY MR. KEMP:

6 Q If we take away the 2 points they got by listing
7 these two people as advisory board members, the 2 diversity
8 points, they would have come in 11th in Clark County as
9 opposed to 10th. Are you following me?

10 A Yeah. But that could have happened with other
11 segments.

12 Q And in your view that's not right for people to list
13 minorities or women as just advisory board members to get
14 diversity points, that's not what the Department expected;
15 right?

16 MR. GRAF: Object as to form. Argumentative as to
17 what's right and unright.

18 THE COURT: Overruled.

19 MR. GRAF: Thank you, Your Honor.

20 THE COURT: Overruled. It would be right and wrong,
21 not right and unright.

22 MR. GRAF: Right and unright.

23 BY MR. KEMP:

24 Q Okay. That's not what you expected, that people
25 would list advisory board members to get diversity points?

1 A We relied on the information that they supplied in
2 their application.

3 Q You relied upon, but you didn't expect people to be
4 listing people that really weren't officers or directors of
5 the companies in the legal sense, you didn't expect that to be
6 happening, did you?

7 MR. GRAF: Objection, Your Honor. Assumes facts not
8 in evidence and now he's trying to testify to this Court.

9 THE COURT: Overruled. I already asked the witness
10 if he knew what OOD meant.

11 MR. GRAF: Yeah. I agree.

12 THE COURT: Okay. I started that process.

13 MR. GRAF: Thank you.

14 THE WITNESS: Can you repeat the question, sir?

15 BY MR. KEMP:

16 Q Let's use Mr. Parker's example of the Las Vegas
17 Aces, okay. Fifteen women on the basketball team. All women.
18 You didn't expect people just to go out and find groups of
19 women or minorities and list them as advisory board members to
20 get diversity points?

21 MS. SHELL: I have to object again, Your Honor.
22 This is just -- this is very argumentative.

23 THE COURT: Overruled.

24 MS. SHELL: Thank you, Your Honor.

25 THE WITNESS: No. We expected their ownership to

1 match what we had on record or with transfer of ownership in
2 the house.

3 BY MR. KEMP:

4 Q You expected it to be officers, owners and employees
5 that were actually officers, owners and -- or excuse me, board
6 members; right?

7 A We relied on the information that they submitted and
8 we also had on record with the Department.

9 Q Okay. Mr. Koch discussed the Planet 13 location on
10 D.I. with regards to its community impact. Do you recall
11 those questions?

12 A Yes.

13 Q Would I be correct that community impact is not even
14 a factor for someone who's moving locations as opposed to a
15 new application process?

16 A Can you repeat that one?

17 Q That was a change of location from the Sunset
18 address to the D.I. address; correct?

19 A Right.

20 Q Community impact didn't have anything to do with
21 that, did it?

22 A That change of location --

23 Q Right.

24 A -- in 2018?

25 Q Right.

1 A No, that doesn't. Zoning is involved.

2 Q Community impact had absolutely nothing to do with
3 the D.I. location; right?

4 A It didn't have anything to do with our transfer of
5 location process.

6 Q Okay. Now, Mr. Koch suggested to you that Planet 13
7 somehow cheated on the diversity portion of their application
8 by adding a new set of persons as officers and directors in
9 the August of '18 Secretary of State filing. Do you recall
10 those questions?

11 A I recall the questions regarding Planet 13.

12 MR. KEMP: Okay. Let's pop up Exhibit 5039, please.

13 BY MR. KEMP:

14 Q Okay. Do you see those people that Mr. Koch went
15 through with you?

16 A Yes.

17 Q Okay. And how many people are listed there --
18 different people?

19 A Is it four? I didn't catch that last page.

20 Q Go to the last page.

21 A Is it five?

22 Q Altogether there's five? Five?

23 A I can't see that last page, the second page. Then
24 if you could go up. It appears to be five.

25 Q Okay. And of those, Mr. Koch suggested to you that

1 Mr. Vargas was Hispanic and Ms. O'Neill was an African-
2 American; correct?

3 A Yes.

4 Q So if you had done a diversity rating based on five
5 people and two of them were diverse, that would have been
6 what?

7 A 20 percent?

8 Q 40 percent?

9 A 40 percent.

10 Q That would have been how many out of 20? It would
11 have been 8?

12 A I'd have to look at that chart.

13 Q In fact, I think that would have been 12, actually.
14 Do you want to look at the actual --

15 A No, we don't have to.

16 Q Okay. But that's not what Planet 13 got, is it?
17 Planet 13 got a 4 on their diversity rating, didn't they?

18 A I don't know. I'd have to look at it.

19 Q Okay. Well, we've been through -- assume for me
20 that Planet 13 got a 4, not some kind of a higher figure based
21 on what Mr. Koch says they manipulated the system to get. Can
22 you explain to me why Planet 13 got a 4 instead of the higher
23 40 percent figure?

24 A I'd have to look at the application and actually
25 talk to the evaluators.

1 Q Well, the reason is because Planet 13, unlike Nevada
2 Organic Remedies, Planet 13 included all of their Canadian
3 officers and directors in their owners. Isn't that -- we went
4 through this before, do you recall?

5 A I'd have to go back through it.

6 Q Would you agree with me that we should have done it
7 the same way for everybody? In other words, if Planet 13
8 listed their officers and directors from their Canadian public
9 company and as a result got a relatively low diversity rating,
10 other applicants such as NOR that had publicly traded parent
11 companies should have also listed their officers and
12 directors. Would you agree with me on that?

13 A Again, I'd have to refer to the evaluators and see
14 what they evaluated and the criteria that they extracted out
15 of the application.

16 Q Well, isn't it true that the Department told Planet
17 13, gave them express direction that they should list the
18 officers and directors of their Canadian publicly owned
19 company?

20 A I'm not aware of that.

21 Q You're not aware of that?

22 A I don't recall, uh-uh.

23 Q And is there any reason that you can give me as to
24 why one Canadian public company should do it one way and
25 another should do it another way when we're trying to

1 determine diversity?

2 A No, I can't.

3 Q It should be the same; right?

4 A They should have supplied the information asked for
5 in the application.

6 Q Okay. Let's take a look at the questions Mr.
7 Shevorski asked you with regards to the MM building section,
8 okay. If you remember, the primary issue here was whether or
9 not Planet 13 should have -- and by that I mean MM Development
10 -- should have got a 20 because an existing building could
11 obviously be built in 12 months, or whether it was justifiable
12 that they got the 15.33 that they actually got. You remember
13 that being the primary issue; right? Right, when we discussed
14 this?

15 A When you and I did, yes.

16 Q Right. Now, Mr. Shevorski seems to be suggesting
17 that the graders gave a 15.33 because somehow they didn't
18 understand that that was a fully operational building at the
19 time they graded the application. First of all, was that your
20 understanding what he was trying to suggest to you?

21 A No.

22 Q Okay. Do you know why the graders gave Planet 13 a
23 15.33 instead of 20?

24 A I don't specifically. I don't know. I'd have to
25 refer to them and see what they pulled out of that floor plan.

1 Q So everything that you and Mr. Shevorski were
2 talking about was speculation on your part as to why they may
3 have graded it lower?

4 A I don't -- I don't agree with that.

5 MR. KEMP: Okay. Let's pop up Exhibit 20, page 9
6 again, please.

7 BY MR. KEMP:

8 Q Okay. In your review, Mr. Gilbert, does not this
9 description clearly state -- clearly state that the existing
10 building is going to be operational until November 1st?

11 A Can you repeat the question, sir?

12 Q It says specifically that the facility was fully
13 operational at the time the application was filed; correct?
14 Correct?

15 A It does say that.

16 Q Okay. And it says that they're going to continue in
17 operations until November 1st at that location; right? Is that
18 exactly what it says?

19 A It does say that in there.

20 Q And this application, the building section was
21 graded in October 2018, was it not?

22 A I'm not sure when -- what the date was.

23 MR. KEMP: Can you pop that up for him, please?

24 BY MR. KEMP:

25 Q What was the date it was graded, sir?

1 A Uh, can you scroll over? October.

2 Q So on the exact date that the building portion of
3 this application was graded, the applicant indicated and in
4 fact was operating a marijuana dispensary; correct?

5 A I don't know if they were open.

6 Q You don't know when your Department approved the
7 change of location from the Sunset to the D.I. location on
8 November 1st? You don't know --

9 A I don't know the date that they actually became
10 operational in their new facility.

11 Q Well, the date that it says on the application is
12 November 1st; correct?

13 A Okay.

14 Q You don't know one way or the other whether that's
15 the actual date?

16 A I don't.

17 Q Okay. So when you and Mr. Shevorski were speculating
18 that they got less than a 20 grade because the graders would
19 not have understood that the building was operational, that's
20 just what it was, it was speculation; right?

21 A No. I think they looked at the information that
22 was provided in the application, the floor plan and the
23 information provided.

24 Q They looked at the information provided that said
25 that there was an existing dispensary in operation on the date

1 that the application was graded and they determined the points
2 should be lower because it could not be built in 12 months.

3 Is that your testimony?

4 A No, it's not. And again, I'd have to refer to the
5 evaluators to get specific information on the scoring.

6 Q And you haven't done that?

7 A I haven't.

8 Q Okay. So this could have been a mistake. It
9 probably was a mistake, wasn't it?

10 A I don't think so. I mean, again, I didn't evaluate
11 it.

12 Q You think that it was a reasonable way for someone
13 to determine that an existing building that was in operation
14 on the date that the application was scored, you think there's
15 some way that someone could reasonably determine that that
16 operation couldn't be built in 12 months? You think so?

17 A Well, I'd have to look at the criteria that was
18 evaluated, speak to the evaluators and find out what
19 determination they made to give it 15.3 or whatever it was.

20 Q Okay. Let's talk about the factual representation
21 Mr. Shevorski made to the Court that the lease payments by
22 Planet 13 were not included in the application. Do you
23 remember that?

24 A Yes.

25 Q Okay. Do you know that to be true?

1 A I don't remember his question.

2 Q Did you go back to the application, the unredacted
3 portion, and look and see what was in it?

4 A No.

5 Q And so if I told you that Planet 13 had redacted the
6 actual lease payments in what was submitted to the Court
7 because that's proprietary information, but it had given you,
8 the Department, the actual lease payments for the grading, you
9 wouldn't dispute that, would you?

10 A I would have to go back and look and talk to the
11 evaluators.

12 Q You didn't do that, did you? You speculated with
13 Mr. Shevorski that those lease payments were not included.
14 That's what you did, didn't you?

15 MR. SHEVORSKI: Objection. Misstates testimony.

16 THE COURT: Overruled.

17 THE WITNESS: I mean, if they weren't in there they
18 wouldn't have been counted.

19 BY MR. KEMP:

20 Q If they were in there, the information was available
21 to the graders; right?

22 A Yes, it would have been.

23 Q Okay. And the reason you thought that was important
24 is you thought that somehow Planet 13 didn't provide a full
25 picture of their expenses? That was the suggestion that you

1 and Mr. Shevorski were attempting to make to the Court; right?

2 A Well, I would have to -- I'd have to talk to the
3 evaluators. I mean, because their score didn't reflect a full
4 point evaluation or criteria.

5 Q The 15.33 score didn't reflect the full 20 they
6 should have got; right?

7 A Well, and I can't speculate on the reason why.

8 Q Well, maybe the reason is what you and Mr. Shevorski
9 indicated, that these people just weren't smart enough to
10 determine that that building was in existence and operational
11 at the time the application was graded. That's the
12 explanation you and Mr. Shevorski have come up with. Can you
13 think of any other?

14 A I would have to look at the application. I don't --
15 I didn't evaluate the application.

16 Q We just looked at the application. You agreed with
17 me that it's clear that that building was in operation at the
18 time it was graded. We just looked at it.

19 MS. SHELL: Objection. Misstates testimony.

20 THE COURT: Overruled.

21 THE WITNESS: But all the other criteria, that was
22 evaluated along with that one little aspect of it.

23 BY MR. KEMP:

24 Q When the objective is to determine whether a
25 building can be built in 12 months, what more do you need than

1 that there's an existing building in operation at the time
2 that the application is graded? What other factor do you
3 need, sir?

4 A And again, I'd have to look at the application and
5 see what was put in it.

6 Q Here it is. Here it is.

7 THE COURT: And if you need him to move pages so you
8 can see more of the application, let us know.

9 THE WITNESS: Okay. Thank you, Your Honor.

10 THE COURT: Mr. Kemp, about how much longer do you
11 think you have?

12 MR. KEMP: I have one other area, Your Honor.

13 THE COURT: And when you say one other area, is it a
14 long area or --

15 MR. KEMP: It's a five minute area.

16 THE COURT: Okay. Do any of the other -- How long?

17 MR. GENTILE: It depends on the answers, but fifteen
18 minutes.

19 THE COURT: Okay.

20 THE WITNESS: Well, the information here indicates
21 that on or -- to be completed on or around November 1st.

22 BY MR. KEMP:

23 Q The information there says they're going to move to
24 the new location on or around November 1st?

25 A Correct.

1 Q If this was all you had, Mr. Gilbert, is there any
2 way you could determine that this building, this existing
3 building on Sunset Road would not be ready for a dispensary in
4 less than 12 months? Any way you could reasonably make that
5 conclusion?

6 A Not based on this information.

7 Q So they should have got the 20; right?

8 A Well, I can't say that. I'd have to look at -- I'd
9 have to look at the entire application.

10 Q We're looking at it. Okay, let me move to my next
11 area. You had some questions from counsel about the LivFree
12 financial situation?

13 A Yes.

14 Q And the fundamental problem here was LivFree got a
15 12.33 instead of a 40 on the financial section; right?

16 A Yes.

17 Q And if you recall, we went over it last time and
18 basically everybody got a 40, all the top -- the top ten in
19 Clark County got a 40, the top ten in Las Vegas. The top
20 twenty got a 40 in Clark County and Las Vegas. Do you
21 remember that?

22 A I don't recall specifically going over those.

23 Q Okay. Now, would I be correct that you do not know
24 why the graders didn't give the 40? You didn't ask them;
25 right?

1 A No, I didn't. I didn't challenge their scores.

2 Q So when you and Mr. Shevorski were nit-picking the

3 LivFree application, you were speculating, speculating as to

4 what may have been important and not important?

5 A I think what Mr. Shevorski presented was clear.

6 Q Okay. Well, the last time I was asking questions to

7 you, I asked you if cash was cash and you said yes. And I

8 asked you if there's anything more liquid than cash and you

9 said no. And I showed you the two million dollars in the

10 vault and you said that should have met the \$250,000

11 requirement. Do you remember that testimony?

12 A I think I do, yes.

13 Q Okay. You're not changing that, are you?

14 A No.

15 Q So if some grader didn't give LivFree full points

16 because of this \$250,000 liquid requirement, that's

17 inconsistent with what you would do; right?

18 A Well, again, you know, what they're looking for in

19 the application was proof that the money was there.

20 Q Okay. What did you want, pictures of the money in

21 the vault? What did you want?

22 A No.

23 MS. SHELL: Objection. Argumentative.

24 THE COURT: Overruled.

25 //

1 BY MR. KEMP:

2 Q Now, you and Mr. Shevorski talked a little bit about
3 a \$20,000 debit on LivFree. Remember that?

4 A Yes, I do.

5 Q And you do know that the owners of LivFree have --
6 MR. KEMP: Can I have the financial sheet, please?

7 BY MR. KEMP:

8 Q The financial net worth was well over 200 million;
9 right?

10 A I remember seeing that, yes.

11 Q Yeah. That was probably, I don't know, one of the
12 highest of all these applications; right?

13 A I don't know.

14 Q For someone who wasn't involved in a publicly traded
15 company, that was one of the highest, was it not?

16 A I wouldn't know. I didn't evaluate them.

17 Q Okay. Can you tell me specifically, do you have any
18 knowledge whatsoever as to why LivFree didn't get the 40
19 points? I'm not asking you to speculate. I'm asking if you
20 know why.

21 A I would have to look at the evaluation sheets and
22 talk to the evaluators.

23 Q Okay. Well, I've looked at the evaluation sheet and
24 I can't figure it out, but I haven't been able to talk to the
25 evaluators. Have you done that?

1 A I have not -- not specifically about certain scores.

2 Q And then, finally, there was some testimony that you
3 gave that the LivFree bank statement should have said LivFree
4 as opposed to --

5 THE COURT: Billco.

6 BY MR. KEMP:

7 Q Billco. Do you recall that testimony?

8 A Yes.

9 Q And I thought I went over this with you. Isn't it
10 true that a dispensary cannot open it's own financial account
11 in a bank? Isn't that true?

12 A I don't know if that's true or not, sir.

13 Q Have you heard that statement made?

14 A I have heard banking is very challenging.

15 Q Okay. Would I be correct that none of the 462
16 applicants filed bank statements in their own name showing
17 that they had liquid assets?

18 A I wouldn't know if that was the case or not.

19 Q But you think LivFree should be -- should lose
20 points because they used Billco instead of LivFree. That's
21 what you're saying?

22 A I think they were evaluated probably consistently
23 with everybody else that submitted the same type of
24 documentation.

25 Q So by that you mean they should have got 40 points?

1 A No. Or the other way around. It could have
2 happened the other way around for other applicants.

3 Q The other people should have got the 12.33; right?

4 A No.

5 Q Okay. Which way is it? LivFree gets more, others
6 get less?

7 A Can you repeat the question?

8 Q Okay. Assuming for the sake of argument that none
9 of the other 462 applications were able to produce bank
10 statements from federally-guaranteed banks showing that they
11 had two-fifty liquid, okay, assuming that to be the case and
12 that what they actually did was produce, just like LivFree
13 did, bank statements for other entities, they should have been
14 graded the same way; right?

15 A Yes.

16 Q So if they got 40 based on that presentation,
17 LivFree should have got the 40; right?

18 A It should have been done fair and consistently.

19 MR. KEMP: Thank you.

20 THE COURT: Thank you, sir.

21 Mr. Gentile, you have 16 minutes or less.

22 REDIRECT EXAMINATION

23 BY MR. GENTILE:

24 Q Mr. Gilbert, just to clarify something you said in
25 response, I think, to Mr. Shevorski or maybe Mr. Koch. Am I

1 to understand that the Department of Taxation, when burdened
2 with the duty and responsibility to create regulations did not
3 recruit people from Washington or Oregon or California or
4 Colorado that already had experience in doing so? Is that
5 what I'm to understand?

6 A Can you clarify that question?

7 Q Sure. Washington, that's a state, Oregon is right
8 below it, California is right below that. Colorado is a
9 little bit to our east, all right. They all had already in
10 place marijuana sales to the public, okay.

11 A Yes.

12 Q And they all had already developed those
13 regulations. Have you got that part so far?

14 A I do. Yes.

15 Q Okay. Am I to understand that the State of Nevada,
16 the Department of Taxation, the director, all of those people
17 up the chain down to you did not recruit experienced people
18 from those states to perform the function of the evaluators,
19 sir?

20 A We didn't recruit those states.

21 Q So the answer to my question is, yes, I'm right, you
22 didn't do it?

23 A We didn't recruit from those states you said.

24 Q All right. You went to Manpower?

25 A We recruited --

1 Q Sir, you went to Manpower; right?

2 A We processed the contractors through Manpower.

3 Q Because the State had a contract with Manpower?

4 A That's right.

5 Q Okay. All right, thank you. With regard to

6 charitable -- now, Mr. Shevorski, my pal, said that -- he

7 asked you a bunch of questions about whether security was

8 possibly something related to operations, whether economic

9 security was possibly something, human resources possibly

10 something. Now let's get down to these, finance possibly

11 something, marketing possibly something, business strategy

12 possibly something, physical operations possibly something,

13 inventory management possibly something or management of

14 people possibly something that might be related to the

15 operation of a marijuana facility. Remember those questions?

16 A Yes.

17 Q Okay. The Department of Taxation was not tasked

18 with giving business advice to the people that ultimately

19 would get licenses, am I right?

20 A You're right. Yes.

21 Q Okay. You were tasked with finding qualifications;

22 correct?

23 A Through the application process, yes.

24 Q And the qualifications had to be directly and

25 demonstrably related to the operation of a marijuana retail

1 establishment; right?

2 A Based on that citation of the statute.

3 Q Yeah, based on the law; right?

4 A Yeah.

5 Q Okay. Now, you would agree, sir, that the color of

6 a uniform that the people wear in a store might possibly be

7 related to the success of the operation, wouldn't you?

8 A I believe so.

9 Q And you would agree, sir, that if a frog had wings,

10 he might possibly not hit his butt on the ground; right?

11 MS. SHELL: I would object. I just don't know what

12 the objection is.

13 THE COURT: Sustained. Can we rephrase your

14 question? Because, remember, you've only got 12 minutes left.

15 BY MR. GENTILE:

16 Q Okay. Charitable contributions on these

17 applications -- you saw the applications, you helped design

18 the application; right?

19 A Yes.

20 Q It has a place to disclose charitable contributions?

21 A It had a category, yes.

22 Q Right. And the disclosure would indicate how much

23 was given and to whom; right?

24 A Yes.

25 Q Okay. Did you ever hear of the First Amendment?

1 A I've heard of it.

2 Q Okay. It has --

3 MS. SHELL: Objection as to relevance.

4 THE COURT: Overruled.

5 BY MR. GENTILE:

6 Q The Constitution of the United States is irrelevant,

7 according to one of the counsel in this case, but let's --

8 THE COURT: I know Ms. Shell thinks it's relevant.

9 MR. GENTILE: Okay.

10 THE COURT: Okay, keep going.

11 BY MR. GENTILE:

12 Q You've heard of separation of church and state?

13 A Yes.

14 Q Okay. Would you agree, sir, that if I would have

15 given 50,000 -- if I'm an applicant and I give \$50,000 or

16 \$100,000 to the Daughters of the Satanic Revolution, that that

17 might catch somebody's eye in terms of an evaluator?

18 A I think it would.

19 Q Yeah. And it might not catch it in a nice way; fair

20 to say?

21 A Possibly, yes.

22 Q I think you said that if a person that your

23 definition of diversity -- met that definition, which appeared

24 to me to be primarily gender or race, that if that person was

25 listed in the diversity section on the application and the

1 diversity section was scored based on that person, that it
2 didn't matter to the Department of Taxation if after the
3 license was issued that person was no longer a board member or
4 no longer an owner. Is that what you said?

5 A Well, there would be a transfer of interest or a
6 CHOW submitted.

7 Q Well, what if they weren't an owner? What if they
8 were just a board member? What if they were just an officer?
9 That's not a transfer of interest.

10 A Well, we would have seen that in the comparison of
11 what was in the application versus on their account.

12 Q Right. Yeah, but it was already granted. You
13 wouldn't have done anything about it, would you, because you
14 no longer had power to?

15 A I'm not sure I'm understanding your question.

16 Q In other words, sir, it speaks directly to why
17 diversity should not have been a category because it didn't
18 matter to you that they -- after the license was issued
19 whether those people were still there or not. Do you
20 understand that?

21 A Uh --

22 Q And that's been your testimony?

23 A I don't believe so.

24 Q Okay. The record will bear it out. Finally, I have
25 looked at the initiative, I've looked at the statute, and I

1 don't see anything in either one that says the deadline for
2 the Department of Taxation to issue the conditional licenses,
3 do you?

4 A There was -- if I understand your question
5 correctly, there was a section in the regulations --

6 Q You didn't understand my question because you just
7 said regulations and that word wasn't in my question, so
8 please listen to my question.

9 A All right.

10 Q I don't see anything in the statute or in the ballot
11 initiative that said that by December 5th of 2018 those
12 conditional licenses had to be issued. Would you agree that
13 the statute and the initiative didn't say that?

14 A I can't recall something in there specifically to
15 that.

16 Q The regulations said it?

17 A I believe so.

18 Q The regulations said it.

19 A Yes, I believe so.

20 Q And the regulations were made up by the Department
21 of Taxation; correct?

22 A Yes.

23 Q Okay. What was the hurry?

24 A What was the hurry to get --

25 Q Yeah.

1 A -- to get all the conditional licenses?

2 Q What was the hurry?

3 A Well, there was in the regulations --

4 Q In the regulations. What was the hurry to make that

5 the deadline?

6 A It's in the --

7 Q Let me ask it in a different way, sir. You said

8 that the FBI background checks back in 2014, some of them took

9 two months; right?

10 A Yeah, for a period of time.

11 Q All right. You would agree, would you not, that in

12 2014 there were no publicly traded companies operating medical

13 marijuana facilities in Nevada, would you not?

14 A I'd have to go back and look, but I'm pretty sure

15 there wasn't any publicly traded companies.

16 Q Okay, thank you. I'll take pretty sure for an

17 answer, okay. Now, based on pretty sure, based on -- back in

18 2014, what was the FBI asked to do in terms of background

19 checks?

20 A Just to run the FBI background check.

21 Q Just to run the -- But what did that entail? Do you

22 know what that entailed?

23 A I don't.

24 Q You don't. Okay.

25 A We received a report back from the FBI.

1 Q All right. Sir, you know what the FBI is, I'm sure,
2 and you've heard of the Drug Enforcement Administration;
3 right?

4 A Yes.

5 Q All right. The FBI has a file -- excuse me --
6 called the Counterdrug Information Indices System. Have you
7 ever heard of that?

8 A No, I have not.

9 Q Do you know what's in that?

10 A No.

11 Q It contains the names of individuals who relate in
12 any manner to official FBI drug law enforcement investigations
13 including but not limited to subjects of those investigations,
14 suspects, victims, witnesses and close relatives and
15 associates who are relevant to an investigation. Do you
16 understand that?

17 A I believe that's what it says.

18 Q All right. Now, you would agree, would you not,
19 back in 2014 and in 2018 the people who were being
20 backgrounded by the FBI were basically telling the FBI, look,
21 we're about to go out and commit a federal drug offense.
22 Would you agree with that?

23 A I don't know if I can answer to them.

24 Q Well, I think the judge could answer it and I think
25 anybody in this room can. It is a federal drug offense to

1 sell marijuana, isn't it?

2 A Yes, it is.

3 Q And you were asking the FBI that's in charge of
4 enforcing that law to background these people?

5 A That's what the -- we aren't asking them. That's
6 what the statute, I'm pretty sure --

7 Q The statute didn't say FBI. The statute said
8 background check. You asked them, sir, okay?

9 A Through the -- well, the regulations did.

10 Q Now -- Oh, the regulations.

11 THE COURT: You've got five minutes

12 MR. GENTILE: I've got five minutes.

13 THE COURT: And that's because Mr. Parker spent so
14 much time, I'm not giving him a chance again.

15 MR. PARKER: I don't need it. I'm good, Your Honor.

16 BY MR. GENTILE:

17 Q That system, sir, that system has automated indices
18 of information located in drug law enforcement case files of
19 the FBI, and examples in the case files include those
20 concerning distributing of controlled substances, continuing
21 criminal enterprises, racketeering enterprises, organized
22 crime drug enforcement task force cases and organized crime
23 drug intelligence cases. Do you understand that?

24 A I believe what you're reading is true.

25 Q All right. Do you think that it would behoove the

1 State of Nevada and therefore your Department that is charged
2 with finding qualified people to become involved in our now
3 federally illegal but state embraced business to learn if the
4 people that are applying as owners fit the description of any
5 of those things?

6 A I don't -- that's not my responsibility to make
7 those decisions.

8 Q No, I know. Somebody else. Do you understand that
9 both the FBI and DEA and other law enforcement agencies as may
10 participate in the counterdrug investigative information
11 sharing program can obtain that information?

12 A Can you repeat that?

13 Q But it might take two months.

14 A Can you repeat what you just said?

15 Q Sure. Do you understand that access to this system,
16 this intelligence database that involves people that were
17 selling drugs before it became legal in Nevada and other
18 people around them, they didn't have to be convicted of
19 anything, didn't have to be arrested for anything, that the
20 State of Nevada could get access to that data through the FBI?

21 A Yes.

22 Q But the State of Nevada didn't try it, did it?

23 A We did not access that database.

24 MR. GENTILE: Thank you.

25 THE COURT: Thank you. Does anyone else have any

1 questions within the next three minutes for this witness?

2 Thank you, sir. I would leave now. Go back to
3 Carson City before they change their mind.

4 THE WITNESS: Thank you, Your Honor.

5 THE COURT: And I again apologize to you for all the
6 inconvenience we put you through.

7 THE WITNESS: It's quite all right, Your Honor.
8 Thank you.

9 THE COURT: All right. Gentlemen, this half day
10 more witness took an entire day. My list shows that we're
11 seeing Pupo, Anderson, Groesbeck, Hawkins, a gaming
12 enforcement expert, Hernandez and Cronkhite. Who do we see
13 tomorrow morning at nine o'clock?

14 MR. GENTILE: Mr. Pupo, I guess, right?

15 THE COURT: Is that the answer to the question?

16 MR. SHEVORSKI: I don't know. It's still their
17 case.

18 THE COURT: Is Mr. Pupo coming tomorrow morning at
19 nine o'clock? Is he back from vacation?

20 MR. SHEVORSKI: He's here.

21 THE COURT: Great. It's so nice to meet you, sir.
22 I hope you had a good vacation.

23 MR. PUPO: It was all right.

24 THE COURT: All right. We'll see you at nine
25 o'clock in the morning.

1 MR. GENTILE: Your Honor, with regard to our gaming
2 expert, I may need to call him out of order.

3 THE COURT: Okay.

4 MR. GENTILE: He's in Melbourne, Australia right now
5 but he'll be back Friday and I'm anticipating we won't be done
6 Thursday.

7 THE COURT: Me, too.

8 MR. GENTILE: Okay, thank you.

9 MR. KOCH: Can we leave items in here, leave bins
10 here?

11 THE COURT: You can leave everything except your
12 electronic devices. As Mr. Bult found out, your electronic
13 devices may grow legs and walk off. You're welcome to leave
14 all of your boxes there. No one will be in court tomorrow at
15 all but you in the morning.

16 (Court recessed at 4:44 p.m. until the following day,
17 Wednesday, June 19, 2019 at 9:00 a.m.)

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PLAINTIFFS' WITNESSES

| | | | | |
|---------------|--|---------|---------|--|
| Steve Gilbert | | 3/61/98 | 101/120 | |
|---------------|--|---------|---------|--|

* * *

EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
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PLAINTIFFS' EXHIBIT NO.

None admitted in afternoon session

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DEFENDANTS' EXHIBIT NO.

| | |
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| 5039 | 80 |
| 5040 | 76 |

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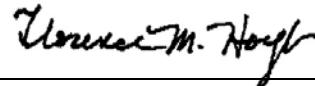
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

6/19/19

DATE

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 26 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 19 | ANSWER TO COMPLAINT | 8 | 5/20/2019 | 001042-001053 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |

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| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |
| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |

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| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 45 | CORRECTED FIRST AMENDED COMPLAINT. | 34 | 7/11/2019 | 003950-003967 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |
| 50 | ANSWER TO CORRECTED FIRST AMENDED COMPLAINT | 37 | 7/15/2019 | 004414-004425 |
| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |

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| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |

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| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 374 | DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 10/30/2020 | 048131-048141 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |

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| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITITES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

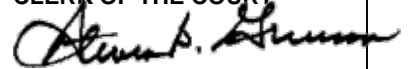
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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Tropicana, LLC, Essence Henderson, LLC,
CPCM Holdings, LLC d/b/a Thrive Cannabis
Marketplace, and Commerce Park Medical L.L.C.,
Cheyenne Medical LLC*

DISTRICT COURT
CLARK COUNTY, NEVADA

SERENITY WELLNESS CENTER, LLC, a
Nevada limited liability company, TGIG, LLC,
a Nevada limited liability company, NULEAF
INCLINE DISPENSARY, LLC, a Nevada
limited liability company, NEVADA
HOLISTIC MEDICINE, LLC, a Nevada limited
liability company, TRYKE COMPANIES SO
NV, LLC, a Nevada limited liability company,
TRYKE COMPANIES RENO, LLC, a Nevada
limited liability company, PARADISE
WELLNESS CENTER, LLC, a Nevada limited
liability company, GBS NEVADA PARTNERS,
LLC, a Nevada limited liability company,
FIDELIS HOLDINGS, LLC, a Nevada limited
liability company, GRAVITAS NEVADA,
LLC, a Nevada limited liability company,
NEVADA PURE, LLC, a Nevada limited

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

**DEFENDANTS' ANSWER TO
PLAINTIFFS' COMPLAINT WITH
COUNTERCLAIM**

liability company, MEDIFARM, LLC, a Nevada limited liability company, DOE PLAINTIFFS I through X; and ROE ENTITY PLAINTIFFS I through X,

Plaintiffs,

vs.

THE STATE OF NEVADA, DEPARTMENT OF TAXATION,

Defendants.

INTEGRAL ASSOCIATES, LLC d/b/a ESSENCE CANNABIS DISPENSARIES, a Nevada limited liability company; ESSENCE TROPICANA, LLC, a Nevada limited liability company; ESSENCE HENDERSON, LLC, a Nevada limited liability company; CPCM HOLDINGS, LLC d/b/a THRIVE CANNABIS MARKETPLACE, COMMERCE PARK MEDICAL L.L.C., a Nevada limited liability company; and CHEYENNE MEDICAL LLC, a Nevada limited liability company; a Nevada limited liability company.

Defendants in Intervention.

And All Related Actions

Defendants in Intervention, INTEGRAL ASSOCIATES, LLC d/b/a ESSENCE CANNABIS DISPENSARIES, ESSENCE TROPICANA, LLC, ESSENCE HENDERSON, LLC, CPCM HOLDINGS, LLC d/b/a THRIVE CANNABIS MARKETPLACE, and COMMERCE PARK MEDICAL L.L.C., CHEYENNE MEDICAL LLC (collectively “Defendants”), by and through their attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES, hereby answers the Complaint filed by plaintiffs, SERENITY WELLNESS CENTER, LLC, TGIG, LLC, NULEAF INCLINE DISPENSARY, NEVADA HOLISTIC MEDICINE, LLC, TRYKE COMPANIES SO NV, LLC, TRYKE COMPANIES RENO, LLC, PARADISE WELLNESS CENTER, LLC, GBS NEVADA PARTNERS, LLC, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, LLC, NEVADA PURE, LLC, and MEDIFARM, LLC (collectively “Plaintiffs”), as follows:

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1 Defendants deny each and every allegation in the Complaint except those allegations which
2 are hereinafter admitted, qualified, or otherwise answered.

3 **I.**

4 **PARTIES, JURISDICTION, AND VENUE**

5 1. Answering paragraph 1 of the Complaint, Defendants are without sufficient knowledge
6 or information as to the truth or falsity of the allegations contained therein, and on that basis deny
7 these allegation.

8 2. Answering paragraph 2 of the Complaint, Defendants are without sufficient knowledge
9 or information as to the truth or falsity of the allegations contained therein, and on that basis deny
10 these allegations.

11 3. Answering paragraph 3 of the Complaint, Defendants are without sufficient knowledge
12 or information as to the truth or falsity of the allegations contained therein, and on that basis deny
13 these allegations.

14 4. Answering paragraph 4 of the Complaint, Defendants are without sufficient knowledge
15 or information as to the truth or falsity of the allegations contained therein, and on that basis deny
16 these allegations.

17 5. Answering paragraph 5 of the Complaint, Defendants are without sufficient knowledge
18 or information as to the truth or falsity of the allegations contained therein, and on that basis deny
19 these allegations.

20 6. Answering paragraph 6 of the Complaint, Defendants are without sufficient knowledge
21 or information as to the truth or falsity of the allegations contained therein, and on that basis deny
22 these allegations.

23 7. Answering paragraph 7 of the Complaint, Defendants are without sufficient knowledge
24 or information as to the truth or falsity of the allegations contained therein, and on that basis deny
25 these allegations.

26 8. Answering paragraph 8 of the Complaint, Defendants are without sufficient knowledge
27 or information as to the truth or falsity of the allegations contained therein, and on that basis deny
28 these allegations.

9. Answering paragraph 9 of the Complaint, Defendants are without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis deny these allegations.

10. Answering paragraph 10 of the Complaint, Defendants are without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis deny these allegations.

11. Answering paragraph 11 of the Complaint, Defendants are without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis deny these allegations.

12. Answering paragraph 12 of the Complaint, Defendants are without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis deny these allegations.

13. Answering paragraph 13 of the Complaint, Defendants admit these allegations.

14. Answering paragraph 14 of the Complaint, Defendants are without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis deny these allegations.

15. Answering paragraph 15 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants are without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis deny these allegations.

II.

GENERAL ALLEGATIONS

16. Answering paragraph 16 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or regulations. To the extent a response is required and the allegations accurately state the laws or regulations referenced therein, Defendants admit these allegations.

17. Answering paragraph 17 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or

1 regulations. To the extent a response is required and the allegations accurately state the laws or
2 regulations referenced therein, Defendants admit these allegations.

3 18. Answering paragraph 18 of the Complaint, no response is required as the allegations
4 contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or
5 regulations. To the extent a response is required and the allegations accurately state the laws or
6 regulations referenced therein, Defendants admit these allegations.

7 19. Answering paragraph 19 of the Complaint, no response is required as the allegations
8 contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or
9 regulations. To the extent a response is required and the allegations accurately state the laws or
10 regulations referenced therein, Defendants admit these allegations.

11 20. Answering paragraph 20 of the Complaint, no response is required as the allegations
12 contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or
13 regulations. To the extent a response is required and the allegations accurately state the laws or
14 regulations referenced therein, Defendants admit these allegations.

15 21. Answering paragraph 21 of the Complaint, no response is required as the allegations
16 contained therein reference a document that speaks for itself. To the extent a response is required and
17 the allegations accurately state the contents of the document referenced therein, Defendants admit
18 these allegations.

19 22. Answering paragraph 22 of the Complaint, Defendants admit these allegations.

20 23. Answering paragraph 23 of the Complaint, Defendants admit these allegations.

21 24. Answering paragraph 24(a)-(h) of the Complaint, no response is required as the
22 allegations contained therein are Plaintiffs' legal conclusions or statements regarding the content of
23 laws or regulations. To the extent a response is required and the allegations accurately state the laws
24 or regulations referenced therein, Defendants admit these allegations.

25 25. Answering paragraph 25 of the Complaint, no response is required as the allegations
26 contained therein reference a document that speaks for itself. To the extent a response is required and
27 the allegations accurately state the contents of the document referenced therein, Defendants admit
28 these allegations.

1 26. Answering paragraph 26 of the Complaint, no response is required as the allegations
2 contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or
3 regulations. To the extent a response is required and the allegations accurately state the laws or
4 regulations referenced therein, Defendants admit these allegations.

5 27. Answering paragraph 27 of the Complaint, no response is required as the allegations
6 contained therein are Plaintiffs' legal conclusions or statements regarding the content of laws or
7 regulations. To the extent a response is required, Defendants deny these allegations.

8 28. Answering paragraph 28 of the Complaint, Defendants admit that the Department of
9 Taxation announced it would issue recreational retail store conditional licenses no later than
10 December 5, 2018. Defendants deny these allegations to the extent that it imposes a legal obligation
11 on the Department that is inconsistent or outside of the requirements set forth in Section 4 of NRS
12 453D.210.

13 29. Answering paragraph 29 of the Complaint, Defendants are without sufficient
14 knowledge or information as to the truth or falsity of the allegations contained therein, and on that
15 basis deny these allegations.

16 30. Answering paragraph 30 of the Complaint, Defendants are without sufficient
17 knowledge or information as to the truth or falsity of the allegations contained therein, and on that
18 basis deny these allegations.

19 31. Answering paragraph 31 of the Complaint, Defendants are without sufficient
20 knowledge or information as to the truth or falsity of the allegations contained therein, and on that
21 basis deny these allegations.

22 32. Answering paragraph 32 of the Complaint, Defendants are without sufficient
23 knowledge or information as to the truth or falsity of the allegations contained therein, and on that
24 basis deny these allegations.

25 33. Answering paragraph 33 of the Complaint, no response is required as the allegations
26 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
27 deny these allegations.

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34. Answering paragraph 34 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

35. Answering paragraph 35 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

III.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF
(Violation of Civil Rights)

(Due Process: Deprivation of Property)

(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)

36. Answering paragraph 36 of the Complaint, Defendants repeat and reallege their answers to paragraphs 1 through 35 above, and incorporate the same herein by reference as though fully set forth herein.

37. Answering paragraph 37 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants are without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis deny these allegation.

38. Answering paragraph 38 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants are without sufficient knowledge or information as to the truth or falsity of the allegations contained therein, and on that basis deny these allegation.

39. Answering paragraph 39 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

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1 40. Answering paragraph 40 of the Complaint, no response is required as the allegations
2 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
3 deny these allegations.

4 41. Answering paragraph 41 of the Complaint, no response is required as the allegations
5 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
6 deny these allegations.

7 42. Answering paragraph 42 of the Complaint, no response is required as the allegations
8 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
9 deny these allegations.

10 43. Answering paragraph 43 of the Complaint, no response is required as the allegations
11 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
12 deny these allegations.

13 44. Answering paragraph 44 of the Complaint, no response is required as the allegations
14 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
15 deny these allegations.

16 45. Answering paragraph 45 of the Complaint, no response is required as the allegations
17 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
18 deny these allegations.

19 46. Answering paragraph 46 of the Complaint, no response is required as the allegations
20 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
21 deny these allegations.

22 47. Answering paragraph 47 of the Complaint, no response is required as the allegations
23 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
24 deny these allegations.

25 48. Answering paragraph 48 of the Complaint, no response is required as the allegations
26 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
27 deny these allegations.

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1 49. Answering paragraph 49 of the Complaint, no response is required as the allegations
2 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
3 deny these allegations.

4 50. Answering paragraph 50(a)-(g) of the Complaint, no response is required as the
5 allegations contained therein are not factual in nature and/or contain legal conclusions. To the extent
6 a response is required, Defendants deny these allegations.

7 51. Answering paragraph 51 of the Complaint, no response is required as the allegations
8 contained therein are not factual in nature and/or contain legal conclusions. To the extent a response
9 is required, Defendants deny these allegations.

10 52. Answering paragraph 52 of the Complaint, no response is required as the allegations
11 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
12 deny these allegations.

13 53. Answering paragraph 53 of the Complaint, no response is required as the allegations
14 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
15 deny these allegations.

16 54. Answering paragraph 54 of the Complaint, no response is required as the allegations
17 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
18 deny these allegations.

19 55. Answering paragraph 55 of the Complaint, Defendants are without sufficient
20 knowledge or information as to the truth or falsity of the allegations contained therein, and on that
21 basis deny these allegations.

22 56. Answering paragraph 56 of the Complaint, Defendants admit these allegations.

23 57. Answering paragraph 57 of the Complaint, no response is required as the allegations
24 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
25 deny these allegations.

26 58. Answering paragraph 58 of the Complaint, no response is required as the allegations
27 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
28 deny these allegations.

59. Answering paragraph 59 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

60. Answering paragraph 60 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

61. Answering paragraph 61 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

SECOND CLAIM FOR RELIEF **(Violation of Civil Rights)**

(Due Process: Deprivation of Liberty)

(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1, 8; Title 42 U.S.C. § 1983)

62. Answering paragraph 62 of the Complaint, Defendants repeat and reallege their answers to paragraphs 1 through 61 above, and incorporate the same herein by reference as though fully set forth herein.

63. Answering paragraph 63 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

64. Answering paragraph 64 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

65. Answering paragraph 65 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

66. Answering paragraph 66 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

67. Answering paragraph 67 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

68. Answering paragraph 68 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

69. Answering paragraph 69 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

THIRD CLAIM FOR RELIEF

(Violation of Civil Rights)
(Equal Protection)

(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec. 1; Title 42 U.S.C. § 1983)

70. Answering paragraph 70 of the Complaint, Defendants repeat and reallege their answers to paragraphs 1 through 69 above, and incorporate the same herein by reference as though fully set forth herein.

71. Answering paragraph 71 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

72. Answering paragraph 72 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

73. Answering paragraph 73 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

74. Answering paragraph 74 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

1 **FOURTH CLAIM FOR RELIEF**

2 **(Petition for Judicial Review)**

3 75. Answering paragraph 75 of the Complaint, Defendants repeat and reallege their
4 answers to paragraphs 1 through 74 above, and incorporate the same herein by reference as though
5 fully set forth herein.

6 76. Answering paragraph 76 of the Complaint, no response is required as the allegations
7 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
8 deny these allegations.

9 77. Answering paragraph 77 of the Complaint, no response is required as the allegations
10 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
11 deny these allegations.

12 78. Answering paragraph 78 of the Complaint, no response is required as the allegations
13 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
14 deny these allegations.

15 79. Answering paragraph 79(a)-(c) of the Complaint, no response is required as the
16 allegations contained therein are not factual in nature and/or contain legal conclusions. To the extent
17 a response is required, Defendants deny these allegations.

18 80. Answering paragraph 80 of the Complaint, no response is required as the allegations
19 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
20 deny these allegations.

21 **FIFTH CLAIM FOR RELIEF**

22 **(Petition for Writ of Mandamus)**

23 81. Answering paragraph 81 of the Complaint, Defendants repeat and reallege their
24 answers to paragraphs 1 through 80 above, and incorporate the same herein by reference as though
25 fully set forth herein.

26 82. Answering paragraph 82 of the Complaint, no response is required as the allegations
27 contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants
28 deny these allegations.

83. Answering paragraph 83(a)-(b) of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

84. Answering paragraph 84(a)-(b) of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

85. Answering paragraph 85 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

86. Answering paragraph 86 of the Complaint, no response is required as the allegations contained therein are Plaintiffs' legal conclusions. To the extent a response is required, Defendants deny these allegations.

GENERAL DENIAL

To the extent a further response is required to any allegation set forth in the Complaint, Defendants such allegation.

ANSWER TO PRAYER FOR RELIEF

Answering the allegations contained in the entirety of Plaintiffs prayer for relief, Defendants deny that Plaintiffs are entitled to the relief being sought therein or to any relief in this matter.

AFFIRMATIVE DEFENSES

Defendants, without altering the burdens of proof the parties must bear, assert the following affirmative defenses to Plaintiffs' Complaint, and all causes of action alleged therein, and specifically incorporate into these affirmative defenses their answers to the preceding paragraphs of the Complaint as if fully set forth herein.

First Affirmative Defense

Defendants expressly preserve the right to amend this Answer to bring counterclaims against Plaintiffs.

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Second Affirmative Defense

The Complaint, and all the claims for relief alleged therein, fails to state a claim against Defendants upon which relief can be granted.

Third Affirmative Defense

Plaintiffs have not been damaged directly, indirectly, proximately or in any manner whatsoever by any conduct of Defendants.

Fourth Affirmative Defense

The State of Nevada, Department of Taxation is immune from suit when performing the functions at issue in this case.

Fifth Affirmative Defense

The actions of the State of Nevada, Department of Taxation were all official acts that were done in compliance with applicable laws and regulations.

Sixth Affirmative Defense

Plaintiffs' claims are barred because Plaintiffs have failed to exhaust administrative remedies, if any.

Seventh Affirmative Defense

Plaintiffs have failed to join necessary and indispensable parties to this litigation under NRCPL 19 as the Court cannot grant any of Plaintiffs' claims without affecting the rights and privileges of those parties who received the licenses at issue as well as other third parties.

Eighth Affirmative Defense

The occurrences referred to in the Complaint and all alleged damages, if any, resulting therefrom, were caused by a third party of which Defendants had no control.

Ninth Affirmative Defense

The actions of the State of Nevada, Department of Taxation were not arbitrary or capricious, and the State of Nevada, Department of Taxation had a rational basis for all of the actions taken in the licensing process at issue.

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Tenth Affirmative Defense

Plaintiffs’ claims are barred, in whole or in part, by their failure to perform or satisfy required conditions precedent and by their own bad acts.

Eleventh Affirmative Defense

Plaintiffs are not in possession and/or control of the documents and/or witnesses necessary to prove its alleged causes of action against Defendants.

Twelfth Affirmative Defense

The claims, and each of them, are barred by the failure of Plaintiffs to plead those claims with sufficient particularity.

Fourteenth Affirmative Defense

Plaintiffs have failed to allege sufficient facts and cannot carry the burden of proof imposed on it by law to recover attorney’s fees incurred to bring this action.

Fifteenth Affirmative Defense

Injunctive relief is unavailable to Plaintiffs, because the State of Nevada, Department of Taxation has already completed the tasks of issuing the conditional licenses.

Sixteenth Affirmative Defense

Plaintiffs have no constitutional rights to obtain privileged licenses.

Seventeenth Affirmative Defense

Mandamus is not available to compel the members of the executive branch to perform non-ministerial, discretionary tasks.

Eighteenth Affirmative Defense

Plaintiffs are not entitled to Judicial Review on the denial of a license.

Nineteenth Affirmative Defense

Declaratory relief will not give the Plaintiffs the relief that they are seeking.

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1 **Twentieth Affirmative Defense**

2 Pursuant to Nevada Rules of Civil Procedure, all possible affirmative defenses may not have
3 been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the
4 filing of this answer and, therefore, Defendants reserve the right to amend this answer to allege
5 additional affirmative defenses if subsequent investigation warrants.

6 WHEREFORE, Defendants prays for judgment as follows:

- 7 1. Plaintiffs take nothing by way of their Complaint;
8 2. The Complaint, and all causes of action against Defendants alleged therein, be
9 dismissed with prejudice;
10 3. For reasonable attorney fees and costs to be awarded to Defendants; and
11 4. For such other and further relief the Court may deem just and proper.

12 **COUNTERCLAIM**

13 Defendants/Counterclaimants INTEGRAL ASSOCIATES, LLC d/b/a ESSENCE
14 CANNABIS DISPENSARIES, ESSENCE TROPICANA, LLC, ESSENCE HENDERSON, LLC,
15 CPCM HOLDINGS, LLC d/b/a THRIVE CANNABIS MARKETPLACE, and COMMERCE PARK
16 MEDICAL L.L.C., CHEYENNE MEDICAL LLC (collectively "Counterclaimants"), by and through
17 their attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES, hereby counterclaim against
18 Plaintiffs/Counterdefendants SERENITY WELLNESS CENTER, LLC, TGIG, LLC, NULEAF
19 INCLINE DISPENSARY, NEVADA HOLISTIC MEDICINE, LLC, TRYKE COMPANIES SO NV,
20 LLC, TRYKE COMPANIES RENO, LLC, PARADISE WELLNESS CENTER, LLC, GBS
21 NEVADA PARTNERS, LLC, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, LLC,
22 NEVADA PURE, LLC, and MEDIFARM, LLC (collectively "Counterdefendants"), as follows:

23 **PARTIES**

- 24 1. Defendant/Counterclaimant Integral Associates, LLC is, and at all relevant times was,
25 a Nevada limited liability company conducting business in Clark County, Nevada.
26 2. Defendant/Counterclaimant Essence Tropicana, LLC is, and at all relevant times was,
27 a Nevada limited liability company conducting business in Clark County, Nevada.
28 3. Defendant/Counterclaimant Essence Henderson, LLC is, and at all relevant times was,

1 a Nevada limited liability company conducting business in Clark County, Nevada.

2 4. Defendant/Counterclaimant CPCM Holdings, LLC is, and at all relevant times was, a
3 Nevada limited liability company conducting business in Clark County, Nevada.

4 5. Defendant/Counterclaimant Commerce Park Medical L.L.C is, and at all relevant times
5 was, a Nevada limited liability company conducting business in Clark County, Nevada.

6 6. Defendant/Counterclaimant Cheyenne Medical LLC is, and at all relevant times was,
7 a Nevada limited liability company conducting business in Clark County, Nevada.

8 7. Upon information and belief, Plaintiff/Counterdefendant Serenity Wellness Center
9 LLC is, and at all relevant times was, a Nevada limited liability company conducting business in Clark
10 County, Nevada.

11 8. Upon information and belief, Plaintiff/Counterdefendant TGIG, LLC is, and at all
12 relevant times was, a Nevada limited liability company conducting business in Clark County, Nevada.

13 9. Upon information and belief, Plaintiff/Counterdefendant Nuleaf Incline Dispensary
14 LLC is, and at all relevant times was, a Nevada limited liability company conducting business in Clark
15 County, Nevada.

16 10. Upon information and belief, Plaintiff/Counterdefendant Nevada Holistic Medicine
17 LLC is, and at all relevant times was, a Nevada limited liability company conducting business in Clark
18 County, Nevada.

19 11. Upon information and belief, Plaintiff/Counterdefendant Tryke Companies So NV,
20 LLC is, and at all relevant times was, a Nevada limited liability company conducting business in Clark
21 County, Nevada.

22 12. Upon information and belief, Plaintiff/Counterdefendant Tryke Companies Reno, LLC
23 is, and at all relevant times was, a Nevada limited liability company conducting business in Clark
24 County, Nevada.

25 13. Upon information and belief, Plaintiff/Counterdefendant Paradise Wellness Center
26 LLC is, and at all relevant times was, a Nevada limited liability company conducting business in Clark
27 County, Nevada.

28 14. Upon information and belief, Plaintiff/Counterdefendant GBS Nevada Partners LLC

1 is, and at all relevant times was, a Nevada limited liability company conducting business in Clark
2 County, Nevada.

3 15. Upon information and belief, Plaintiff/Counterdefendant Fidelis Holdings LLC is, and
4 at all relevant times was, a Nevada limited liability company conducting business in Clark County,
5 Nevada.

6 16. Upon information and belief, Plaintiff/Counterdefendant Gravitas Nevada, LLC is, and
7 at all relevant times was, a Nevada limited liability company conducting business in Clark County,
8 Nevada.

9 17. Upon information and belief, Plaintiff/Counterdefendant Nevadapure, LLC is, and at
10 all relevant times was, a Nevada limited liability company conducting business in Clark County,
11 Nevada.

12 18. Upon information and belief, Plaintiff/Counterdefendant Medifarm, LLC is, and at all
13 relevant times was, a Nevada limited liability company conducting business in Clark County, Nevada.

14 19. Jurisdiction is proper in this Court as this Counterclaim is brought in response to an
15 action presently pending before this Court, and pursuant to NRCP 8(a)(1), no new jurisdictional
16 support is needed.

17 **GENERAL ALLEGATIONS**

18 20. On November 8, 2016, Nevada voters passed the Regulation and Taxation of
19 Marijuana Act (the “Act”) (Ballot Question 2).

20 21. The Act legalized the purchase, possession, and consumption of recreational marijuana
21 for adults 21 and older.

22 22. The Department of Taxation (the “Department”) was to adopt regulations necessary to
23 carry out the Act, including regulations that set forth the “[p]rocedures for the issuance, renewal,
24 suspension, and revocation of a license to operate a marijuana establishment” and “[q]ualifications
25 for licensure that are directly and demonstrably related to the operation of a marijuana establishment.”
26 Nev. Rev. Stat. § 453D.200(1)(a)-(b).

27 23. On January 16, 2018, the Nevada Tax Commission unanimously approved permanent
28 regulations (“Approved Regulations”). LCB File No. R092-17.

1 24. The Approved Regulations went into effect on February 27, 2018.

2 25. Thereafter, on August 16, 2018, the Department issued a Notice of Intent to Accept
3 Applications (“Notice”) for sixty-four (64) recreational marijuana retail store licenses, which are to
4 be located throughout various jurisdictions in Nevada.

5 26. The Notice required that all applications be submitted between 8:00 a.m. on September
6 7, 2018 and 5:00 p.m. on September 20, 2018.

7 27. Counterclaimants timely submitted applications for multiple recreational marijuana
8 retail store licenses during the application period.

9 28. Pursuant to section 80 of the Approved Regulations, if the Department received more
10 than one complete and qualified application for a license the Department would rank all applications
11 within each jurisdiction from first to last based on compliance with NRS § 453D and the Approved
12 Regulations. R092-17, Sec. 80.

13 29. The Department thereafter was required to go down the list and issue the highest
14 scoring applicants the available licenses.

15 30. On December 5, 2018, the Department issued sixty-one (61) recreational marijuana
16 retail store conditional licenses, including ten (10) licenses for Unincorporated Clark County, Nevada;
17 ten (10) licenses for Las Vegas, Nevada; six (6) licenses for Henderson, Nevada; five (5) licenses for
18 North Las Vegas, Nevada; six (6) licenses for Reno, Nevada; one (1) license for Sparks, Nevada; and
19 one (1) license for Nye County, Nevada.

20 31. Counterclaimants collectively were granted fourteen (14) of the conditional licenses
21 recreational marijuana retail store conditional licenses.

22 32. Under the Approved Regulations, Counterclaimants have twelve (12) months to
23 receive a final inspection for a marijuana establishment. R092-17, Sec. 87.

24 33. If a marijuana establishment does not receive a final inspection within twelve (12)
25 months, the marijuana establishment must surrender the license to the Department. The Department,
26 however, may extend the period specified in this subsection if the Department, in its discretion,
27 determines that extenuating circumstances prevented the marijuana establishment from receiving a
28 final inspection within the period specified in this subsection.

1 34. Upon information and belief, Counterdefendants were not granted conditional licenses
2 by the Department.

3 35. Counterdefendants now bring this lawsuit in an attempt to manufacture a dispute in the
4 hopes of undermining the rights of Counterclaimants, and other successful applicants, under their
5 recreational marijuana retail store conditional licenses and to hinder or delay their ability from acting
6 on their rights.

7 36. Counterdefendants allegations are factually deficient and have no evidentiary support.

8 37. Counterdefendants have not asserted, nor can they assert, any facts to demonstrate that
9 Counterclaimants should not have received their conditional licenses.

10 38. Counterclaimants intend to proceed with obtaining a final inspection of a marijuana
11 establishment no later than December 4, 2019, in each jurisdiction in which they were awarded
12 licenses.

13 39. Counterdefendants are seeking relief that might limit and/or preclude
14 Counterclaimants from moving forward with final inspections of their marijuana establishments
15 pursuant to the Approved Regulations, which would gravely impact their rights granted to them under
16 their conditional licenses.

17 40. Counterdefendants' lawsuit has attempted to manufacture a dispute to undermine the
18 rights of Counterclaimants and other successful applications in order to prevent any final inspections
19 prior to the twelve (12) month period.

20 41. Therefore, a justiciable controversy exists sufficient to warrant a declaratory judgment
21 that Counterclaimants have valid conditional licenses under the applicable statutes and regulations
22 and may proceed with opening and obtaining a final inspection for a marijuana establishment.

23 **FIRST COUNTERCLAIM**

24 **(Declaratory Relief)**

25 42. Counterclaimants repeat, reallege, and incorporate by reference the foregoing
26 paragraphs as if fully set forth herein.

27 43. A justiciable controversy exists sufficient to warrant a declaratory judgment pursuant
28 to Nevada's Uniform Declaratory Judgments Act, NRS 30.010, et seq.

1 44. Collectively Claimants received fourteen (14) of the sixty-one (61) conditional licenses
2 from the Department to open marijuana establishments.

3 45. Counterdefendants contend that the Department “must” issue conditional licenses to
4 Counterdefendants, which would necessarily deprive Counterclaimants, or other successful
5 applicants, of their conditional licenses.

6 46. Counterdefendants have asserted no facts specific to Counterclaimants that would
7 provide any valid basis to receive the relief requested.

8 47. Counterclaimants request a declaratory judgment to determine their rights, status, or
9 other legal relations under the applicable statutes and regulations with respect to the unfounded dispute
10 brought by Counterdefendants. Such a declaratory judgment will eliminate any false and untenable
11 impediments that might otherwise potentially delay the opening of a marijuana establishments within
12 the specified regulatory time period.

13 48. Counterclaimants have been required to engage the services of an attorney, incurring
14 attorneys’ fees and costs to bring this action, and Counterclaimants are therefore entitled to reasonable
15 attorneys’ fees and costs incurred in this action.

16 ///

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CERTIFICATE OF SERVICE

Pursuant to Administrative Order 14-2, a copy of the **DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM** was electronically filed on the 14th day of June 2019, and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List or by depositing a true and correct copy of the same, enclosed in a sealed envelope upon which first class postage was fully prepaid, in the U.S. Mail at Las Vegas, Nevada, addressed as follows (*Note: All Parties Not Registered Pursuant to Administrative Order 14-2 Have Been Served By Mail.*):

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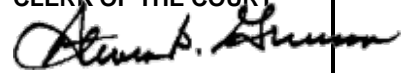
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034



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC,)
et al.,)

Plaintiffs,)

vs.)

STATE OF NEVADA DEPARTMENT OF)
TAXATION,)

Defendant.)

CASE NO. A-19-786962-B
DEPT NO. XI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

TUESDAY, JUNE, 18, 2019

EVIDENTIARY HEARING - DAY 8

VOLUME I OF II

RECORDED BY: JILL HAWKINS, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

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I N D E X
W I T N E S S E S

WITNESSES FOR THE PLAINTIFFS:

STEVE GILBERT

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1 **LAS VEGAS, CLARK COUNTY, NEVADA, JUNE 18, 2019, 9:20 A.M.**

2 * * * * *

3 THE COURT: -- the ballot initiative with the cover
4 letter from Barbara Cegavski. Is there a stipulation to 2020,
5 ballot initiative question with the cover letter from Barbara
6 Cegavski?

7 It appears there's a stipulation from the nods of the
8 head, but those don't do well on my video, so it will be
9 admitted.

10 Any more, Mr. Shevorski?

11 MR. SHEVORSKI: Thank you.

12 THE COURT: Mr. Cristalli, you're going to straighten
13 out this issue with the exhibit?

14 MR. CRISTALLI: I think we can figure it out, or
15 we're close to figuring it out. I just followed along.

16 THE COURT: All right. So do we need to follow up on
17 anything?

18 MR. CRISTALLI: No, Your Honor.

19 THE COURT: So is it okay if we start with
20 Mr. Gilbert since he flew in last night to be here to start at
21 9:30?

22 Thank you.

23 Mr. Gilbert, if you'd come forward, we're ready for
24 you.

25 THE CLERK: Please raise your right hand.

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STEVE GILBERT

(having been called as a witness and being first duly sworn,
testified as follows:)

THE CLERK: Thank you. Please be seated. Please
state and spell your name for the record.

THE WITNESS: Steve Gilbert, S-t-e-v-e,
G-i-l-b-e-r-t.

THE CLERK: Thank you.

THE COURT: Mr. Parker, you may continue your
examination.

MR. PARKER: Thank you, Your Honor. Good morning.

CONTINUED DIRECT EXAMINATION

BY MR. PARKER:

Q Good morning, Mr. Gilbert. How are you?

A Good morning. Thank you. Good.

Q Not good?

A I am good.

Q Okay. Good. I'd like to start off by just
confirming areas that you won't be giving testimony on. Okay?

A Yes.

Q And I'm doing that just to make sure that those are
questions I reserve for someone who can, presuming that it will
be Mr. Pupo.

Is it true that you do not have any information or
testimony you could give us related to the merit criteria for

1 certain items, like X categories, vocational categories, those
2 sorts of things?

3 A Well, as I mentioned, I think last week or the week
4 before, that the three of us, Kara Cronkhite, Cory Pupo, and
5 myself got together, and we went through the criteria and
6 matched them up to the regulations. And then Mr. Pupo, you
7 know, had the final input on a lot of the criteria.

8 Q All right. When we spoke last week, I asked you how
9 was it determined what the tax brackets would be for purposes
10 of this point. Do you recall that?

11 A I do.

12 Q And I believe you testified that Mr. Pupo made those
13 decisions; isn't that correct?

14 A That's correct.

15 Q And you would consider that a form of merit criteria;
16 isn't that -- isn't that true?

17 A Yes.

18 Q So in terms of taxes, Mr. Pupo made that decision;
19 right?

20 A Yes.

21 Q How about the same question in terms of educational
22 categories, points for a certain amount of college,
23 postgraduate degrees? Who made that decision for the purpose
24 of scoring?

25 A If I recall correctly, that criteria for the

1 education was in chancery in 2014.

2 Q Okay. Now, is it true that education was a concern
3 and utilized in 2014 because this was a medical marijuana
4 application process as opposed to recreation?

5 A I'm not aware of that. I know that the education
6 piece was in 2014, as well as in 2015.

7 Q Do you know who decided the merit criteria for the
8 education?

9 A Again, it was carried over from 2014 and used for
10 2018 based on the regulations.

11 Q Understood. But do you know who decided it from
12 2014?

13 A Well, it was the three of us putting the criteria
14 together as a group, but, you know, Mr. Pupo had the final say,
15 of course.

16 Q Good enough. Do you know if he -- if there was an
17 analysis performed for determination -- for the determination
18 of the scoring categories for the education?

19 A Can you repeat that question, sir.

20 Q Yes. Originally when I asked you the question with
21 regards to taxes, you said you were not involved in the
22 analysis. You believe Mr. Pupo did the analysis on the tax
23 categories. I'm asking the same questions in terms of
24 education. Who performed the analysis, if there was one
25 performed, to determine how the scoring would be done for the

1 education merit criteria?

2 A I don't -- there wasn't an analysis done besides what
3 was carried over from 2014.

4 Q Understood. But who did it originally in 2014 when
5 it was done?

6 A That would have been QuantumMark. QuantumMark and
7 the administration at commission of public (indiscernible).

8 Q Someone had to approve QuantumMark's recommendation.
9 Would that have been Mr. Pupo?

10 A In 2014?

11 Q Yes, sir.

12 A No, it wouldn't have been.

13 Q Who would it have been?

14 A It would have been the administration at DPBH at the
15 time.

16 Q Okay. Was Mr. Anderson involved?

17 A Excuse me. Who?

18 Q Mr. Anderson. Do you know who he is?

19 A Oh, Bill Anderson?

20 Q Yes.

21 A No. Those were all taxation folks.

22 Q Okay. So can you give me a name of someone who was
23 involved in determining the education and merit criteria
24 categories?

25 A Gosh. No, the -- I'm trying to remember who the

1 administrators were at the time. I think it might have been
2 Marla McVey Williams.

3 Q Who?

4 A Marla McVey Williams at the time might have been the
5 administrator -- the deputy administrator. I'm sorry.

6 Q Say that again.

7 A The deputy administrator.

8 Q You're not sure?

9 A I'm pretty sure it was Marla --

10 Q Marla?

11 A -- McVey Williams.

12 Q Marla. Okay. Last name Williams?

13 A Yes.

14 Q Same question in terms of the financial strain. Who
15 made the decision that more money is better and how those
16 categories would be determined?

17 A That would have been the same determination in 2014.

18 Q Was that QuantumMark who made that decision?

19 A I don't know ultimately if they, you know, made the
20 decision. They put the criteria together and presented it to
21 DPBH.

22 Q Did Mr. Pupo have anything to do with carrying it
23 over from '14 to '18?

24 A I'm sorry. I missed that question, sir.

25 Q No worries. Did Mr. Pupo have any part to play in

1 carrying over that category from '14 to '18?

2 A Yes. Well, we all got together and went through the
3 criteria that was used in 2014, each component, whether it was
4 financial, education, care quality and safekeeping. And we
5 compared the 2014 model to what the regulations set for 2015,
6 of the recreational.

7 THE COURT: And, sir, that was the regulation, not
8 the ballot question you compared it to?

9 THE WITNESS: That's correct.

10 THE COURT: All right.

11 BY MR. PARKER:

12 Q And so what other merit criteria was included in the
13 2018 process, other than taxes, education, and financial?

14 A Care quality and safekeeping.

15 Q Was that a carryover from '14?

16 A Yes, it was.

17 Q Anything else?

18 A So we have taxes, we have financials, care quality
19 and safekeeping, organizational chart.

20 Q Those are all carryovers?

21 A Yes.

22 Q And ultimately, was that decision to carry those over
23 made by Mr. Pupo?

24 A Yeah, and, well, you know, the Governor's Task Force
25 recommendation stated to use the same criteria from 2014 and

1 the medical certificate issuing. So, I mean, it was faxed to,
2 you know, the executive team of taxation.

3 Q Well, is the adequacy and the size of the buildings a
4 part of the 2014 application process?

5 A Yes, it was.

6 Q Was that also a carryover to the 2018?

7 A Yes.

8 Q So unlike the other carryovers -- and strike that.
9 Who made the decision to carry over that category
10 from '14 to '18?

11 A Again, it was -- you know, it came out of the
12 recommendation from the Governor's Task Force and, you know,
13 the executive team with the Department of Taxation.

14 Q So was the adequacy of the size of the building
15 carryover modified sometime after the applications were sent
16 out?

17 A Can you clarify that question?

18 Q Yes. The applications for the recreational marijuana
19 licenses, those were distributed when?

20 A July 6th.

21 Q Okay. So sometime after July 6 of 2018, was there a
22 change in the DOT's position with regards to the necessity of
23 having a P.O. box -- utilizing a P.O. box versus an actual
24 location?

25 A There was a clarification sent out via LISTSERV after

1 July 5th.

2 Q Okay. Do you remember when that decision was made or
3 that change was made?

4 A I don't recall the date, but working up to, you know,
5 that date that we sent out the LISTSERV.

6 Q Okay. So was that in July or was it when the
7 application process opens in September 7 -- on September 7th of
8 2018?

9 A Can you be more specific on the question?

10 Q Well, actually, I wish I could. I need some more
11 details from you. I need to figure out when did the DOT decide
12 to change the need for a location and, instead, allow for P.O.
13 boxes. When was that decision made?

14 A I don't -- it was never changed. The decision or the
15 direction or guidance that DOT gave us and staff was that
16 location wasn't required.

17 Q Okay. Now, we've gone through the applications with
18 yourself, as well, as Mr. Plaskon we noticed that on Exhibit 5,
19 which is the application, the first page says you cannot use a
20 P.O. box. This is -- I believe it's page 21 of the
21 application.

22 So when you say that there was never a change, well,
23 your position is not reflected in Exhibit 5, which is the
24 recreational marijuana application, Attachment A. So you would
25 agree with me that what's on the screen now, which is

1 Attachment A to Exhibit 5, does not reflect your testimony in
2 that there was no change?

3 A It changed to the requirement -- I'm sorry. For
4 location?

5 Q Yes.

6 A Well --

7 Q The application says you have to have a location; is
8 that correct? And you cannot use a P.O. box; is that correct?

9 A This -- this Attachment A does, yes.

10 Q Right. Now, this is a -- Attachment A was provided
11 by the DOT. But you're telling me sometime in July, sometime
12 near July 6, 2018, the DOT determined that a location was not
13 necessary; is that correct?

14 A Well, from my -- from my recollection, going up to --
15 so the 45-day period was a chance for all applicants to put
16 their application together, July 6 to -- yeah, July 6 to
17 September 7th. During that period, the guidance from the
18 Department of Taxation was that a location was not required.
19 There was --

20 Q Stop there for a second. Repeat what you just said
21 one more time.

22 A During the application period --

23 Q Yes.

24 A -- or the writing of the application, the 45-day
25 period, guidance from the Department of Taxation was that a

1 location was not required.

2 Q So if that guidance was provided sometime within this
3 45-day period, who made that decision?

4 A That would have been Mr. Pupo.

5 Q Okay. So that gets me back to the areas that I need
6 to question Mr. Pupo on.

7 So when that -- do you know what went into that
8 decision-making process?

9 A No, I do not.

10 Q All right. Do you know if there was any
11 consideration given to that decision versus the other merit
12 criteria; for example, impact on community?

13 A I'm sorry. Can you help me understand that question
14 a little bit, please, sir.

15 Q Certainly. So by now you're probably noticing that
16 I'm going down all of the merit criteria issues, and I'm trying
17 to figure out the ones that you can provide me testimony on
18 versus the ones that I will look to Mr. Pupo to provide
19 testimony on. Do you understand that?

20 A Uh-huh.

21 Q So we've gone through a few of those. Are you
22 familiar with the impact on community criteria?

23 A Yes, I am.

24 Q All right. That is a merit criteria category, is it
25 not?

1 A Yes.

2 Q All right. So that was my next category to discuss
3 with you. And I'm trying to figure out whether or not the
4 decision to not require location, was that decision -- did that
5 decision factor in the impact on community?

6 A To my understanding, it didn't come up in our
7 discussions when we were going through the criteria between
8 Mr. Pupo and Ms. Cronkhite and myself.

9 Q Okay.

10 A What happened -- you know, decisions weigh
11 (phonetic), I can't speak to.

12 Q Did Mr. Pupo decide the scoring for the impact on
13 community?

14 A He was part of it. That would be -- again, that
15 carried over from 2014. I can't recall if those point values
16 were changed or changed for 2018 from 2014.

17 Q And that was -- and I appreciate that response
18 because that was my next question.

19 In terms of the categories that we're going over, did
20 the scoring remain the same for each category from '14 to '18?

21 A No, it did not.

22 Q And do you know why they did not?

23 A Well, there's a few things from 2014 that no longer
24 had regulatory necessity in 2018 such as location in 2014 was
25 required, as well, as -- I forget what it was called -- the

1 ability to provide for the patients. And that was in location,
2 I think, if I recall correctly.

3 Q Well, let me ask you this: If the scoring -- you
4 said the scoring for some of these categories changed for
5 reasons like the removal of the location requirement.

6 Did the language for that category, Impact on
7 community, change in any way?

8 A I don't recall. I'd have to look at both of them and
9 see if the language -- I -- I can't recall.

10 Q Why would you even include impact on community if the
11 location is not necessary? How do you know what part of the
12 community you're servicing? So, for example, before you
13 respond, you would agree with me that the west part of
14 Las Vegas which includes Summerlin at one end, let's say
15 Centennial, Northwest, would be different communities all on
16 the west side of Las Vegas; would you agree?

17 A I'm not from Las Vegas, but what I know of Summerlin
18 and some of the areas, I would say there's differences between
19 the communities throughout Las Vegas.

20 Q Right. There's areas with bus routes and there's
21 areas without bus routes; would you agree?

22 A I would believe so, yes.

23 Q It's no different than -- you're from Reno; is that
24 correct?

25 A Carson City.

1 Q All right. I've only gone there for arguments, but I
2 would imagine --

3 THE COURT: You've never had to testify in front of
4 the legislature, Mr. Parker?

5 MR. PARKER: You know, that is true.

6 THE COURT: All right. Never mind. Keep going.
7 Sorry to interrupt.

8 MR. PARKER: Sorry about that. All right. Most
9 (indiscernible).

10 MR. SHEVORSKI: I think he was just impeached.

11 THE COURT: Yeah. Luckily, it has no relevance to
12 these proceedings.

13 MR. PARKER: That's right.

14 BY MR. PARKER:

15 Q And so, Mr. Gilbert, given that the location would
16 have a part to play on the impact in the community and you
17 removed location, why did you maintain within the application
18 process the impact on community?

19 A Well, I believe that the criteria for that, it
20 shows -- it shows them being an applicant reading the regs,
21 digesting the regs, understanding what's required, and then
22 putting together a comprehensive plan that can be scored and
23 valued.

24 Q Right. But you can do that simply based on a
25 jurisdiction you're applying for. Community actually is a

1 smaller subset of that jurisdiction, isn't it?

2 A Yes.

3 Q All right. So if you're going to remove location,
4 why include impact on community since the impact really is to
5 the jurisdiction? Isn't that true?

6 A It would be that their overall plan and how they
7 present it within their application of their plan to -- you
8 know, everything from what the plan is for the community.

9 Q Isn't it true, sir, that if you're applying for a
10 jurisdiction, then it would be the impact on a jurisdiction
11 because communities differ within a jurisdiction? Isn't that a
12 true statement?

13 A I believe, yeah, communities are different within a
14 jurisdiction.

15 Q Thank you. But in terms of who would be able to
16 answer these questions even more -- on a more detailed level --
17 or strike that.

18 The person who ultimately had the decision-making
19 authority for the inclusion of the impact on community, would
20 that be Mr. Pupo as well?

21 A Well, again, the impact on community was part of the
22 2014 criteria just brought over to 2018 recreational.

23 Q All right. So in terms of allowing for P.O. boxes,
24 you said that decision was made and some information was sent
25 on a LISTSERV; is that correct?

1 A A clarification was sent on a -- sent out on a
2 LISTSERV to clarify any confusion that the application might,
3 you know, provide.

4 Q All right. There are certain applicants who did not
5 get that clarification. Do you know why that clarification was
6 not sent out in the same manner as the applications, or was it?

7 A It was. It was -- well, the -- on June 5th --

8 Q Okay. June 5th?

9 A Yeah -- or, I'm sorry, July 5th.

10 Q Okay. Thank you.

11 A It might have been July 6th. I'd have to look at the
12 dates.

13 Q You said July 6th is when the application became
14 available.

15 A That's that -- yeah, the posting notice, July 6th.

16 Q Was that posted in the same ways of clarification
17 that you're speaking of was disseminated?

18 A It was sent out on the LISTSERV to all subscribers to
19 the LISTSERV.

20 Q Is that a yes or a no? Was it sent out, in terms of
21 the application availability, in the same way as the
22 clarification was sent out?

23 A It was to the LISTSERV. It wasn't posted at all
24 the --

25 Q Why wasn't the clarification posted so that those who

1 got the application would have the same information?

2 A Well, it's sent out through the LISTSERV. That's
3 our -- but it wasn't posted at --

4 Q Your website?

5 A No, it was at -- it was at the website.

6 Q So how was it posted?

7 A On the website and also there's a link, I think, on
8 the LISTSERV. I'd have to go back and look. But I think
9 there's a link and an attachment to the LISTSERV.

10 Q All right. Let me ask it one more time. The manner
11 in which you made the public aware of the availability of the
12 application, how is that done?

13 A On July 6th?

14 Q Yes. How was it done on July 6th?

15 A That was done through a LISTSERV, posting on the
16 website, and then also posted at six, I think, public places.

17 Q Okay. Was the clarification done in that exact same
18 way -- website, LISTSERV, posting in public places?

19 A It wasn't at the public places.

20 Q All right. Any other differences?

21 A I'd have to go back and check the -- I'm not at a
22 website.

23 Q Why wasn't it posted at public places?

24 A I don't -- I wouldn't -- I'm not the one to answer
25 that question. I'm not sure.

1 Q Are you at all familiar with the Nevada open meetings
2 law?

3 A I am.

4 Q Okay. Great. Are you also familiar with the fact
5 that public agencies of this state are required to post not
6 only on electronic formats, but also at locations, public
7 locations?

8 A Yes, for public meetings.

9 Q Would you agree with me that Nevada Department of
10 Taxation is a Nevada state political subdivision?

11 A Yes.

12 Q Do you believe that it also has the obligation to
13 comply with the Nevada open meetings law in terms of public
14 posting?

15 A Yes, I do.

16 Q All right. Would you agree with me now, based upon
17 what you just said, that the Department -- the Nevada
18 Department of Taxation failed to comply with the Nevada open
19 meetings law as it pertains to public posting of its
20 information?

21 MR. SHEVORSKI: Object to form.

22 THE COURT: Overruled.

23 THE WITNESS: I don't know if I'm the right person to
24 speak to the legality of the open meeting law. However, the
25 LISTSERV that we sent out was a clarification.

1 BY MR. PARKER:

2 Q Yes, sir. And it was not posted at any public
3 places; is that correct?

4 A Not that I'm aware of, no.

5 Q Thank you. Now, when you made this determination
6 that the P.O. box would be allowed, the locations were not
7 necessary, did you at that point send out a new application or
8 revise the application Attachment A to reflect that no longer
9 would locations be required?

10 A But the original application was revised, if I recall
11 correctly.

12 Q Was it sent out or made available in the same way
13 that the prior application was made available?

14 A I believe it was.

15 Q So, you believe that the application that we have
16 here in front of us, which was on a website during -- and
17 available on your website during these hearings, was changed at
18 sometime which said that P.O. boxes are now allowed and
19 locations are not necessary? You believe that actually
20 occurred?

21 A I was not aware of that.

22 Q All right. Is it fair to say, sir, that you're not
23 aware of the Attachment A of Exhibit 5 ever being modified,
24 provided to Department of Taxation, between July 6th and
25 September 7th, 2018?

1 A Can you -- I'm sorry. Can you repeat that question,
2 sir.

3 Q Yes, sir. Are you aware of Attachment A to Exhibit 5
4 being modified between July 6th and September 7th, 2018?

5 A I would have to look at the Attachment A. Again,
6 there's a --

7 MR. PARKER: Would you bring that up for me, Shane.
8 BY MR. PARKER:

9 Q Was this attachment changed between July 6th and
10 September 7th, 2018?

11 A I'd have to look at the Attachment A after the
12 clarification was sent out.

13 Q Did you change it?

14 A I did not.

15 Q All right. Do you know who would have changed it if
16 it was changed?

17 A Well, I know there -- well, that the clarification
18 that we sent out on the LISTSERV in July, later in July, was
19 based on the guidance from Mr. Pupo. As far as -- I don't
20 know -- I don't know who changed it. Clyde Plaskon does a lot
21 of the form -- forms management, but it was -- it was probably
22 discussed and then, you know, our original -- the application
23 was sent up to Mr. Pupo for final review.

24 Q But sitting here today, you didn't change it. And
25 did you ever see it in a revised format, something different

1 than what we have in front of you right now?

2 THE COURT: And by "what in front of you," you're
3 referring to Attachment A contained in Exhibit 5 to the
4 hearing?

5 MR. PARKER: Yes, Your Honor. Thank you so much.

6 THE WITNESS: I would have to look at the application
7 after the clarification.

8 BY MR. PARKER:

9 Q Okay. My question is: Did you ever -- do you ever
10 recall seeing a version of Attachment A different from the one
11 that's attached to Exhibit 5?

12 A I don't recall. I'd have to look.

13 Q All right. Now, if there were changes made to
14 Attachment A to Exhibit 5, should there have been other changes
15 made to Exhibit 5 which also touched upon the need or the
16 no-longer need to have a location?

17 A Can you repeat that question?

18 Q Certainly. Were there other portions of Exhibit 5
19 that also called for or required a location?

20 A Exhibit 5-A in the entire application?

21 Q The entire application, yes, sir.

22 A Yes, there was. There was a clarification. There
23 was a few bold points on the clarification e-mail LISTSERV.

24 Q Okay. And do you know if those were made? Were
25 actual changed made -- let me tell you why I'm asking it this

1 way. You spoke of clarifications that were sent out by way of
2 LISTSERV, but I'm wondering if those clarification actually
3 made their way into a changed application or application form.

4 A I believe they did, yes.

5 Q Did you ever see those differing or changed
6 application forms?

7 A Yes, I did.

8 Q Okay. You don't recall seeing Attachment A being
9 changed --

10 A I'd have to look at -- I don't recall A.

11 Q All right. Well, let's take a look at another thing.
12 Let's take a look at Exhibit 5, Attachment E, which I believe
13 to be --

14 MR. PARKER: Your Honor, page 40, which is MMLF40,
15 which is page 2,934.

16 And if you could highlight the top line for me,
17 Shane. Not the -- the top line in the box, first line in the
18 box. There we go.

19 BY MR. PARKER:

20 Q Do you see that, Mr. Gilbert?

21 A Yes, I do.

22 Q It says, "To be completed by the applicant for the
23 physical address of the proposed marijuana establishment." Do
24 you see that? Physical address?

25 A Yes.

1 Q That's not a P.O. box, is it?

2 A No, it's not.

3 Q So when you made the decision not to include
4 locations or require locations, would you agree with me that
5 Attachment E still requires a physical address?

6 A It reads -- it reads as if a physical address is --

7 Q All right. Do you recall Exhibit E to -- I'm sorry.
8 Attachment E to Exhibit 5 being changed?

9 A I think that was part of the clarification that was
10 made.

11 Q All right. Remember, I'm asking about the actual
12 attachment being changed. So that when someone came onto the
13 website and saw this application for the first time,
14 Attachment E says we don't need a physical address, we only
15 accept a P.O. box. Do you recall that change being made to the
16 actual attachment?

17 A I believe -- I believe it was changed on this
18 Attachment E.

19 Q Do you recall seeing it?

20 A Yes.

21 Q You saw a different Attachment E?

22 A Yes.

23 Q All right. Let's take a look at Attachment F.

24 MR. PARKER: And, Shane, if you could highlight the
25 third -- it's the second box, second line. Starts out with the

1 word "recreational."

2 BY MR. PARKER:

3 Q Do you see that, sir?

4 A Yes, I do.

5 Q It says, "Recreational marijuana establishments
6 proposed physical address must be a Nevada address, not a
7 P.O. box." Do you see that?

8 A Yes, I do.

9 Q So for the last several days, we've been talking
10 about Attachment A, but I wanted to see if you recall any
11 changes being made to Attachment F to Exhibit 5.

12 A I don't -- I don't specifically remember the changes
13 or the clarification that we made. I'd have to look and see if
14 that was part of the clarification that was sent out in July.

15 Q All right. And let's talk about Attachment F for a
16 second. Do you understand the reason why Attachment F was
17 required to be filled out?

18 A This form was for -- I believe for ranking of your
19 selections.

20 Q Well, read through it because I don't believe it's
21 so. I believe it's related to trying to prevent the novelties,
22 but read through it just to make sure.

23 It says, "Section 80, within parentheses, five,
24 places limitations on the number of recreational marijuana
25 retail stores located in one government jurisdiction and a

1 limitation on the number of licenses issued to any one person,
2 group, or entity." Do you that?

3 A I do.

4 Q All right. Now, while I wanted to -- I thought this
5 form was useful for two things. One, showing that your -- the
6 State's position with regards to the changes relative to
7 location was inconsistent with these attachments. I also
8 thought it was important for you to consider what the judge
9 questioned you about last week and what I questioned you about,
10 as well, regarding how do you determine that there's perhaps
11 more than one owner of more than one location in the same
12 jurisdiction if you don't know all the owners. Understood?

13 A Yes.

14 Q All right. And you agree with me that Attachment F
15 was meant to be use by the State to be able to identify all
16 owners so that they can then identify whether or not any owners
17 had an interest in more than one location in the same
18 jurisdiction. Is that a true statement, sir?

19 A I don't know if that asks for ownership.

20 Q All right. Now, let's take a look at Attachment I.
21 Are you familiar with this attachment?

22 A Yes, I am.

23 Q All right. What's the purpose of this attachment?

24 A The purpose of this attachment is for the applicants
25 to be able to submit just one application and then apply it to

1 the jurisdictions that they wish to apply for.

2 Q All right. And it says here -- towards kind of like
3 maybe the first paragraph portion, it says, "You must submit
4 Attachments A and E for each jurisdiction and location and the
5 appropriate application fee." Do you see that?

6 A Yes.

7 Q Again, do you recall there being a clarification with
8 regards to location in this attachment?

9 A I'd have to -- I'd have to look.

10 Q You'd agree with me that each of the attachments I've
11 shown you today, Attachments A, E, and F, all indicate that a
12 location, not a P.O. box, is required; is that correct?

13 A Do you mind repeating that, sir? I'm sorry.

14 Q Certainly. Wouldn't you agree with me that the
15 attachments that we've looked at, Attachments A, E, F, and I,
16 all require a location, not a P.O. box?

17 A I'd have to go back and look, but I believe so.

18 Q All right.

19 A The ones that we did look at.

20 Q Good enough. And would you also agree with me
21 that -- strike that.

22 Do you recall seeing exhibit -- or Attachment I, I'm
23 sorry, Attachment I to Exhibit 5 being modified to remove the
24 word "location" and allowing for P.O. boxes, or is that one
25 that slipped under the radar?

1 A I don't -- I don't know if it did or not. I'd have
2 to look.

3 Q Okay. You don't have a recollection of it being
4 changed or modified to remove the word "location," do you?

5 A On this particular one, I don't. I'd have to look at
6 the modifications or the clarifications that we sent out.

7 Q Good enough.

8 MR. PARKER: Can we go to Attachment B, Shane, B as
9 in bravo.

10 MR. SHEVORSKI: Which exhibit are you on?

11 MR. PARKER: Still Exhibit 5, Attachment B as in
12 bravo.

13 MR. SHEVORSKI: Thank you.

14 BY MR. PARKER:

15 Q Now, the Department of Taxation, does it have an
16 enforcement wing or an investigative wing?

17 A The Department of Taxation?

18 Q Yes.

19 A They have quite a few, I believe.

20 Q All right. So it has the ability, the Department of
21 Taxation has the ability to do a thorough background check or
22 an investigation on an owner; is that correct?

23 A I can't speak to the Department of Taxation. That
24 would be an executive-level question.

25 Q Would Mr. Pupo be able to answer that question?

1 A He may.

2 Q All right. Good enough. So if I were to change the
3 word from "enforcement" to "investigation," would you still not
4 be able to answer the question?

5 A I can speak to the Marijuana Enforcement Division,
6 not the Department of Taxation as a whole.

7 Q All right. Good enough. Let's go with that. Is
8 there an enforcement division or group that handles Department
9 of Taxation inquiries or enforcement obligations?

10 THE COURT: In Marijuana Enforcement Division?

11 MR. PARKER: Yes, Your Honor.

12 THE COURT: Okay.

13 THE WITNESS: Yes, we do have a compliance component.

14 BY MR. PARKER:

15 Q And is that group of State employees able to do a
16 thorough background check or to enforce the rules or the
17 statutes?

18 A I don't know if I can -- I don't know if I'm the one
19 to answer that question. That has a lot to do with, you know,
20 job specifications, something above myself.

21 Q So let's use an example that Mr. Jolley discussed
22 with us when he was on the stand. If a marijuana establishment
23 sold to an underaged person, how would the Department of
24 Taxation and marijuana group handle that?

25 A We would do an investigation if -- if necessary. You

1 know, we have a process in place to intake complaints,
2 investigations, and investigate them accordingly.

3 Q All right. And would you be able to determine if the
4 owner of that marijuana establishment owned any other marijuana
5 establishments that had similar infractions?

6 A Yeah, we do. I mean, we'd be able to -- we keep a
7 record of infractions.

8 Q How about if that owner owned a location in Colorado
9 or Canada and had numerous violations like that, could you do
10 that investigation?

11 A I don't believe we have the capabilities to reach out
12 that far.

13 Q Colorado? Is that too far?

14 A Well, we look at the licensees in the state.

15 Q Right. But if the licensee --

16 A That's our jurisdiction.

17 Q -- was the owner of a location in Colorado who had
18 similar infractions, numerous, wouldn't that play a part in how
19 you treated that licensee here in Nevada?

20 A I don't -- I don't -- well, we hold them accountable
21 to the regulations in Nevada, and that's what -- that's what
22 our enforcement parameters are.

23 Q All right. Attachment B says, "I have not been
24 convicted of an excluded felony offense as defined by
25 NRS 453D." Do you see that?

1 A Yes, I do.

2 Q Does that mean that the person hasn't convicted of a
3 felony in Nevada only or anywhere?

4 A So that's Nevada and FBI.

5 Q All right. So that would be in other states,
6 potentially?

7 A Yes.

8 Q All right. So if that could occur in other states,
9 wouldn't you have the obligation to check to see if that owner
10 has violated or committed a felony as described as 453D
11 elsewhere?

12 A Yeah, we do. Through the agent code process.

13 Q Good. But to do that, you'd actually have to know
14 all the owners so that that process was followed by all those
15 owners; isn't that correct?

16 A We -- we vet the owners that are provided to us in
17 the application.

18 Q Right. Which means you have to know all the owners
19 if you were going to actually perform what's -- and do the
20 analysis that's prescribed here in Attachment B; isn't that
21 correct? Not just some, but all?

22 A Well, yeah. Well, it goes back to the shareholders.
23 We don't require the shareholders to be provided to the
24 Department of Taxation, so --

25 Q Sir, I didn't mention the word shareholders. I just

1 said owners. You can say shareholders are owners. I would
2 agree with that, but in terms of my question, I'm just saying
3 owners right now. We can get the shareholders in a second.

4 Wouldn't you agree with me that all owners, be it a
5 shareholder or not, would have to be provided to you so that
6 you could perform this investigation?

7 A We -- all of -- well, based on this, on the NRS, the
8 owners, officers, and board members should be provided to us so
9 we can vet them with background FBI in the state.

10 Q Thank you. And the purpose of that, of course, is to
11 protect Nevada residents and -- when I say Nevada residents,
12 those who may actually purchase marijuana in the state of
13 Nevada; is that correct?

14 A Yeah, that would be one of the reasons, sure.

15 Q All right. But to do so, they have to let you know
16 all the owners; isn't that correct?

17 A Yes.

18 Q Thank you very much. Now, the next line says, "I
19 agree that the Department may investigate my background
20 information by any means feasible to the Department." Do you
21 see that?

22 A I do.

23 Q That doesn't mean simply checking your records for
24 the Secretary of State to see if they match up with the owners
25 identified; isn't that correct?

1 A Can you repeat that? I'm sorry.

2 Q Yeah. Do you remember your testimony last week when
3 you were telling us that the only background check that you did
4 for purposes of the application was making sure through your
5 own data files for 2014 or through the Secretary of State's
6 office that the officers or owners matched up. Do you remember
7 that?

8 A I don't know if that was my -- like, I might remember
9 that. I think we -- in the application, we look to see if
10 they're registered with the Secretary of State.

11 Q Okay. That's all you did; right?

12 A Yes.

13 Q Right.

14 A I believe so.

15 Q You didn't do what Attachment B says. You didn't go
16 and do a criminal background check on every owner identified,
17 did you?

18 A We did criminal background checks on the owners,
19 officers, and board members that were listed in the
20 application.

21 Q All right. And for those who did not list all their
22 owners, that would not have been done; is that correct?

23 A I wouldn't know if they listed all their owners or
24 not.

25 Q Right. But let's say that there are owners who were

1 not identified because I think we received testimony supporting
2 that -- this position, would you agree with me that no
3 background check would have been done on owners not identified
4 by the applicants?

5 A Yes --

6 Q All right.

7 A -- I would.

8 Q The Department of Taxation did not do its own
9 investigation to determine if there were other owners out there
10 of all the applicants; isn't that correct?

11 A Well, we do -- we do compare it to the list of owners
12 that we have on record, which would have been a history of any
13 transfers of ownership, any owners coming in or coming out, and
14 what they've reported to us as their ownership.

15 Q But that also means, sir, that you've totally relied
16 upon the applicant to list their owners, and then you would
17 check and verify if those were owners you had on record. But
18 for those not listed, you did not do a criminal background
19 check; is that a true statement, sir?

20 A Not for the ones that aren't listed.

21 Q Thank you. Which means there could be -- potentially
22 be applicants right now with owners that committed felonies
23 defined under NRS 453D; isn't that correct?

24 A I don't know if I can speculate on that.

25 Q You wouldn't know whether or not there are? Isn't

1 that another way of saying it?

2 A Not if we didn't run the background check.

3 Q That's good enough. Now, right below the -- right
4 above the box, it says "Signature of owner, officer, or board
5 member." Do you see that?

6 A Yes, I do.

7 Q All right. And you don't see any limitations there
8 in terms of percentage of ownership, do you?

9 A I don't -- can you scroll down just a bit. No, I
10 don't.

11 Q You don't see anything that says only
12 5-percent-and-above owners, do you?

13 A Not on this one, no.

14 Q You don't see anything that says only owners in
15 Nevada, do you?

16 A I don't; however, it might be -- I'm sorry.

17 Q You don't see anything that says only owners in
18 Nevada, do you?

19 A No, I don't.

20 Q Now, let me show you Attachment C.

21 THE COURT: And we're still on Exhibit 5?

22 MR. PARKER: Yes, Your Honor. Thank you.

23 BY MR. PARKER:

24 Q And Attachment C at the top says, "Owner, officer,
25 board member information form." Do you see that?

1 A Yes.

2 Q Again, it says, "Provide the following information
3 for each owner." Do you see that?

4 A Yes, I do.

5 Q Again, it does not have any limitation on what owners
6 should be listed; is that correct?

7 A Not on the form.

8 Q Right. Did you send out any clarification notices
9 that changed Exhibit C?

10 A Not that I can recall.

11 Q All right. Now, if you go to the next page of
12 Attachment C, which is, again, a part of Exhibit 5 -- and I'm
13 going to go from MMLF36 to 37. At the top it says, "Attachment
14 C continued." Do you see that?

15 A Yes.

16 Q All right. The first line in the box says, "has an
17 ownership or financial interest in any other MME or ME." Do
18 you see that?

19 A Yes.

20 Q Now, this -- when I read this, it seemed even more
21 expansive than any other category we've discussed previously.
22 It does not say owner. It does not say officer. It doesn't
23 say board member. It says has an interest -- ownership
24 interest or financial interest. Do you see that?

25 A Yes.

1 Q Do you have an understanding of what financial
2 investment interest would be?

3 A I mean, I can -- that would be have an investment in
4 an establishment?

5 Q Doesn't that sound and feel like shareholder to you?
6 Any --

7 A I don't --

8 Q -- financial investment interest, investment
9 interest. Doesn't that sound like it would be someone who has
10 perhaps a shareholder interest to you?

11 A I don't know. I mean, I'd -- it could be that and
12 something else.

13 Q Well, if you don't know -- and you had a part to play
14 in the preparation and creation of this application -- who
15 would know?

16 A It wouldn't -- I mean, I guess -- can you repeat the
17 question? Maybe I can answer it.

18 Q Yes. Do you know what "financial investment
19 interest" means?

20 A It could mean that --

21 Q -- for purposes of this application?

22 A It could mean a shareholder. It could mean --

23 Q That's what I thought too.

24 A It could mean a nonshareholder.

25 Q All right. But this attachment requires you to list

1 them all; isn't that correct?

2 A Yes.

3 Q Anyone.

4 A I think it says all.

5 Q So if it didn't -- if they for some reason were
6 confused or ignorant, as Mr. Jolley said, this should have
7 cleared it up. You list everybody; isn't that correct?

8 MR. SHEVORSKI: Objection. Misstates testimony.

9 THE COURT: Overruled.

10 BY MR. PARKER:

11 Q Isn't that correct, sir?

12 A What the Department is asking for, is everybody.

13 Q That's right. So one way or another, be it from
14 Attachment A to I, Attachment C continued, this document
15 catches everybody left, doesn't it? It says, "any ownership or
16 financial investment interest." That catches everyone, doesn't
17 it?

18 A Well, then again, what the Department is asking for
19 is -- I can't see that first word. All?

20 Q What are you looking for? What first word?

21 A Oh, "has." It was --

22 Q Yeah. "Has an ownership" --

23 A Has an ownership.

24 Q -- "or financial investment interest in." Do you see
25 that?

1 A Uh-huh.

2 Q Is that a yes? You said "uh-huh." Is that a yes?

3 THE COURT: "Uh-huh" doesn't come out very well on
4 our transcript. Was that yes or no?

5 THE WITNESS: I understand, Your Honor. Could you go
6 back to the previous attachment?

7 MR. PARKER: Could you go back for us, Shane.

8 THE WITNESS: Scroll down to the bottom, if you
9 could, please. I'd like to read the definition of
10 attachment -- or the instructions for Attachment C, if there is
11 any.

12 MR. PARKER: Can we go to the definitions?

13 BY MR. PARKER:

14 Q Let see. Do you know where the definitions are, sir?

15 A We gave the instructions a little lower.

16 Q Okay. So that would be page -- they start at page
17 4 of this exhibit, Exhibit 5, and go through page 7. So you --
18 do you want me to pull the volume out so you can just page
19 through it?

20 A Sure, that --

21 MR. PARKER: May I approach, Your Honor?

22 THE COURT: You may.

23 BY MR. PARKER:

24 Q Okay. Have you had a chance to look at the
25 definitions, Mr. Gilbert?

1 A Yes, so -- I did. So I was looking at page 11.

2 Q Yes, sir.

3 A Eleven. It would be 5.2.10.3 -- or, no, I'm sorry.

4 Yes, 5.2.10.3: "Supplemental owner, officer, and board member
5 information form should be completed for each individual named
6 in this application. This attachment must also include the
7 diversity information required by our (indiscernible) 092-17,
8 Section 80 in Attachment C."

9 So what the Department was asking for on that
10 attachment is everybody that was listed in the application.

11 Q Okay. My point -- the point being is Attachment C
12 includes a request or requirement, not a request, but a
13 requirement, that all -- or that anyone that has a financial
14 investment interest be identified; is that correct?

15 A That's what that -- the top of that form says.

16 Q Right. And you would also agree with me that there
17 is no definition that includes investment or financial
18 investment interest; is that correct?

19 A I believe that's correct.

20 Q Good. Now, looking at Exhibit 5, I went over -- or
21 we went over this attachment in terms of perhaps preventing
22 monopolies or having one company having more than one license
23 in any particular jurisdiction. Do you recall that?

24 A Yes.

25 Q All right. Did you review --

1 MR. PARKER: Is Exhibit 13 admitted, madam clerk?

2 THE CLERK: Yes, sir.

3 MR. PARKER: Can we put Exhibit 13 on?

4 BY MR. PARKER:

5 Q Are you familiar with Essence Tropicana and Essence
6 Henderson?

7 A I'm aware of the name, yes.

8 Q Are you aware that they have similar ownership?

9 A Yes.

10 Q And do you -- are you aware of the fact that they
11 both receive licenses in Clark County?

12 A Yes, I am.

13 Q All right. Do you believe that to be a violation of
14 attachment -- I'm sorry, violation of the statute owner
15 regulation?

16 A I do not, based on the guides that we were given,
17 based on, you know, the entity, issued to the entity.

18 Q So similar owners. You don't believe -- you believe
19 that similar owners can own or have more than one recreational
20 marijuana establishment in the same jurisdiction?

21 A It's to be issued to the entity. The license is
22 issued to the entity.

23 Q Let me ask the question one more time. Do you
24 believe that similar owners -- if I own a hundred percent of
25 Essence Tropicana and a hundred percent of Essence Henderson,

1 you believe I can own two recreational marijuana establishments
2 in Clark County?

3 A Yeah, based on the guidance that we got, yes.

4 Q And what guidance was this?

5 A It came from -- I can't speak to where it came from
6 because I don't know. But this was vetted. Actually, they're
7 scored and -- after they were scored and ranked, this was sent
8 up to the executive level for review, and it was approved.

9 Q So let me see if I can understand this more now. Who
10 said it was okay? Give me a name.

11 A It came from Mr. Pupo to me. I don't know who spoke
12 to Mr. Pupo.

13 Q All right. And was this guidance ever disseminated
14 to everyone else in the world of Nevada?

15 A I don't know. Not from me.

16 Q Did anyone ever say, listen, the statute may say this
17 or the regulation may say this, but as long as you've got two
18 different companies and you own a hundred percent of both, you
19 can have two locations in the same jurisdiction?

20 A I -- I never said that. I never communicated that.

21 Q And you don't recall the Department of Taxation ever
22 indicating that in a form of LISTSERV or a publication or a
23 posting or website information?

24 A Not -- not that I recall.

25 Q All right. When was this decision made by Mr. Pupo

1 to your knowledge?

2 MS. SHELL: Objection. That's not in evidence.

3 THE COURT: Overruled.

4 THE WITNESS: Can you repeat the question?

5 BY MR. PARKER:

6 Q Yes. When was that decision made, to your knowledge,
7 by Mr. Pupo?

8 A I -- I don't -- I don't know when that decision was
9 made by Mr. Pupo.

10 Q Is there anything in writing describing how that
11 decision was made?

12 A I don't recall. I don't know.

13 Q Do you know whether or not Mr. Pupo ran that by the
14 Attorney General's office?

15 A I do not.

16 Q Do you know if Mr. Pupo ran that question by the
17 Governor's Task Force?

18 A I do not.

19 Q Do you know if Mr. Pupo got any authority from any
20 other state of Nevada employee allowing for this --

21 THE COURT: Don't you think we should ask Mr. Pupo
22 that?

23 MR. PARKER: I'm just trying to make sure. Because
24 once I'm done with him, I can't ask him anymore.

25 THE COURT: All right.

1 BY MR. PARKER:

2 Q No one else you can think of?

3 A Yeah, I can't answer for Mr. Pupo.

4 Q All right. How about Cheyenne Medical and Commerce
5 Pack -- Park, I'm sorry, Commerce Park having two licenses in
6 Clark County? Were you aware of that?

7 A Yes.

8 Q And you're aware that they have similar owners?

9 A I do, yes.

10 Q Was that decision that was made by Mr. Pupo made with
11 regard to these two companies?

12 A I -- I believe so. I mean, I get guidance from
13 Mr. Pupo.

14 Q Do you know if anything was written regarding his
15 decision with regards to Cheyenne Medical and Commerce Park?

16 A I don't know.

17 Q You've not seen anything in written form regarding
18 any four of these entities having more than one location based
19 on similar ownership?

20 A Not that I can recall, no.

21 Q Okay. Good enough.

22 I'll try one more time.

23 You indicated that Mr. Pupo got guidance from
24 somewhere. Do you know where that guidance came from?

25 A I don't know specifically. He --

1 MR. PARKER: She was right.

2 THE WITNESS: You know --

3 THE COURT: Sorry. That was my exasperation thing,
4 that Mr. Kemp didn't have the confidence, and I knew the
5 witness didn't know the answer to the question after listening
6 to him for two days.

7 MR. KEMP: He said not specifically, Your Honor.

8 THE COURT: Yeah, okay.

9 MR. KEMP: He may know generally.

10 THE COURT: All right.

11 MR. PARKER: I was ready to stop.

12 BY MR. PARKER:

13 Q So do you recall when we left off on last week
14 Wednesday, I asked you some questions regarding the training?
15 Do you remember that?

16 A Yes.

17 Q All right. And when we left off, we were talking
18 about one of the training slides that said it would take two to
19 three days to review and score an application. Do you remember
20 that?

21 A I don't recall that.

22 Q I can show it to you again if that would help refresh
23 your recollection. If we could go to -- I believe it's DOT227
24 and, I think, Exhibit 206.

25 THE COURT: Is 206 admitted?

1 MR. PARKER: I think it's been admitted.

2 THE COURT: Thank you.

3 BY MR. PARKER:

4 Q Yeah, if we can go to DOT -- I think it's 227. Yes.
5 Do you see that?

6 A Yes.

7 Q It says -- this discusses the mock applications. It
8 says, "Goal: Try to get through two to three applications a
9 day;" is that correct?

10 A That's what the slide says, yes.

11 Q All right. Was that a true goal for the agency, to
12 have your scorers get through an application every two to three
13 days?

14 A No, not necessarily. I mean, this was training
15 before the applications came in, so we tried to set some sort
16 of a standard. Because we didn't know -- we only --
17 statutorily, we only had 90 days to review the applications.
18 And without knowing how many we're going to get, it's hard
19 to -- it's hard to manage, you know, being able to comply to
20 the 90 days.

21 Q Was that number ever refined?

22 A You know, I know that throughout the 90-day process,
23 we did have a good idea -- or after the -- after the 20th, we
24 knew how many applications we had to review. So we had a good
25 idea of how many had to be completed, you know, in a day's --

1 you know, in order to get done, but we didn't know the
2 complexity of them, the size of them.

3 Q And how did you refine the number? What was the --
4 ultimately, how many days or hours were allotted for these
5 evaluators to score the applications?

6 A We had 90 days.

7 Q I understand the 90-day window. What did that result
8 in in terms of per application? How much time was allotted to
9 each application?

10 A I don't know what -- I don't know. We didn't figure
11 that out. What we figured out was how many we were completing
12 on a daily basis, like Mr. Plaskon had a tracking process. So
13 he knew how many we had left, how many we completed, and how
14 many we had to get done.

15 Q And how many were you completing in a day?

16 A I -- I don't know that number.

17 Q Okay. You had 462 applications; right?

18 A Yes.

19 Q And you had 90 days. You were doing roughly 150 per
20 month; is that correct?

21 A I'd have to --

22 Q Give or take a few?

23 A -- do the math.

24 Q 150 per month is 450, so you'd have to do a little
25 bit more than that.

1 A Yeah, that makes -- logic.

2 Q If you're doing 150 in a month, that's five per day,
3 isn't it? And that's including weekends at that point; isn't
4 that correct?

5 A I'd have to --

6 Q Well, 150 divided by 30, wouldn't that be five?

7 A Yeah.

8 Q All right. So if you're doing five a day, that's
9 certainly a lot more than two -- one every two to three days,
10 isn't it?

11 A Yes, it is.

12 Q Right. Now, let's look at --

13 THE COURT: It says two to three applications a day,
14 not one every two to three days.

15 MR. PARKER: I'm sorry, Your Honor.

16 THE COURT: Which would be very different.

17 So can we take a break, because we've been going
18 here, my staff and I, since 9:00, so it's 10:30.

19 MR. PARKER: That sounds good, Your Honor.

20 THE COURT: So can we take a short break?

21 MR. PARKER: Go for it.

22 THE COURT: This is not a requested recess by you
23 guys.

24 (Proceedings recessed at 10:34 a.m., until 10:42 a.m.)

25 THE COURT: All right. I've got enough. I've got

1 enough lawyers.

2 So is the consensus you are all able to come at
3 9:00 o'clock tomorrow morning, or would you like me to start at
4 9:30?

5 ATTORNEY: 9:00 is great.

6 ATTORNEY: 9:00 is fine with me.

7 THE COURT: I'm trying to get as many hours in a day
8 as possible. 8:30 was rejected by my staff because we've got
9 to come in at 8:30 on Thursday.

10 So 9:00 o'clock tomorrow, guys?

11 ATTORNEYS: Yes, Your Honor.

12 THE COURT: I have to wait for Dulce before we're
13 official, and I'm waiting for Ms. Higgins.

14 Can someone make sure there's no block so she can
15 access the special chair we've set up for her -- that she set
16 up for herself.

17 Don't knock her down, Mr. Parker.

18 MR. PARKER: I will not.

19 MS. HIGGINS: I'm coming. I'm coming.

20 THE COURT: It's all right. We're not rushing you.

21 Sir, I'd like to remind you you are under oath.

22 Do you need anything else besides the cup I was able
23 to find?

24 THE WITNESS: No, I'm fine, Your Honor. Thank you.

25 THE COURT: All right. If you need a break, you let

1 us know. We're going to break around lunchtime.

2 THE WITNESS: Okay.

3 THE COURT: Around noon.

4 Mr. Parker, you're up. You're going to finish up
5 fairly quickly; right?

6 MR. PARKER: I am. I am. In Mr. Gilbert's
7 vernacular, quickly is, you know --

8 THE COURT: Relative.

9 MR. PARKER: -- all relative.

10 THE COURT: Relative. Yes.

11 MR. PARKER: All relative.

12 THE COURT: I've known that about you for years,
13 Mr. Parker.

14 MR. PARKER: That is true. That is true.

15 BY MR. PARKER:

16 Q Mr. Gilbert, I want you to take a look at the
17 definition of "applicant" because of something you said a
18 second ago. You said you were only concerned about the
19 organization, but the definition of "applicant" in your -- one
20 of the few definitions we actually can use in this exhibit
21 says, Organization, slash, individual. Do you see that?

22 A Yes.

23 Q So it's not just the organization that's at stake
24 here. It's also the individual. Isn't that true?

25 A Yeah. They list all their --

1 Q All right.

2 A -- owners, officers and board members.

3 Q Now, someone, one of my colleagues here, thought
4 about what you said during the break and wanted to pass this on
5 to me. So I'll ask the question: If we were to simply accept
6 what you said to the Court a little while ago regarding there
7 not being a conflict between similar owners with similar
8 companies having more than one license, would it be fair to say
9 that one owner with 61 different companies could own all of the
10 recreational marijuana locations in the state?

11 A Can you rephrase that or ask it again.

12 Q Yeah. You said that Mr. Pupo said to you that it was
13 okay for Essence Trop and Essence Henderson, despite the fact
14 that they have the same owners, to have more than one -- one
15 location in the same jurisdiction. Do you recall that?

16 A Yes, I do.

17 Q So if Teddy Parker had 61 companies all applying for
18 licenses in -- for all the jurisdictions, could I own them all?

19 A (No response.)

20 Q As long as I had 61 different companies, can I own
21 all of them, and that wouldn't violate the monopoly regulation
22 or statute?

23 A I don't know if I can answer that on the fly up here
24 on the stand.

25 Q Well, you said two was enough. Two was fine. How

1 about three?

2 A I think three would -- I mean, you'd have to look at
3 the ownership of the other -- the other licensees or the
4 licenses that the entities already hold.

5 Q Well, you said it was okay for Essence Trop and
6 Essence Henderson. They had similar owners. So if I was a
7 similar owner of three locations, could I have three in the
8 same jurisdiction?

9 A Again, I'd have to do the analysis. I don't know if
10 I could answer that question up here on the stand.

11 Q When we left off, you didn't say there was an
12 analysis. You said that Mr. Pupo told you that two is okay.

13 A Based on their ownership of their existing license
14 also.

15 Q All right. You're not foreclosing the idea of me or
16 someone having three locations in the same jurisdiction as long
17 as it was three different companies, even if they owned a
18 hundred percent of all three?

19 A And, again, I'd have to look at -- I'd have to look
20 at the whole picture.

21 Q Is there any regulation or statute that would guide
22 your determination?

23 A It's either 10 percent or the 1 like we put in the
24 red bold.

25 Q I'm sorry. Say that again.

1 A The 10 percent within a county.

2 Q Okay. So getting back to the timing, let me show you
3 another slide that deals with the timing related to --

4 THE COURT: Sir, can you push the bottom left-hand
5 corner of your monitor to see if we can get rid of those lines.

6 THE WITNESS: Uh-huh.

7 THE COURT: Thank you so much.

8 BY MR. PARKER:

9 Q If we could look at Exhibit, I think, 207. Yeah,
10 207.

11 MR. PARKER: And it's page DOT298, Shane.

12 I think this has been admitted, Your Honor.

13 THE CLERK: It is.

14 THE COURT: Okay.

15 BY MR. PARKER:

16 Q This says, Each application is estimated to take
17 33 hours to review. Is that a goal that was achieved during
18 the application-review process?

19 A I don't know. This was prior to any applications
20 being received.

21 Q Was that achieved during the process?

22 A Again, I didn't -- I haven't done an analysis on the
23 total time it took.

24 Q All right. Did you review the scoring sheets of the
25 evaluators?

1 A After they evaluated them?

2 Q Yes.

3 A No, I did not.

4 Q Did you review the tally sheets?

5 A No, I did not, not before -- not before the licenses
6 were awarded.

7 MR. PARKER: All right. Your Honor, I don't know if
8 Exhibit 44 has been admitted.

9 THE COURT: Dulce will know.

10 THE CLERK: It has been.

11 MR. PARKER: Great.

12 THE CLERK: 44.

13 MR. PARKER: 44?

14 THE CLERK: Uh-huh.

15 MR. PARKER: Could you put that on the screen for me,
16 Shane.

17 BY MR. PARKER:

18 Q So this is a tally sheet. Do you recognize this
19 tally sheet?

20 A Yes.

21 MR. PARKER: All right. If we go down to the bottom,
22 Shane -- yeah, a little further down. Right there.

23 BY MR. PARKER:

24 Q Do you see where it says total score?

25 A Yes.

1 Q Okay. So all three of these evaluators came up with
2 the same score; is that correct?

3 A That's correct.

4 Q Now, if you go under Organizational, it says here
5 1.50 hours; is that correct? Right there. Is that correct?

6 A Yes.

7 Q Does that mean that Evaluator 1 took 1.5 hours to
8 review the organizational portion of the identified part of the
9 application?

10 A Yes, it does.

11 Q Does it also mean that all three evaluators took the
12 exact same amount of time?

13 A That's what it indicates.

14 Q Does it also mean below that, in terms of the
15 financial portion of the identified area of the application,
16 that all three of the evaluators took the exact same time
17 looking at that portion?

18 A Yes.

19 Q And does it also mean that when it comes -- where it
20 discusses taxes that each one of the evaluators took the exact
21 length of time, .25 hours, to evaluate that section?

22 A Yes.

23 Q And, finally, a total time, is it true that each of
24 the evaluators, not only coming up with the exact same points,
25 spent the exact same amount of time for each category and then

1 totaling to the exact same time -- amount of time?

2 A That's what the tally sheet indicates, yes.

3 Q All right. Look at --

4 MR. PARKER: Has Exhibit 53 been admitted, Madame
5 Clerk?

6 THE CLERK: Yes.

7 BY MR. PARKER:

8 Q All right. Can we look at 53, please. And go to the
9 bottom as well.

10 Would your answers be the same if my questions were
11 the same in terms of this part of the application?

12 A It looks like the times are the same.

13 Q Points are the same? Times it would take, the same
14 for each of the categories?

15 A Yeah --

16 MR. GRAF: Well, objection, Your Honor. Misstates
17 the evidence.

18 THE COURT: Overruled.

19 MR. GRAF: The points aren't the same.

20 THE COURT: I said overruled.

21 MR. GRAF: Yes, Your Honor.

22 BY MR. PARKER:

23 Q All right. There is one variation in Evaluator 1 is
24 what Mr. Graf is pointing out. The time is the same, sir, for
25 each --

1 A Yes.

2 Q Okay.

3 A For each category, the time is the same.

4 Q Thank you.

5 MR. PARKER: And then if we could look at Exhibit 57
6 if that's been admitted.

7 THE CLERK: It has.

8 MR. PARKER: Thank you.

9 BY MR. PARKER:

10 Q Would you agree that the points are the same and the
11 time for each category is the same?

12 A The points up top, the one, zero (unintelligible)
13 one, twenty, one, zero, one?

14 Q Yes, sir.

15 A Yes, those are the same.

16 Q And then for each evaluation for the three categories
17 under the identified, the length of time taken by each
18 evaluator is the same for each category; is that correct?

19 A Yes.

20 Q Now, we discussed why it's your belief that location
21 was taken out of consideration; is that correct?

22 A Uh --

23 Q You said it was taken out of the application by
24 virtue of a clarification; is that correct?

25 A Well, there -- we sent out clarification to the

1 application.

2 Q Right. We've seen that the word "location" and the
3 prohibition against using PO boxes remained in the application.
4 That's Exhibit 5. We've seen that today. Is that correct?

5 A I saw it in Exhibit 5.

6 Q All right. Now, would you be surprised that the
7 evaluators looked at location in their evaluations, not on all
8 but on some?

9 A I would have to look and see what you're referring
10 to.

11 Q If the evaluators looked at location, that would be
12 against your instruction; is that correct?

13 A Well, if it was provided in the application, they may
14 have had to look at it, but it wasn't scored.

15 Q So if they scored location, then that would be
16 against your training?

17 A Well, location wasn't scored. It wasn't part of the
18 criteria.

19 Q One more time. If they scored location, that would
20 be against your training; is that correct?

21 A It would be against the training that they got based
22 on the criteria that was provided that they used to evaluate
23 the applications.

24 Q So it would be against the training and the criteria?

25 A It would be -- well, there's no points allowed in the

1 criteria for location.

2 Q If we see indications within the scoring that
3 location was taken into consideration, would that be against
4 your training? Yes or no?

5 A I would have to -- I don't know if I can answer -- I
6 can't answer that without, number one, seeing what I'm looking
7 at.

8 Q No, sir. Let me -- would it be against the criteria?

9 A Yeah, because there is no points for criteria for
10 location.

11 Q All right. And you said that you trained these
12 evaluators not to consider location; right?

13 A It was part of the training.

14 Q Thank you.

15 MR. PARKER: So let me see if I can get a stipulation
16 as to this document, Your Honor.

17 (Pause in the proceedings.)

18 THE COURT: Proposed exhibit number, Mr. Parker?

19 MR. PARKER: It would be the next in order. It's
20 produced by the --

21 MR. SHEVORSKI: The State produced this. We have no
22 objection to our own document.

23 THE COURT: So, Dulce.

24 THE CLERK: 304.

25 THE COURT: 304. Have you shown 304 to everybody it

1 impacts?

2 MR. PARKER: I'm going to show it to, I think,
3 Mr. Graf.

4 (Pause in the proceedings.)

5 MR. PARKER: Joe that is, Your Honor.

6 THE COURT: Any objection to 304?

7 MR. GUTIERREZ: No objection, Your Honor.

8 THE COURT: Be admitted.

9 (Plaintiffs' Exhibit Number 304 admitted.)

10 MR. PARKER: Your Honor, may I approach the witness?

11 THE COURT: You may. And you need to give one to the
12 clerk.

13 MR. PARKER: Of course. I brought one just for her.

14 Do you want me to show him the one you marked?

15 Let me take that back, Mr. Gilbert, please. I knew
16 better. I should have given it to her first.

17 THE COURT: When we give you the sticker one, make
18 sure we get the one with the sticker back.

19 THE WITNESS: Okay.

20 THE COURT: So don't take it when you leave.

21 THE WITNESS: I'll return it.

22 THE COURT: All right.

23 BY MR. PARKER:

24 Q So you've been handed Exhibit 304, and this was
25 produced by the Department of Taxation.

1 MR. PARKER: If we can put it on the screen. Do you
2 have it?

3 UNIDENTIFIED SPEAKER: I do not --

4 MR. PARKER: Could I use the Elmo, Your Honor?

5 THE COURT: You may. Ramsey is going to help you.

6 MR. PARKER: Thanks, Ramsey.

7 THE MARSHAL: You're welcome.

8 BY MR. PARKER:

9 Q So Exhibit 304 was produced by the Department of
10 Taxation, Mr. Gilbert. Do you see that? Do you see the
11 document?

12 A Yes.

13 Q It appears to be an evaluator --
14 Is it Lennon or Lemons?

15 A That's Lemons, Mr. Lemons.

16 Q Mr. Lemons. Was he an evaluator?

17 A Yes.

18 Q All right. And he was charged with doing an
19 evaluation of the nonidentified?

20 A Yes. That's correct.

21 Q And nonidentified would include adequacy of size,
22 building plans, which is stated at the top of this document?

23 A Yes.

24 Q Is that a yes? All right.

25 And do you see the comments here?

1 A I do.

2 Q It says, 2500 to 3200 square feet, I'm assuming; is
3 that correct?

4 A That's what it looks like to me.

5 Q And this says, Public -- I'm sorry, Public bus stop
6 nearby. How would you know if a public bus stop is nearby
7 without knowing the location?

8 A I don't know. That would be a question for the
9 evaluator. I don't -- I don't know where he got those.

10 Q You would agree with me that at the very least
11 someone considered the location for purposes of public
12 transportation?

13 A I don't know if the -- again, I can't answer to him,
14 why he put those notes there. It might have been included in
15 the application. It might have been something that the
16 applicant pointed out that he just put a note down.

17 Q All right.

18 A I don't know. That would be a question for the --
19 Mr. Lemons.

20 Q All right. When you saw this -- or did you ever see
21 this?

22 A First time I've seen it.

23 Q All right. So did anyone ever consider seeing this,
24 somebody from the State, and saying, hey, Evaluator, why would
25 you comment on a nearby bus stop if location is not a part of

1 the criteria?

2 A We wouldn't -- we didn't look at their notes. We
3 didn't look at what they wrote in the notes. (Indiscernible)
4 that's --

5 Q And that's because no one from the State actually did
6 any quality assurance; isn't that correct?

7 A We did quality assurance on the auditing of the
8 tallies of the scores.

9 Q Um-hmm. You didn't do any quality assurance or
10 quality control when it came to the evaluation of the
11 nonidentified portions of the applicant -- application? I'm
12 sorry.

13 A We relied on the evaluators and their experience and
14 skills to evaluate appropriately.

15 Q Sure. All right.

16 (Pause in the proceedings.)

17 THE COURT: Is this your next in order, Mr. Parker?

18 MR. PARKER: It will be, Your Honor.

19 THE COURT: So, Dulce, we'll be up to 305.

20 MR. PARKER: Your Honor, this is not a intervener
21 that's here --

22 THE COURT: So why don't we not?

23 MR. PARKER: -- but the State has no objection to it.

24 MR. SHEVORSKI: I mean, I don't have an objection
25 other than the confidentiality --

1 THE COURT: Is there any confidential information
2 that appears on the document?

3 MR. PARKER: No, I don't believe so, Your Honor.

4 THE COURT: Mr. Shevorski?

5 MR. SHEVORSKI: I don't believe it does, Your Honor.

6 THE COURT: Okay.

7 MR. SHEVORSKI: But I'm going to have Mr. Bhirud look
8 at it real quick. He's our guru --

9 THE COURT: He is. He's in charge.

10 UNIDENTIFIED SPEAKER: I don't believe so either.

11 MR. GRAF: Your Honor, Clear River would object to
12 any document being used as to any nonparty to this proceeding.

13 THE COURT: Overruled.

14 MR. GRAF: Thank you.

15 THE COURT: As long as there is no confidential
16 information, it'll be admitted.

17 (Plaintiffs' Exhibit Number 305 admitted)

18 UNIDENTIFIED SPEAKER: I don't see any, Your Honor.

19 THE COURT: And the State has confirmed it does not
20 appear to.

21 And, Mr. Parker, you've confirmed as well.

22 UNIDENTIFIED SPEAKER: Nothing readily --

23 MR. PARKER: May I approach, Your Honor?

24 THE COURT: You may.

25 MR. PARKER: This will be 305, Your Honor.

1 May I approach?

2 THE COURT: You may.

3 (Pause in the proceedings.)

4 BY MR. PARKER:

5 Q So I believe you have Exhibit 305 in front of you, do
6 you not?

7 A Yes, I do.

8 Q Now, this document appears to be another application
9 reviewed by Mr. Lemons related to a nonidentified portion of
10 the application, particularly the adequacy of size and building
11 plans. Adequacy of size and then building plans. Do you see
12 that?

13 A Yes.

14 Q This comment indicates that there is a receiving door
15 to the enclosed garage. Do you see that?

16 A Yes, I do.

17 Q Now, it's my belief that based upon this notation
18 that someone would have to know that there is a garage also
19 attached or available to those parking or intending to
20 patronize a medical -- the recreational medical
21 establishment -- recreational marijuana establishment. Would
22 that seem consistent with your review of this?

23 A I mean, it could mean a number of things. Can you
24 repeat your understanding.

25 Q Well, my point is typically you don't have on a floor

1 plan a garage. Would you agree with that?

2 A It could be a facility garage, a mantrap.

3 Q Well, the mantrap, which is also mentioned in the
4 other, in Exhibit 304, I thought about that as well, and I
5 believe that the -- a mantrap would be associated with an exit
6 so you can close the exit to prevent somebody from getting out
7 or getting in. Understood?

8 A Yes.

9 Q Is that your understanding as well?

10 A Yes.

11 Q All right. But when it comes to a garage, in all of
12 the documents I've reviewed, I have not seen a single floor
13 plan that has a garage as a part of the floor plan. Do you
14 recall seeing any?

15 A I didn't review any of them.

16 Q All right. Would you agree with me to know that
17 there is a garage you'd actually have to have at least some
18 information on the location?

19 MS. SHELL: Objection. Calls for speculation.

20 THE COURT: Overruled.

21 THE WITNESS: I mean, it's hard for me to speak to
22 what the evaluator saw in this floor plan as to why he -- he
23 would have wrote garage, and I can't speak to -- I can't speak
24 to what he evaluated.

25 MR. PARKER: Good enough.

1 THE COURT: And this is the same evaluator
2 Mr. Lemons?

3 MR. PARKER: It is, Your Honor. Thank you.

4 BY MR. PARKER:

5 Q All right. But the importance of a receiving door to
6 an enclosed garage, that was something that Mr. Lemons thought
7 was important enough to actually add as a part of his notes for
8 this applicant; is that correct?

9 MR. SHEVORSKI: Objection. Speculation.

10 UNIDENTIFIED SPEAKER: Objection.

11 THE COURT: Overruled.

12 UNIDENTIFIED SPEAKER: We thought it (indiscernible)
13 for a twofer, Your Honor.

14 UNIDENTIFIED SPEAKER: A synchronized objection.

15 THE WITNESS: Mr. Lemons wrote it down for a reason,
16 but as to the reason why, I don't -- don't think I can speak to
17 that.

18 MR. PARKER: Good enough.

19 BY MR. PARKER:

20 Q Now, I want to look at an extraction report reference
21 that we did not go over last week, and this is SG91.

22 MR. PARKER: So I believe the exhibit has already
23 been admitted, Your Honor, and I think it's one, oh --

24 THE COURT: One, oh, which?

25 THE CLERK: Nine.

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1 THE COURT: Dulce thinks it's 109.

2 MR. PARKER: We have 109. It is 109.

3 THE COURT: Thank you, Dulce.

4 MR. PARKER: Thank you, Dulce.

5 And it's page 91. And it's the top --

6 (Pause in the proceedings.)

7 MR. PARKER: Can you pull that up for me, Shane.

8 Thanks.

9 BY MR. PARKER:

10 Q So, it says, The training was dumb. Do you see that?

11 A I do.

12 Q And it appears to have been sent by Karra; is that
13 correct?

14 A That's Kara --

15 Q Kara?

16 A -- Cronkhite.

17 Yes.

18 Q Ms. Cronkhite?

19 A Yes.

20 Q Or Cronhite. All right.

21 And then I believe you indicate, I know, not real
22 relevant. What training were you speaking of?

23 A I don't recall.

24 Q Would it have had anything to do with the 2018
25 application process?

1 A It looks like it was in January of 2019.

2 Q Okay.

3 A So, no.

4 Q You have no idea?

5 A I don't.

6 Q And I wanted to also ask you about this part of the
7 training. And it's page -- it's DOT20832, and I think that's
8 Exhibit --

9 MR. PARKER: I believe it's already been admitted,
10 Your Honor, as part of the training -- I think it's -- is it
11 305?

12 THE COURT: Probably not. 305 was the score sheet.

13 MR. PARKER: All right.

14 THE COURT: With Mr. Lemons's handwritten comments.

15 MR. PARKER: Okay. I think it's 111.

16 (Pause in the proceedings.)

17 THE COURT: What's the Bates number, Mr. Parker?

18 MR. PARKER: Two, zero --

19 THE COURT: What's the alpha?

20 MR. PARKER: DOT.

21 THE CLERK: DOT?

22 MR. PARKER: DOT20832.

23 THE CLERK: 111 starts at 20839. So 114, Mr. Parker.
24 DOT020832?

25 MR. PARKER: Yes.

1 THE CLERK: I think that's 114.

2 MR. PARKER: Has that been admitted?

3 THE CLERK: And it's been admitted.

4 MR. PARKER: That's what I thought. I thought it was
5 admitted.

6 THE COURT: Okay.

7 BY MR. PARKER:

8 Q All right. Can we go to the top question.
9 Mr. Gilbert, can you read that to yourself. Can you tell me
10 what you believe the answer to that question was.

11 A In the case of a tie in the scoring between
12 applicants for a license, the department will do what?

13 Q All right. Do you know what the answer is to this
14 question?

15 A The answer to a tie for these situations would be the
16 organizational chart.

17 Q Would be what?

18 A The review of the organizational chart.

19 Q And what about the organizational chart would you use
20 to break a tie?

21 A The score of the organizational chart.

22 Q That's it? So if the organizational chart was
23 identical, let's say the number was identical, then what would
24 you do?

25 A I'm sorry. Can you rephrase --

1 Q Yeah. Let's say you had a tie. The overall
2 applications were a tie in terms of numbers, and then you went
3 to the organizational chart, and those numbers were identical.
4 What do you do then?

5 A That I would have to reach out for guidance from a --

6 Q Okay. So Mr. Kemp asked you --

7 A -- the attorney general.

8 Q -- and I took a note on this, Mr. Kemp asked you
9 whether or not at one point diversity was a tiebreaker. Do you
10 remember that?

11 A Possibly.

12 Q Okay. Was diversity ever considered the tiebreaker
13 as a part of the organizational chart?

14 A (No response.)

15 Q Do you know?

16 A I'm sorry?

17 Q Yeah. Do you know whether or not diversity was ever
18 a part of the tie-breaking -- was ever considered the
19 tiebreaker under the identified portion of the application?

20 A Not in the criteria.

21 Q No?

22 A No, not in the criteria.

23 Q All right. Do you recall that the application
24 required not only officers, board members, but also employees
25 and volunteers have agent cards?

1 A Well, I don't -- as far -- can you repeat the
2 question.

3 Q Yeah. Did the application or does the process
4 require for employees of a recreational marijuana establishment
5 to have an agent card?

6 A Not the -- not the application itself if I understand
7 your question correctly because --

8 Q But eventually employees?

9 A Eventually employees, yes.

10 Q How about volunteers?

11 A Yes.

12 Q So if employees and volunteers would have to have
13 one, is there any reason why every owner, including, in your
14 words, a shareholder, would not have to have an agent card?

15 A That depends on their ownership percentage.

16 Q Okay. Now you're saying it's a percentage.

17 A No, that's what the statute and regulations read.

18 Q Okay. But that's --

19 A That's their own percent.

20 Q -- not what your application said; is that true?

21 A It says background -- well, that's for the
22 existing -- the ownership. So when the Department looked at
23 who was listed in the application and they compared it to the
24 ownership on record, and those requiring an agent card should,
25 you know, they need to be valid and up to date, which is part

1 of the background check.

2 Q So I'm trying to finish up with you, Mr. Gilbert. I
3 want to make sure this is the case. If I were to show you
4 Nevada Wellness Center application or scoring information,
5 would your answers be the same, I would have to ask the
6 evaluators why they may have put certain information in the
7 notes?

8 A Most likely yes. I mean I can't answer to why they
9 wrote some notes.

10 Q Okay. And let finish with this line of questioning,
11 since I was asking you. So are you familiar with Clear
12 River LLC?

13 A I'm aware of the licensee, yes.

14 Q Okay. Did Clear River ever receive a traditional
15 license in unincorporated Clark County, to your knowledge?

16 A I'd have to look at the listing.

17 MR. PARKER: Can we put up Exhibit 13, please.

18 BY MR. PARKER:

19 Q Do you see it there?

20 A Yes, I do. Number 10.

21 Q All right. And is it true that only 10 licenses were
22 handed out in unincorporated Clark County?

23 A Yes, that's correct.

24 Q Okay. Was Wellness Connection of Nevada the 11th --
25 in the 11th spot?

1 A Yes, they are.

2 Q And the differential between Wellness Center getting
3 in, that Clear River's about 1.66 points; is that correct?

4 A Yes, that's correct.

5 Q So if Clear River would have lost two more points,
6 then it would not have received a conditional license for
7 unincorporated Clark County; is that correct?

8 A Yeah, or -- yeah. Or the other one gained more.

9 Q Do you know how many points Clear River LLC got in
10 diversity scoring?

11 A I don't.

12 Q All right. Let me take a look at Exhibit 58. I
13 think that's been admitted, Your Honor.

14 THE COURT: Dulce says it has.

15 MR. PARKER: Perfect. Thank you.

16 BY MR. PARKER:

17 Q Would you agree with me that Clear River received 12
18 points to diversity?

19 A Yes.

20 Q All right. Clear River's an LLC. Do you know
21 whether or not it listed -- how it listed its owners or
22 managers or members or whomever, did you take a look at that?

23 A No, I did not.

24 Q Give me your understanding of what they -- whom they
25 should have listed based upon the application?

1 A They should have listed their owners, officers, and
2 board members.

3 Q All of them, right?

4 A Yeah.

5 Q All right. And in terms of diversity, they would be
6 entitled only for consideration of those people occupying those
7 positions, the owners, officers, or board members; is that
8 correct?

9 A Yes.

10 Q How many people did Clear River include as a part of
11 its diversities form; do you know?

12 A I do not know.

13 MR. PARKER: I don't know if Exhibit 132 has been
14 admitted, Your Honor.

15 THE COURT: Dulce says no.

16 MR. PARKER: Mr. Graf, do you have objection to 132?
17 I think it's the part of your application submitted to the DOT.

18 THE COURT: Which portion, Mr. Parker?

19 MR. PARKER: I believe it's the identifiers portion.
20 Is 30 -- (indiscernible).

21 THE COURT: Well, why don't you show Mr. Graf the --

22 MR. PARKER: Well, I was just going to use the -- use
23 that. I think he --

24 MR. GRAF: And, Your Honor, we -- if -- just if
25 Mr. Parker can confirm, this is what you're talking about?

1 MR. PARKER: That's 37.

2 MR. GRAF: So which part are you talking about?

3 MR. RULIS: Handwritten notes?

4 MR. PARKER: Yeah.

5 MR. GRAF: Oh, the handwritten notes?

6 MR. PARKER: Yeah.

7 MR. GRAF: Your Honor, our concern is, is that there
8 are -- yes, we object, Your Honor. There is personal and
9 proprietary information included in there, and this is also
10 subject to our previous Motion for a Protective Order. We're
11 just trying to be consistent, Your Honor.

12 THE COURT: Okay. So can I see a copy so I can look
13 at it to make a determination as to whether it appears to me to
14 be confidential? Does anybody know where it is?

15 MR. GRAF: Your Honor, Mr. Rulis was good enough to
16 give me a copy this morning. If you want to look at my copy --

17 THE COURT: Nobody gave me one.

18 MR. GRAF: If you want to look at my copy, Your
19 Honor, you should have a copy.

20 THE COURT: Giving Dulce a copy doesn't give me a
21 copy.

22 MR. PARKER: I gave Dulce two copies.

23 THE COURT: Oh. Well, she didn't -- Which one,
24 Mr. Parker? 130 or 130?

25 MR. PARKER: 132 and then we're going to go to 130

1 after that.

2 THE COURT: Page number?

3 MR. PARKER: Page number 30782, the Alpha Americas
4 DOT.

5 THE COURT: Hold on. Counsel, I am looking at this
6 solely for purposes of making an evaluation on the
7 confidentiality objection on this page.

8 MR. GRAF: Which page again? I'm sorry.

9 MR. PARKER: 30 --

10 THE COURT: I am on DOT030782. The information that
11 appears on DOT030782 does not appear confidential. If you are
12 only seeking to use that page, we will mark it as 132A. If
13 there's other information in here, I will address them on a
14 page-by-page basis according to Mr. Graf's objection.

15 MR. GRAF: Thank you, Your Honor.

16 THE COURT: So can we mark that one as A?

17 MR. PARKER: Yes, Your Honor.

18 THE COURT: All right.

19 THE CLERK: Can I have the Bates number again?

20 MR. PARKER: Yes. It's 307 -- it's DOT03 --

21 THE COURT: 30782.

22 MR. PARKER: May I approach, Your Honor?

23 THE COURT: I didn't take it out. Sir, do you have a
24 book that looks like this somewhere?

25 / / /

1 BY MR. PARKER:

2 Q Did you find the page, Mr. Gilbert?

3 A On the --

4 Q It should be on the screen, but --

5 A I got it on the screen.

6 Q Okay. Good enough. But you agree now that there are
7 12 people that were taken into consideration by the evaluator
8 for purposes of diversity?

9 A Yes, based on the notes.

10 Q And would you also agree that they were -- as a
11 result of their calculation on the evaluators' calculation,
12 they gave them 12 points?

13 A Yes.

14 Q And they identify six females, one black person; is
15 that correct?

16 A Yes.

17 Q Did -- do you know what positions the females held or
18 the black person?

19 A I do not.

20 Q Do you know who the owner of Clear River is?

21 A Not that I can recall.

22 Q Okay. Do you know whether or not an advisory board
23 was created by Clear River that added the black gentleman or
24 black female and the other six females?

25 A I'm not aware.

1 Q Do you know whether or not the evaluators determined
2 that there was an advisory board as opposed to a board member
3 that was being included in the diversity listing?

4 A I'm sorry, can you repeat that, sir?

5 Q Yes. Do you know whether or not the evaluators
6 determined whether or not this was an advisory board or a board
7 member that was being added to their diversity count?

8 A I do not know.

9 Q Were you aware that Clear -- do you know whether or
10 not the Department of Taxation informed the owner of Clear
11 River that the ownership listed did not have to match the
12 Department's records?

13 A I'm not aware.

14 Q Did you look at the Secretary of State's information
15 to determine whether or not Mr. Black -- Randy Black Sr. was
16 the only manager and member of Clear River LLC?

17 A I did not.

18 Q Do you know if the evaluators would have done that?

19 A They should have looked to see if they're registered
20 with the Secretary of State.

21 Q Should they have looked to determine whether or not
22 any of the 12 members or 12 individuals listed for the purposes
23 of diversity would have been consistent with your historical
24 information or the Secretary of State's information?

25 A It should have been looked at for historical

1 information. However, if they're -- I think I spoke to them
2 last week or the week before regarding the transfer of
3 ownerships, if they -- if an entity had a transfer of ownership
4 in the house, then we would look at that also.

5 Q Let's take a look at Exhibit 130. If we can, Your
6 Honor, let me first --

7 THE COURT: That's a proposed exhibit, Mr. Parker.

8 MR. PARKER: Oh. Okay. And that was dealing with
9 the monopoly analysis, Your Honor. I don't know if there's an
10 objection to that. I don't know if there was.

11 MR. SHEVORSKI: Well, Ted, I don't know what it is.

12 THE COURT: 130, and somebody coded it in the books,
13 looked at it.

14 MR. PARKER: It's DOT044450.

15 MR. SHEVORSKI: No objection from the State, Your
16 Honor.

17 THE COURT: And which dispensary does it relate to?

18 MR. PARKER: It's all of them, Your Honor.

19 MR. SHEVORSKI: It's all of them.

20 MR. PARKER: It's all of them.

21 THE COURT: Okay. Let's see if anybody objects.

22 MR. PARKER: And it's -- Your Honor, for the record,
23 it's DOT044450 through DOT044452.

24 MR. KOHN: No objection for Nevada Organic Remedies.

25 MR. HONE: No objection.

1 MS. SHELL: No objection, Your Honor.

2 MR. GRAF: Your Honor, no objection.

3 MR. GUTIERREZ: No objection, Your Honor.

4 THE COURT: Be admitted. Thank you for all looking
5 at it.

6 (Plaintiffs' Exhibit Number 130 admitted)

7 BY MR. PARKER:

8 Q So if you look on the first page, it lists
9 Clearwater -- Clear River, I'm sorry, LLC. And it lists the
10 names of those identified by Clear River for purposes of
11 diversity; do you see that?

12 A Yes.

13 Q All right. And looking at this document, it says
14 here, Current owners officers or board members for this entity.
15 Do you see that column which is eighth from the left?

16 Look at the top. Can you see that? I know the print
17 is small. This is a very tight --

18 A Yeah. I think I saw it when you enlarged it.

19 MR. PARKER: Your Honor, may I approach?

20 THE COURT: You may.

21 THE WITNESS: Yes. I knew it was somewhere.

22 BY MR. PARKER:

23 Q Okay. So the O, O, and B stands for Owners,
24 Officers, and Board Members, correct?

25 A Yes.

1 Q And so we go below that list, Clear River indicates
2 no in terms of these individuals listed; is that correct?

3 MR. GRAF: Objection, Your Honor, as to form, as to
4 what the document indicates.

5 THE COURT: Overruled.

6 MR. GRAF: Thank you.

7 BY MR. PARKER:

8 Q Do you notice that?

9 A Can you repeat it, please.

10 Q Yes. The word, No, is below -- is in that column and
11 has reference to Clear River LLC for all 12 of these
12 individuals; do you notice -- did you notice that?

13 MR. GRAF: Objection, Your Honor. Misstates the
14 evidence.

15 THE COURT: Overruled.

16 BY MR. PARKER:

17 Q Well, I'm sorry. It says yes as to one person, Mr.
18 Black Sr. Other than that, if you can believe that the other
19 11 people all has a -- or all have a No to the right of
20 their --

21 A Yes.

22 Q All right. And instead, they even listed it as
23 prospective officers in the notes; do you see that?

24 THE COURT: Or BM.

25 / / /

1 BY MR. PARKER:

2 Q Or Board Member; that's correct.

3 A Yes, that's correct.

4 Q So I want you to consider the dichotomy of what you
5 said earlier regarding listing all owners, shareholders; do you
6 remember that conversation?

7 A I believe so.

8 Q All right. And you've told me that you didn't
9 expect, perhaps, that all shareholders will be listed or all
10 owners will be listed unless they came up to 5 percent or
11 greater; do you remember that?

12 A I do. I don't know if that's necessarily my opinion
13 or guidance, but that's what the application required.

14 Q Right. But the application didn't say 5 percent or
15 greater; it just said owners, correct?

16 A Yes.

17 Q And it didn't -- would you agree with me that taking
18 into consideration prospective officers, not current, would be
19 a very liberal approach at getting diversity points when you're
20 not requiring to be, I think, very conservative and responsible
21 all owners to be identified for purposes of determining
22 ownership for monopoly; do you understand the two
23 consideration?

24 A Can you repeat that, please?

25 Q Sure. You're giving someone diversity points for

1 prospective potential officers on the one side; do you see
2 that?

3 A Well, I don't know if this is -- does this match what
4 they put in their application?

5 Q Well, this is --

6 A Because this isn't the diversity analysis.

7 Q There are 12 people here, and the scores indicated
8 that there were 12 people considered. I showed you that first
9 under Exhibit 132A. Remember that?

10 A I do. Yes.

11 Q All right. So that's what the scores decided. The
12 scores decided, using your training, to include these 12 people
13 in this diversity calculation; is that true?

14 A I'd have to look at the attachment.

15 MR. PARKER: Can we go back to 132A again, please?

16 THE COURT: You see it there, sir?

17 THE WITNESS: Yes. I do see that.

18 BY MR. PARKER:

19 Q All right. And I'm guessing that the one black
20 doesn't mean Mr. Black Sr. Would you agree with that?

21 A I read it. Hope so, yes.

22 Q All right. Good enough. So if we were to do a count
23 here of the Clear River individuals listed, do we come up with
24 12?

25 A Yes. There's 12.

1 Q All right. So that would match with the scores used
2 for their diversity and valuation; is that correct?

3 A Based on the number, yes. But I'd have to look at
4 Attachment C.

5 Q Okay. You can't accept the scores information here?
6 It says the numbers match in terms of the listing.

7 A It did -- they did take 12 individuals into account.

8 Q Well, why don't we do this to see if this helps. How
9 many of those listed would be female, just based on the name?
10 Do you see six females based on first names?

11 A It's hard for me to say on some of them.

12 Q There's some easy ones.

13 A Yeah.

14 Q Lorraine, Rita, Risha, Lisa, Jade, I don't know if
15 it's Sayde or not, S-A-Y-D-E.

16 A I would say they're --

17 Q All right.

18 MR. PARKER: Your Honor, Mr. Campbell is suggesting
19 that we take a look at Exhibit 37. I think it was proposed,
20 but it's not been admitted, which may be helpful to Mr.
21 Gilbert.

22 THE COURT: Sir, you can look at Exhibit 37 if you
23 want, even though it's not admitted. It's in the books.

24 MR. PARKER: Do you have an issue with 37, Mr. Graf?

25 MR. GRAF: Which one's 37?

1 MR. PARKER: I think that's your listing, the actual
2 Clear River listing. Let's see, I can tell you the DOT number.

3 THE COURT: Do you have an objection, Mr. Graf?

4 MR. GRAF: I do, Your Honor. This is the document
5 that's subject to our previous Motion for Protective Order, Her
6 Honor ordered that we produce certain information, and we did.
7 We marked it as highly confidential.

8 THE COURT: Hold on a second. Dulce is handing me a
9 copy. For purposes of this examination, Mr. Parker, what pages
10 do you intend to use?

11 MR. PARKER: I think it's just page 2.

12 THE COURT: Page 2 of what?

13 MR. PARKER: Of Exhibit 30 -- of Exhibit 30.

14 THE COURT: So the second page?

15 MR. PARKER: Yeah, I think it maybe Attachment C.

16 THE COURT: Which is a redacted Attachment C?

17 MR. PARKER: Yes, Your Honor.

18 THE COURT: For the purposes of this examination,
19 there does not appear to be any confidential information on
20 DOT-Clear River 001737.

21 MR. GRAF: And just before you admit it, Your Honor,
22 for purposes of this hearing, we want to reiterate our
23 objection based upon SB32 and it's inaction by the State.

24 THE COURT: Okay.

25 MR. PARKER: Your Honor, let me --

1 MR. GRAF: But the applications are confidential.

2 MR. PARKER: Excuse me. I'm sorry.

3 THE COURT: And this is Exhibit 37A, will be Bates
4 Number DOT, Dot, Clear --

5 MR. GRAF: It's (indiscernible) privilege, Your
6 Honor. Sorry, I apologize.

7 THE COURT: 001737. I understand your position,
8 Mr. Graf.

9 MR. PARKER: Your Honor, this -- it's still
10 Exhibit 37 we're concerned about. But Mr. --

11 THE COURT: That's 37A now. Of you have another page
12 you want me to look at to resolve the confidentiality objection
13 that's been raised?

14 MR. PARKER: Yes, Your Honor. The problem is, and
15 you probably understand this based upon the many days we've
16 been here, the explanation and the description of each of these
17 people would be in the following pages 2 through 37 under
18 Exhibit 37A.

19 THE COURT: Which are fully redacted? Yeah.

20 MR. PARKER: Yeah. So --

21 THE COURT: I got that part.

22 MR. PARKER: So the question is will your ruling be
23 the same if he's allowed to look at that information?

24 THE COURT: The unredacted information?

25 MR. PARKER: No, the redacted 2 through page 37 and

1 37A.

2 THE COURT: Bates numbers?

3 MR. GRAF: I'm not understanding what you're saying,
4 actually.

5 MR. PARKER: I believe there's -- from page 32 to
6 page 37 --

7 MR. GRAF: You'd want him to look at.

8 MR. PARKER: Yes.

9 MR. GRAF: Okay.

10 MR. RULIS: And we have the same objections, Your
11 Honor.

12 THE COURT: I need Bates numbers, Mr. Parker, to
13 review it for confidentiality.

14 MR. PARKER: Certainly, Your Honor.

15 MR. RULIS: Your Honor, can I give you Bates numbers?

16 THE COURT: You may.

17 MR. RULIS: It's DOT-Clear River 001736.

18 THE COURT: 17 --

19 MR. RULIS: Hang on, sorry.

20 THE COURT: -- 36 is not in this packet Dulce handed
21 me.

22 MR. RULIS: No, 37. I apologize.

23 THE COURT: That's the one I admitted as A.

24 MR. RULIS: Through --

25 MR. GRAF: Your Honor, while you're looking at that,

1 I just want, for purposes of the record --

2 THE COURT: I'm just trying to get numbers.

3 MR. GRAF: I know. I got it.

4 THE COURT: Let me get the numbers first, Mr. Graf.

5 MR. RULIS: Through 1772.

6 THE COURT: So 1738 through 1772, which appears to be
7 the entire document. So the objection is sustained, unless you
8 want to give me particular pages within there to look at.

9 MR. RULIS: That's the entire of Attachment C.

10 THE COURT: I understand. Which is why I'm asking,
11 are there particular pages with any exhibit you would like me
12 to look at --

13 MR. RULIS: Sure.

14 THE COURT: -- like I did with 1737, which I admitted
15 as Exhibit 37A? Not saying you can't use it with the witness.
16 It's just an admission for public purposes.

17 MR. RULIS: Understood.

18 THE COURT: You can, of course, ask the witness
19 questions about an unadmitted document all day long.

20 MR. GRAF: Let's not do it all day long.

21 THE COURT: Well, especially since I was told that
22 Mr. Gilbert was a half day more and I got 28 more minutes in my
23 half day.

24 MR. PARKER: I'm almost done.

25 THE COURT: Yeah.

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1 MR. PARKER: This is my --

2 MR. GRAF: He said that an hour ago.

3 MR. PARKER: I did not say that an hour ago.

4 MR. SHEVORSKI: So is the first page here the
5 Secretary o State's, is that 37? And then the next page is
6 37A?

7 THE COURT: I have only admitted 37A, which is D-O-T,
8 DOT Clear River 001737, after doing an evaluation of the
9 confidentiality issue, when Mr. Rulis suggested that I admit
10 the entire document, Exhibit 37, I sustained Mr. Graf's
11 objection related to confidentiality as well as understanding
12 he's also making a number of other objections related to
13 privilege.

14 MR. GRAF: Thank you, Your Honor.

15 MR. RULIS: Thank you, Your Honor.

16 THE COURT: Which I didn't rule on.

17 MR. GRAF: Thank you for dodging that and putting
18 that.

19 THE COURT: Which I didn't rule on.

20 MR. PARKER: So, Your Honor -- right. So I think we
21 can limit it to the page you already approved, admitted, then
22 one page, 1741 and 1744.

23 THE COURT: So, anything else on 1741 and 1744, which
24 are heavily redacted pages?

25 MR. GRAF: Your Honor, just the same objection, but

1 want to reiterate the fact that we believe that it's also
2 privilege, and we'd ask that the Court rule on our objection
3 based on privilege, also.

4 THE COURT: I deny it on the privilege basis and --

5 MR. GRAF: Thank you, Your Honor.

6 THE COURT: -- with respect to 1741 and 1744, given
7 the redactions, there does not appear to be any confidential
8 information in those. So 41 and 44, I can either make them
9 part of 37A or make them a 37B and C.

10 MR. GRAF: That's up to Her Honor.

11 THE COURT: It's up to Dulce, actually.

12 MR. GRAF: All right.

13 THE CLERK: Let's just do A.

14 THE COURT: So she's going to put those three pages
15 in 37A.

16 MR. PARKER: Thank you, Your Honor.

17 MR. GRAF: And, Your Honor, we would ask that that --
18 those be sealed by the Court following this hearing.

19 THE COURT: No.

20 MR. GRAF: Okay.

21 THE COURT: Did that once, never doing it again.

22 MR. GRAF: All right.

23 MR. PARKER: State and the federal courts don't like
24 that anymore. I've had to deal with that.

25 MR. GRAF: I think that's what SB32 requires, though.

1 That's why I'm saying, not --

2 THE COURT: That's not what SB32 requires, Mr. Graf.
3 You want to point me to a particular section of SB32, I have it
4 right here. Be happy to look at it with you and have a
5 discussion.

6 MR. GRAF: Okay.

7 THE COURT: But that's not what it requires.

8 MR. PARKER: All right. So may I approach, Your
9 Honor?

10 THE COURT: You may.

11 BY MR. PARKER:

12 Q So can you look at -- Mr. Gilbert, can you look at
13 Exhibit 37 and look at just the pages, page 2, which has been
14 admitted, 1737 and 1741 and 1744. So this is Clearwater's
15 Attachment C.

16 A Is that in here?

17 Q Well, it's on the screen now.

18 A Okay.

19 Q Makes it easier.

20 MR. PARKER: Your Honor, may I approach?

21 THE COURT: You may.

22 BY MR. PARKER:

23 Q So you're familiar with Attachment C; is that
24 correct?

25 A Yes.

1 Q And so this is the attachment which is a part of the
2 application that each applicant must fill out; is that correct?

3 A That's correct.

4 Q All right. It appears here that Mr. Black Sr.,
5 Robert Black Sr. assigned this -- or appears -- is identified
6 in the document; is that correct?

7 A Yes, that's correct.

8 Q And he's identified as a Caucasian male; is that
9 correct?

10 A Yes.

11 Q And he's identified as an owner?

12 A Yes.

13 Q Can you tell from this document or from this page
14 alone whether or not there are any other owners identified for
15 Clear River?

16 A Not on this document.

17 Q All right. Is the rest of the document redacted --
18 changed, if you go all the way up to the bottom -- or go all
19 the way down to the bottom?

20 A (No audible response.)

21 Q All right. Let's go to page 1741.

22 A (Witness complies.)

23 Q So Mr. Flintie Williams; do you know him?

24 A I do not.

25 Q He's identified as an African-American non-Hispanic;

1 do you see that?

2 A Yes.

3 Q And he's identified as a male. And if you go up
4 above, he's identified as a board member; is that correct?

5 A Yes, that's correct.

6 Q Did the Manpower graders, I believe, identified Mr.
7 Williams as an advisory board member; did you know that?

8 A I do not know that.

9 Q Okay. So we were to look back at Exhibit 132 --
10 THE COURT: Proposed.

11 MR. PARKER: Proposed. I thought it was 132A now,
12 Your Honor.

13 THE COURT: Only one page.

14 MR. PARKER: Yeah, you're right. I'm going to need
15 130784.

16 THE COURT: So --

17 MR. PARKER: So let me ask if anyone has an objection
18 to that.

19 THE COURT: Or you can just ask the witness to look
20 at it in the book and not admit it and use it otherwise.

21 MR. PARKER: That's true, Your Honor.

22 BY MR. PARKER:

23 Q Mr. Gilbert, can you take a look at DOT03078 --

24 THE COURT: You're back in this book, sir.

25 / / /

1 BY MR. PARKER:

2 Q It's in the small book.

3 A Okay. Got it.

4 MR. SHEVORSKI: Which exhibit is that?

5 THE COURT: Proposed 132.

6 MR. PARKER: It's Proposed 132.

7 MR. SHEVORSKI: Thank you.

8 MR. PARKER: It's DOT030784.

9 THE CLERK: Mr. Parker, I believe it only goes up to
10 0830.

11 MR. PARKER: All right.

12 THE COURT: 132? Is it okay if I look at the last
13 page to see what the Bates number is? My last page says 30.

14 MR. SHEVORSKI: 784 there --

15 MR. PARKER: That's the one I want, 784.

16 THE COURT: 030830 is the last one in my book.

17 MR. SHEVORSKI: My only concern is that there is --
18 or it looks like there is confidential material that's on that
19 page.

20 THE COURT: I'm not -- he hasn't offered it. I'm not
21 dealing with it. He's showing it to the witness.

22 MR. SHEVORSKI: Very good, Your Honor.

23 MR. PARKER: And I'm only concerned with the top of
24 it, it has nothing to do with the financials, Your Honor.

25 THE COURT: Try to deal with the confidentiality and

1 sealing issues so Mr. Graf doesn't have to keep making that
2 objection.

3 BY MR. PARKER:

4 Q Do you see that, Mr. Gilbert? Are you looking at
5 that page?

6 A I think -- you want to confirm I'm looking at the
7 right one?

8 MR. PARKER: May I approach, Your Honor?

9 THE COURT: You may.

10 BY MR. PARKER:

11 Q Yep, that's it. It kind of mixed in with the --

12 A Got it.

13 MR. PARKER: And, Your Honor, the problem is that the
14 Bate number is kind of mixed in with the writing, so it's hard
15 to tell the number.

16 THE COURT: Okay.

17 MR. PARKER: So -- and we've confirmed that we have
18 the right page that he's looking at.

19 BY MR. PARKER:

20 Q Sir, do you see an indication there that the Manpower
21 grader or evaluator indicated Mr. Williams is an advisory board
22 member?

23 A I see that they wrote Advisory in that column or that
24 cell.

25 Q Would you agree with me, we've discussed this before,

1 there is no application information that allows for advisory
2 board members to be listed. In fact, advisory board is not
3 identified anywhere on the application; is that correct?

4 A To my knowledge it's not, no.

5 Q All right. And certainly this is even a further
6 stretch, because based upon Clear River's listing, they listed
7 Mr. Williams as a prospective as opposed to a current; is that
8 correct?

9 MR. GRAF: Well, objection, Your Honor. Misstates
10 the evidence.

11 THE COURT: Overruled.

12 BY MR. PARKER:

13 Q Do you see that? It says, Prospective BM, or Board
14 Member. Do you see that? That was Exhibit 37 that we looked
15 at, I believe.

16 THE COURT: 37A, Mr. Parker?

17 MR. PARKER: 130, I apologize. Yeah, it was 130,
18 Your Honor.

19 THE COURT: And this is the Department of Taxation
20 document --

21 MR. PARKER: It is.

22 THE COURT: -- not a Clear River document.

23 MR. PARKER: That's right.

24 THE COURT: All right. Thank you.

25 MR. PARKER: It's DOT44450.

1 THE WITNESS: Yeah, Mr. Williams is a prospective
2 board member --

3 BY MR. PARKER:

4 Q Yes.

5 A -- on this document.

6 Q Yes.

7 A Yes.

8 Q But -- and the listing evaluator indicated Mr.
9 Williams is a advisory board member; do you see that?

10 A All's I see is they wrote, Advisory, in the
11 Organizational column or row.

12 Q All right. So was there any training that allowed
13 for evaluators to consider non current board members in their
14 diversity evaluation or scoring?

15 A Well, like I said earlier, so if the ownership,
16 owners, officers, board members, that they submit in their
17 application didn't match what we currently had on record, we
18 looked for the transfer of ownership in the house.

19 Q Would there be a transfer of ownership necessary for
20 an advisory board member? Since an advisory board member may
21 not be an owner?

22 MR. GRAF: Object. Calls for a legal conclusion.

23 THE COURT: Overruled.

24 THE WITNESS: I'm sorry, can you repeat the question,
25 sir?

1 BY MR. PARKER:

2 Q Certainly. Is there a change of ownership document
3 necessary for a board member that's not an owner?

4 A No, there's not.

5 Q Oh. So was there any training on giving diversity
6 points to a noncurrent board member or noncurrent owner or
7 noncurrent officer?

8 A They went off the -- so if we compared the ownership
9 and the application, owners, officers, board members, to what
10 we currently had on record, and it didn't match the record,
11 then we would look to see if there was man owner or transfer of
12 ownership already submitted to the Department which matched the
13 application that was submitted. If that was the case, then if
14 it was cleared to go forward based on that information, then we
15 would use the diversity listing that was in Attachment C.

16 Q All right. But if you -- it's clear that if someone
17 identifies individuals as prospective, not current, that your
18 historical information wouldn't show those people; isn't that
19 true?

20 A The historical -- the records?

21 Q Right.

22 A No, they wouldn't.

23 Q Thank you.

24 A But the transfer of ownership should.

25 Q All right. But that's only if they're -- if they're

1 becoming an owner, not if they're simply a board member or an
2 officer with no ownership interest, right?

3 A They should be listed in -- we did --

4 (Pause in proceedings.)

5 THE WITNESS: I apologize. Can you repeat that?

6 MR. PARKER: No problem. It's not your fault.

7 We know Shelby?

8 THE COURT: Randy's going to go investigate.

9 BY MR. PARKER:

10 Q So if someone's not a current officer, current owner,
11 or current board member, you wouldn't have any historical
12 information to confirm one way or the other; is that true?

13 A Not on record.

14 Q Right.

15 A Right.

16 Q So if I said I'm going to open up ABC Recreational
17 Marijuana Establishment, and I'm going to hire as my -- or
18 bring on as my board the Aces front line -- do you know the
19 Aces are?

20 THE COURT: Do you know what the Aces are?

21 BY MR. PARKER:

22 Q The --

23 A Yes.

24 Q -- local professional women's basketball team.

25 A Okay.

1 Q Are you familiar with that?

2 A I --

3 Q I'm going to bring them on as my advisory board, I
4 just -- that's what I'm planning on doing if I get an
5 application.

6 Are your evaluators supposed to give me points for
7 those -- that potentiality?

8 A Only if you had submitted the transfer of ownership
9 prior to the application period.

10 Q Even if they didn't have an ownership change? Even
11 if they're not getting an ownership interest?

12 A We'd have to look at the -- we'd have to look at that
13 transfer. We'd have to verify that information.

14 THE COURT: So do you believe transfers in ownership
15 are submitted for board member positions?

16 THE WITNESS: Sometimes they are. Sometimes they
17 are, if there's a percentage of ownership.

18 THE COURT: No. Just board members. Are transfers
19 of ownership submitted when there's a change in board members
20 who are not equity owners?

21 THE WITNESS: Not always, no.

22 THE COURT: All right.

23 MR. GRAF: I doubt he heard that, Your Honor.

24 THE COURT: It doesn't matter. I'm not the important
25 one, Mr. Graf.

1 MR. GRAF: I agree. We'll keep that between us then.

2 BY MR. PARKER:

3 Q So, Mr. Gilbert, was there a transfer of ownership
4 document created or submitted by Clear River for these
5 prospective board members, officers, or owners?

6 A That I would have to go back and look at to answer
7 the question.

8 MR. PARKER: Your Honor, I believe we have, as
9 Exhibit 131, the DOT letter to Clear River regarding a change
10 of ownership. Has that been admitted?

11 THE COURT: It's a proposed exhibit, Mr. Parker.

12 MR. PARKER: Okay. Any objection?

13 THE COURT: Go to go see Mr. Graf with it.

14 MR. GRAF: I have it here, Your Honor.

15 THE COURT: Any objection?

16 MR. GRAF: No, Your Honor.

17 THE COURT: Be admitted.

18 (Plaintiffs' Exhibit Number 131 admitted)

19 MR. PARKER: May I approach, Your Honor?

20 THE COURT: You may.

21 MR. PARKER: Thank you.

22 MR. GRAF: What is this exhibit again?

23 MR. PARKER: 131.

24 MR. GRAF: 131?

25 MR. PARKER: Yes, sir.

1 MR. GRAF: Thank you.

2 MR. PARKER: All right. If you could go up a little
3 bit more, Shane.

4 BY MR. PARKER:

5 Q Now, can you tell me what change of ownership
6 happened and how could it match if you didn't have any
7 historical information related to these other 11 prospective
8 board members and officers?

9 MR. GRAF: Objection as to form, Your Honor. Assumes
10 facts not in evidence. Calls for speculation.

11 THE COURT: Overruled.

12 THE WITNESS: I apologize, can you --

13 BY MR. PARKER:

14 Q No worries.

15 MR. PARKER: Go all the way to the bottom, Shane.
16 All right.

17 Q So Mr. Pupo signed this letter. Were you involved in
18 any way of Clear River's request or furnishing of information
19 for the change of ownership?

20 A We have a program officer 3 who reports to me, who
21 processes the transfers.

22 Q Okay. Were you familiar with this document?

23 A Is that the -- that's the conditional licensee award
24 letter?

25 Q Yes.

1 A Yes.

2 Q All right. And tell me, how did -- did you perform
3 any exercise to determine whether or not there was actual
4 change in ownership by the listing of these 11 other
5 prospective officers and board members?

6 A I'm sorry, can you --

7 MR. GRAF: Object as to form, misstating the
8 evidence.

9 THE COURT: Overruled.

10 MR. GRAF: Thank you.

11 BY MR. PARKER:

12 Q Yes. The Department of Taxation under your charge do
13 any investigation to determine if there was a change of
14 ownership?

15 A Well, the Department of Taxation isn't under my
16 charge, but what we did was when the applications came in, if
17 the ownership listing on the application didn't match what we
18 had on record, then we would go to see if there was a transfer
19 of ownership already previously submitted to the Department.
20 We're slow getting -- slow process those, and it's not the
21 Department's, you know, intent to do them slow, but if it was
22 already submitted to the Department, then it was looked at.

23 Q Were any of these people given an ownership interest
24 in this LLC?

25 A I do not know.

1 Q When this letter was sent out, do you know if anyone
2 investigated whether or not any of the 11 other individuals
3 listed as prospective officers or board members were given an
4 ownership interest in Clear River?

5 A I wouldn't --

6 MR. GRAF: Objection. Vague as to time, Your Honor.

7 THE COURT: Overruled. He said when this photo was
8 sent out.

9 MR. GRAF: I'm just saying when that transfer --

10 THE COURT: Okay. Overruled.

11 MR. GRAF: Thank you, Your Honor.

12 THE WITNESS: Can you repeat, please?

13 BY MR. PARKER:

14 Q Certainly. Did your department do any investigation
15 when this change of ownership was submitted to determine
16 whether or not any of the 11 people listed were actually
17 getting an ownership interest in Clear River?

18 A Well, the transfer of ownership was processed like
19 any other. And then when we verified the owners, officers, and
20 board members in the application to the transfer of ownership
21 that was in house, that matched to proceed with the
22 recreational application.

23 Q It matched the listing of people. Did it -- was
24 there any investigation to determine if they had an ownership
25 interest?

1 A Not that I'm aware of. I did not do that.

2 Q Thank you. Are you aware that based upon the
3 Secretary of State's filing requirements, that LLCs are either
4 member managed or -- yeah, they're managed by members as
5 opposed to a board?

6 A I think I've seen that category down there as a
7 member.

8 Q All right. Did you see any of them listed as
9 prospective members or managers?

10 A I didn't look at it.

11 Q All right. To this date, you're not aware of any of
12 these 11 other people receiving an ownership interest in Clear
13 River, are you?

14 A I'm sorry, can you repeat that one?

15 Q Yes. To the -- until today, up to today, you're not
16 aware of any of these 11 other individuals being given or
17 buying an ownership interest in Clear River, are you?

18 A I wouldn't know. We'd have to -- I think -- if I
19 understand your question correctly, I'd have to look and see if
20 there's a transfer of ownership submitted. That would be our
21 only indication.

22 MR. PARKER: That's all I have, Your Honor.

23 THE COURT: Thank you, Mr. Parker.

24 MR. PARKER: Thank you.

25 THE COURT: Mr. Shevorski?

1 MR. SHEVORSKI: Mr. Bult had a few.

2 THE COURT: Mr. Bult, you said Teddy was going to
3 cover everything you could have possibly asked when I talked to
4 you last.

5 MR. BULT: He did. Thank you, Your Honor.

6 THE COURT: Yeah. Okay. Mr. Shevorski?

7 MR. SHEVORSKI: Okay. Sorry.

8 THE COURT: And if you don't want to start with the
9 eight minutes I have before lunch, all you have to do is tell
10 me.

11 MR. SHEVORSKI: No, I'll start. He's been here
12 for --

13 THE COURT: Days.

14 MR. SHEVORSKI: I was going to make a joke about four
15 score and several weeks ago. But --

16 CROSS-EXAMINATION

17 BY MR. SHEVORSKI:

18 Q Why don't we take a look at -- first of all, good
19 morning. And thank you very much on behalf of the State --

20 A Good morning.

21 Q -- for being so patient with us. Lawyers like to
22 talk and I'm no different. But I think this case is important,
23 so I appreciate your participation.

24 A You're welcome.

25 Q Please take a look at Exhibit 304 that Mr. Parker

1 handed you earlier.

2 A (Witness complies.)

3 Q Are you there?

4 A Yes, I am.

5 Q Okay. Now, Mr. Parker asked you about building
6 location, if I understood your testimony correctly, is that the
7 training for the Manpower personnel, and that would include Mr.
8 Lemons, would be not to score location; is that correct?

9 A Yes.

10 Q Do you see a score for location on that page?

11 A I do not.

12 Q So as far as we know -- we don't have Mr. Lemons
13 here -- Mr. Lemons did it right; correct?

14 A Yes. It appears yes, he did.

15 Q Let's look at page 305. Or, excuse me, Exhibit 305.
16 I'm out of practice. This should be a one-page document,
17 Mr. Gilbert.

18 A I've got it. I have it.

19 Q And this is also by the same fellow, Mr. Lemons?

20 A Yes, it is.

21 Q The Manpower associate?

22 A Yes.

23 Q And am I correct, Mr. Parker showed you this earlier?

24 A Yes.

25 Q Do you see a score for location there?

1 A No, I do not.

2 Q So again, Mr. Lemons did it right, didn't he?

3 A Yes.

4 Q So we talked about Mr. Lemons; are you familiar with
5 any of the other Manpower personnel?

6 A Yes, I am.

7 Q Now, as I understand it, there were six graders and
8 two administrative assistants; is that correct?

9 A Yes, it is.

10 Q Let's talk about -- let's talk about the graders.
11 Now, based on the information on the Nevada Department of
12 Taxation website, there was a fire inspector; is that correct?
13 Someone who had fire inspecting experience?

14 A Yes, that's correct.

15 Q There was a person who had real estate
16 development/accounting experience; is that correct?

17 A Yes.

18 Q There was a person who it's described as MBA project
19 manager; is that correct?

20 A Yes.

21 Q There was a person described as government accounting
22 and IT; is that correct?

23 A Yes.

24 Q There was a person described as government operations
25 and fiscal manager; is that correct?

1 || A Yes.

2 Q And they would be the actual graders, not the
3 administrative assistants, correct?

4 A That's correct.

5 Q And then we'd have -- this is precisely government
6 speak -- Administrative Assistant II, it's almost like it's in
7 the military, and those would be the people who were providing
8 support, procedural supports to the graders?

9 A Yeah, that's the two administrative assistants.

10 Q Before we get started on them, Your Honor, why don't
11 we take a break, if that's all right.

12 THE COURT: Okay. So, guys, this is our lunch break.
13 We'll be in recess until 1:15. Have a nice lunch.

14 (Proceedings recessed at 11:56 a.m., until 1:15 p.m.)

15 || -oOo-

16 ATTEST: I do hereby certify that I have truly and correctly
17 transcribed the audio/video proceedings in the above-entitled
18 case.

19 Dana P. Williams
20

21 Dana L. Williams
Transcriber

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 25 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |

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| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITITES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |

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| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 342 | BENCH TRIAL - DAY 19 | 327 thru 328 | 8/17/2020 | 045940-046223 |

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| 343 | BENCH TRIAL - DAY 20 | 329 | 8/18/2020 | 046224-046355 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

1 MR. PARKER: That is correct, Your Honor. I just
2 don't want to take them apart, because --

3 THE COURT: But you've got to now take it apart.

4 (Pause in the proceedings)

5 MR. PARKER: Can I show those to the witness?

6 THE COURT: You may.

7 So 301's been admitted, but it's a single-page
8 document. And what about 302?

9 MR. HYMANSON: No objection to the single-page
10 admission of -- the first page of 302.

11 THE COURT: 302 as a single page will be admitted.
12 Thank you. I appreciate your courtesy, Mr. Hymanson.

13 (Plaintiffs' Exhibit 302 admitted)

14 THE COURT: We're using the Elmo.

15 BY MR. PARKER:

16 Q So I have Exhibit 301 on the Elmo. And the reason I
17 put it on the Elmo, Mr. Gilbert, is just so everyone else in
18 the room can see it. But this is the application, you can
19 see, from Thrive. And you can see the address that we just
20 spoke of from I think it was D4, which was DOT041840. You see
21 it?

22 A I do.

23 Q Is the address the same?

24 A Yes, it is.

25 Q All right. And let me show you Exhibit 302. This

1 is the Essence application Attachment A. Would you agree
2 again that the application includes the address of 5130 South
3 Fort Apache Road, Suite 215 through 147?

4 A Yes.

5 Q All right. Now, did you provide any training to the
6 evaluators on their review of the locations or the addresses
7 provided in these applications?

8 A The training -- well, the location wasn't required,
9 so they weren't trained on verifying a location.

10 Q If location was not required and they were not
11 provided any training on location, how would you determine the
12 impact on the community?

13 A I think I mentioned earlier that we would look at
14 the application, the contents of the application, the
15 comprehensive information that they provided, and evaluate it
16 appropriately.

17 Q Okay. But that would not necessarily tell you where
18 in the community the establishment would be located; is that
19 correct?

20 A We would know the jurisdiction, the evaluators would
21 have.

22 Q Well, if you use that address that was contained in
23 both those applications, this would be what you would see.

24 MR. PARKER: Your Honor, this is a demonstrative.

25 This is --

1 (Pause in the proceedings)

2 THE COURT: Okay. So we're going to use the
3 demonstrative exhibit that's been identified and it's now
4 going to bear the next demonstrative in order.

5 THE CLERK: D7.

6 MR. PARKER: May I approach?

7 THE COURT: You may.

8 MR. PARKER: May I approach the witness, Your Honor?

9 THE COURT: You may.

10 MR. PARKER: So just for purposes of the room, this
11 is a -- the result of a Google Maps search performed today,
12 June 11, 2019, which it says at the top left corner.

13 BY MR. PARKER:

14 Q And then if you go below to the bottom, this is a
15 street view and it says -- you can see the information pulled
16 up through Google Maps, and it says 5130 South Fort Apache
17 Road. Do you see that?

18 A I do, yes.

19 Q Is that the same address that's contained in the
20 applications for both Thrive and Essence?

21 A Yeah. The 5130 South Apache Road is the same.

22 Q And would you agree with me that in terms of
23 determining from an evaluation standpoint the impact on the
24 community it would be difficult to use this location for that
25 evaluation?

1 A Do mind repeating that question, sir?

2 Q Yes. Wouldn't it be difficult to use a UPS Store
3 location in determining whether or not there be an impact on
4 the community as a part of the non-identified criteria?

5 A Well, the evaluators didn't take into account the
6 location when they evaluated the impact on the community.

7 Q Okay. And let me have this --

8 MR. PARKER: Any objection?

9 MR. HYMANSON: No objection, Your Honor.

10 THE COURT: And is this another demonstrative
11 exhibit?

12 MR. PARKER: It is, Your Honor. It'd be D8.

13 THE COURT: Okay.

14 (Pause in the proceedings)

15 MR. PARKER: May I approach, Your Honor?

16 THE COURT: You may.

17 BY MR. PARKER:

18 Q Now, D8 is again pulled up this morning, today, June
19 11, 2019, and it shows the address of the UPS Store as 5130
20 South Apache Road, Suite 215. Would you agree with me that
21 both applications use that same starting number for the
22 suites, 215?

23 A Yes.

24 Q All right. Now, would you also agree with me that
25 it would be difficult place both Thrive and Essence and the

1 floor plans that they submitted in that location?

2 THE COURT: In the UPS Store?

3 MR. PARKER: Exactly.

4 THE COURT: Okay.

5 BY MR. PARKER:

6 Q I don't think UPS Store would allow it. But even if

7 they would, seeing what we've seen from the street view,

8 wouldn't it be difficult to place those two locations in that

9 UPS Store?

10 A It would be difficult.

11 Q Impossible even?

12 A Yeah. It would be impossible.

13 Q Now, tell me, especially given what Mr. Jolley said

14 -- Mr. Jolley said that, we have this floor plan that we've

15 used that we may tweak from place to place but it works.

16 Would you agree with me that floor plan, no matter how much

17 tweaking he does, won't fit in in this location?

18 A I don't know the size of the locations or the size

19 of the floor plan that Mr. Jolley submitted. I would -- I

20 don't know if I can answer that yes or.

21 Q How about Essence or Thrive, since they listed --

22 both of them listed this location?

23 A Together?

24 Q Yeah. I showed you the applications. They both

25 listed this location.

1 A Can you repeat the question, please.

2 Q Yes. Is there a way of placing both of their floor
3 plans in this location?

4 A I would probably guess -- say no.

5 Q All right. Now, if you were tasked or charged with
6 the responsibility to determine whether or not a location is
7 of adequate size and especially, the one I like the most, the
8 building is of adequate size, would you not agree with me that
9 there is no way on God's green earth that this building would
10 be of adequate size for either Thrive or Essence or both of
11 them combined?

12 THE COURT: And you're referring to the UPS Store?

13 MR. PARKER: I am.

14 THE COURT: Okay.

15 BY MR. PARKER:

16 Q Isn't that true, sir?

17 A Can you repeat that question.

18 Q Isn't it -- well, I won't use God's green earth this
19 time. I saw the Judge cringe a little when I did it.

20 Wouldn't you agree, sir, that the verbiage "adequate
21 size" is a part of the criteria in the application evaluation
22 process?

23 A Yes.

24 Q Wouldn't you agree with me that there's no way that
25 an evaluator utilizing this information would be able to say

1 and grade Thrive or Essence and indicate that they meet this
2 criteria when their locations and their floor plans couldn't
3 fit in this UPS Store?

4 A Well, I would have to talk to the evaluators, of
5 course, but the location wasn't scored or ranked.

6 Q Yes. But if the -- I'm sorry.

7 A So the UPS Store wasn't taken into consideration
8 with the size of the floor plan.

9 Q You would agree with me that this building is not an
10 adequate size to accommodate their floor plans?

11 MS. SHELL: Asked and answered, Your Honor.

12 THE COURT: Overruled.

13 BY MR. PARKER:

14 Q Isn't that true?

15 A Can you repeat it.

16 Q Yes. Wouldn't you agree that this building is not
17 of adequate size to accommodate the Thrive or Essence floor
18 plans?

19 MR. HYMANSON: Objection. Speculation.

20 THE COURT: Overruled.

21 MR. HYMANSON: Thank you, Your Honor.

22 THE COURT: You made the record, Mr. Hymanson.

23 BY MR. PARKER:

24 Q Isn't that true, sir?

25 A I mean, I'd have to look at the applications and see

1 their floor plan, their proposed.

2 Q If the floor plans were in excess of the size of the
3 UPS Stores, would you then agree with me, sir, that the
4 buildings would not have been of adequate size?

5 A If they decided to use the UPS Store as their
6 location.

7 MR. PARKER: Your Honor, I want to make sure that D4
8 has been admitted into evidence.

9 THE COURT: None of the Ds are admitted. They're
10 used. They're demonstrative.

11 MR. PARKER: Okay. I'm sorry. Have we actually --
12 we do have D4, do we not?

13 THE COURT: There were some Ds that there was a
14 stipulation to admit, but they have to get a different number,
15 because Ds are demonstrative.

16 MR. PARKER: I got you.

17 THE COURT: But since there's no jury, it doesn't
18 really matter.

19 MR. PARKER: I agree. But --

20 THE COURT: There's no jury room for them not to go
21 back to.

22 MR. PARKER: Yeah. I thought there was some
23 stipulation, and that's what Mr. Cristalli thought, as well.

24 THE COURT: There was. There was.

25 MR. PARKER: Can we --

1 THE COURT: But I've got to have a real exhibit
2 number. Ds are demonstrative.

3 MR. PARKER: Can I get a real one for this one?

4 THE COURT: So, Dulce, for those Ds that the parties
5 stipulated to admit we need to actually make a separate copy.
6 So we a D and another copy. And you can use the D numbers,
7 but I've just got to -- demonstrative and then admitted.

8 Are you guys done kibitzing?

9 MR. SHEVORSKI: Yeah. We're just trying to make
10 sure it includes every on there.

11 MR. KOCH: As long as it includes everybody.

12 MR. PARKER: It does.

13 MR. KOCH: Okay. Just put the whole thing up.

14 MR. PARKER: Let's see if we can get a Bate number
15 range for this exhibit, Your Honor.

16 THE COURT: Do you want it to be a real exhibit, or
17 a demonstrative exhibit?

18 MR. PARKER: A real exhibit.

19 THE COURT: So we're up to 303 for Mr. Parker?

20 Teddy, you are on a roll. You've got three exhibits
21 in in one day.

22 MR. PARKER: You know, I am, Your Honor. I just
23 want to make sure I get the full Bate range, because what Mr.
24 Cristalli gave me goes to 1839, and the one I was given by the
25 State goes through 1855.

1 MR. KOCH: Mr. Cristalli gave you both of those,
2 actually, because [inaudible].

3 (Pause in the proceedings)

4 MR. CRISTALLI: That's what happens -- that's what
5 happens when I organize anything.

6 (Pause in the proceedings)

7 MR. PARKER: Your Honor, we ask that the next
8 exhibit in order, I don't know what the number is, the real
9 exhibit number, it would be DOT041835 through DOT041856.

10 THE COURT: Any objection? This is 303. Any
11 objection?

12 MR. KOCH: I just want to see the rest of it if he's
13 adding another section to it.

14 (Pause in the proceedings)

15 MR. PARKER: May I approach, Your Honor?

16 THE COURT: You may.

17 THE CLERK: And then this is stipulated to.

18 MR. PARKER: Yes.

19 THE CLERK: Is it admitted, Your Honor?

20 THE COURT: Yes. They all stipulated, so we can
21 admit.

22 (Plaintiffs' Exhibit 303 admitted)

23 BY MR. PARKER:

24 Q So, Mr., Gilbert, I want to talk to you about the
25 scoring relative to liquidity. Are you familiar at all with

1 that part of the application?

2 A Liquidity?

3 Q Yes.

4 A Yes.

5 Q Were you involved at all in training on the

6 liquidity portion of the identified part of the application?

7 A No. That would have been Damon Hernandez.

8 MR. PARKER: Okay. So before we get there let me

9 look again at DOT27, which we were just looking at a second

10 ago in terms of roles and responsibilities, Shane.

11 UNIDENTIFIED SPEAKER: I'm sorry. Which exhibit was

12 that?

13 THE COURT: Dulce thinks it's 205.

14 MR. PARKER: Yeah, I think it's 205, actually. It

15 is 205, page 27.

16 BY MR. PARKER:

17 Q So this is Karalin Cronkhite's role; is that

18 correct?

19 A Yes.

20 Q All right. So the items listed here in fact she

21 performed?

22 A That would have been with the mock applications. So

23 she travelled from Las Vegas to Carson City, assisted with

24 training, sat with the evaluators while they evaluated the

25 mock applications.

1 Q How about in terms of checked scores? Were those
2 only mock scores, or were those the scores -- the final
3 scores?
4 A Only the mock scores.
5 Q All right. Go to 28 in terms of Damon Hernandez.
6 Would the same be true, that he only did these in terms of the
7 mock applications?
8 A Yes.
9 Q Okay. 29, David Witkowski. Again this is only the
10 mock application?
11 A Yeah, a mock application on the non-identified.
12 Q Did you have or determine what the reasonable length
13 of time it would take to review an application?
14 A No, we didn't until we got started. Now we were
15 able to project out a finish date.
16 Q And what was the determined reasonable time to
17 complete a review of an application form?
18 A I don't recall what that was.
19 Q Okay. Well, we'll get there. Let me have you take
20 a look at DOT128.
21 MR. PARKER: 128, Shane, same exhibit, 205.
22 BY MR. PARKER:
23 Q It says, "Revenue from application fees." You see
24 that?
25 A Yes.

1 Q Now, this first paragraph after the main paragraph
2 says, "Must be used to pay back the Division for actual costs
3 incurred by the Division in processing application, including,
4 without limitation, conducting background checks." What
5 background checks were speaking of?

6 A I think that's -- I think that's language right out
7 of the statute or the regulation.

8 Q Okay. And what background checks would that be
9 referring to?

10 A That would be to --

11 Q Because the only checks -- let me make sure we're
12 clear. The only checks that you've discussed with us today
13 that may have been done was checking applications against the
14 historical information that an applicant may have provided
15 previously, including any transfers of ownership.

16 This document seems to suggest that something more
17 than that was contemplated. Am I wrong or correct?

18 A That's just language out of the application. I
19 would need to see the rest -- the previous pages of what this
20 model was.

21 Q The previous page is page 127, which says "Marijuana
22 Initial Application Fees."

23 A Yeah. I think, if I recall correctly, this is just
24 going over the history of the program, how the program works,
25 the revenue, statutory language.

1 Q Okay. This page 127 still reflects the medical
2 marijuana statute; is that correct?

3 A It does. Yep.

4 Q Wasn't it your responsibility to adapt or change or
5 revise this training information to reflect 453D?

6 A It was actually Ky Plaskon adapted it.

7 Q Okay. So obviously he didn't change this one from
8 453A to 453D; is that correct?

9 A He must have missed it.

10 Q Okay. Fair enough. In terms of conduct background
11 checks, when you did the medical marijuana application process
12 you'd have only had the application information provided with
13 that application. There would be no data previously; is that
14 correct?

15 A That's correct.

16 Q All right. And so then in conducting a background
17 check, if you had no prior information, would that have
18 included now using outside sources to figure out if the
19 application was complete and honest?

20 A I'm sorry. I don't understand the question.

21 Q Yeah. So in 2014 you would have had this data
22 compiled relating to each of the licensee applicants, because
23 that would have been the first application; is that correct?

24 A Yes, that's correct.

25 Q So when you did background checks in 2014 did it

1 include actually going to other sources, the Secretary of
2 State, online, Google searches, anything looking at SEC
3 filings, was that included in the 2014 background checks?

4 A No, it was not. That refers to state and FBI
5 background checks.

6 Q Okay. Were state and FBI background checks utilized
7 for purposes of 2018 application process?

8 A Yes, they were.

9 Q All right. And were those for all owners, or just
10 owners listed?

11 A Well, all owners that were listed in the application
12 compared to what was on record at the Department.

13 Q So if there were owners that committed felonies that
14 were not listed who were in fact owners, you would never be
15 able to determine that based upon your own data; is that
16 correct?

17 A We rely on the data that's provided in the
18 application.

19 Q So that's a correct statement?

20 A Yeah. People can provide falsified information to
21 the Department. We hope they don't.

22 Q Right. So if they're a 30 percent owner and GGB or
23 Xanthic was a felony-convicted drug dealer, you would never
24 know, because they weren't listed and you didn't use any
25 outside sources to determine that; isn't that correct?

1 A We didn't use the Department of Public Safety to run
2 a background check.

3 Q Right. And that was the purpose for the background
4 check, to figure out if there were any unsavory characters,
5 those who may have committed felonies from being in this
6 marijuana business in Nevada; isn't that correct?

7 A Yeah. There's excluded felonies listed that we look
8 for.

9 Q Right. But that wasn't accomplished in this 2018
10 application process because you never -- that was not
11 accomplished in 2018 because if they didn't list an owner who
12 perhaps had a felony conviction, you didn't do anything to
13 determine if there were any owners out there from a background
14 check; is that correct?

15 A We compared the application to the record that we
16 have in the house. All owners, officers, and board members
17 that we had listed we either verified for background checks or
18 -- and then we didn't require shareholder information, so
19 those were not checked.

20 Q All right. So shareholders of all of these
21 companies, because you didn't check, could have been felony-
22 convicted individuals; isn't that correct?

23 A Hypothetically, yes.

24 Q And you would never know, because you never checked
25 anything other than the information the applicant actually

1 gave you; is that correct?

2 A I'm sorry. Can you repeat that.

3 Q Yeah. And you would never know, the State would
4 never know, because you never checked beyond the information
5 given by applicant himself, him or herself.

6 A We relied on the information provided in the
7 application.

8 Q Right. So if an applicant wanted to hide an owner
9 who would disqualify them potentially, they just didn't have
10 to list them.

11 A Well, they were supposed to list officers of the
12 corporations, the owners, and also the board members. And we
13 rely on the information that's provided in the application,
14 and that's about the best the Department can do at that point.

15 Q That's right. But you just said the owners. You
16 didn't say some owners, but the owners; right?

17 A Yeah. Excluding --

18 Q All right.

19 A -- shareholders, because we don't -- we didn't
20 require that.

21 Q So look at DOT156. Again, it's still a part of
22 Exhibit 205. Did this medical marijuana program
23 organizational chart also miss Mr. Plaskon's review?

24 A I'm sorry. Can you repeat that.

25 Q Yes. This was used in 2018, but it says "Medical

1 Marijuana Program." Do you know why that was included in the
2 training?

3 A I don't. I don't.

4 Q You'd agree with me it should not have been
5 included?

6 A We run both programs, so technically it's correct.

7 Q But this was not for a medical license, medical
8 marijuana license.

9 A It was not. No.

10 MR. PARKER: Okay. So go to page 158, please,
11 Shane.

12 BY MR. PARKER:

13 Q Again this goes to the training. Do you recall this
14 training slide?

15 A Yeah, I do.

16 Q And the second bullet point says, "Score dispensary
17 applications individually." See that?

18 A Yes.

19 Q All right. Who was in charge of handing out the
20 applications to the evaluators?

21 A I think those -- pretty sure those came through the
22 administrative assistants. The Manpower administrative
23 assistants would ask Marilyn Gray when they needed another
24 one, and then she would provide that for them on a thumb
25 drive.

1 Q All right. And then it says, "Scoring dispensary
2 licenses as a group." Is that when the evaluators get
3 together at the end and speak to each other regarding their
4 individual scores?

5 A Yes, that's correct.

6 Q All right. And would there be any DOT involvement
7 in either level of this process, scoring applications
8 individually, or scoring dispensary licenses as a group?

9 A No, there would not.

10 Q Is there a difference between applications and
11 license in these two bullet points?

12 A I don't think so. I think it just might be the
13 wrong word.

14 Q Okay. You would treat -- you believe applications
15 and licenses would be interchangeably -- used interchangeably?

16 A Yeah. Well, no, I don't. But --

17 Q So somebody made a mistake?

18 A Well, I think scoring dispensary applications as a
19 group.

20 Q All right. Now, Mr. Jolley said that his
21 application was over a thousand pages long. Do you recall him
22 testifying to that?

23 A I didn't recall him saying that, but I believe you
24 you did.

25 Q Is that uncommon for the applications to be in

1 excess of a thousand pages?

2 A I don't think so. I think there was quite a few
3 that are large.

4 Q All right. And how long do you think it would take
5 an evaluator to review a application of a thousand pages or
6 more?

7 A You know, I don't know. I'd have to look. I'd have
8 to go back and look. I have no idea.

9 Q Well, take a look at page DOT227, which I believe to
10 be --

11 MR. PARKER: I believe to be Exhibit 206, Your
12 Honor. I think this has been stipulated to, as well.

13 THE COURT: Any objection?

14 THE CLERK: It's in.

15 THE COURT: 206 is already in. Okay.

16 MR. PARKER: All right. So go to page 227 of
17 Exhibit 206, Shane.

18 BY MR. PARKER:

19 Q It says, "Mock applications. Try to get through two
20 or three applications a day." You see that?

21 A I do.

22 Q Now, were the mock applications a thousand pages?

23 A Some were.

24 Q All right. So going through two or three
25 applications in a day was a goal set for the evaluators?

1 A You know, I don't know. This is -- this was Ky's,
2 Mr. Plaskon's slide. He might have just put that as, you
3 know, something to start the training off and then
4 realistically it might have changed.

5 Q Okay. Do you know whether or not it changed?

6 A I don't.

7 MR. PARKER: Now, can you go to 262 for me, Shane.

8 This is Exhibit 207, Your Honor. I believe this
9 exhibit has also been already admitted.

10 THE COURT: Dulce says yes.

11 MR. PARKER: All right. Thanks, Dulce.

12 And I want you to go to page 262. So Exhibit 207,
13 page 262, Shane.

14 BY MR. PARKER:

15 Q Now, these the responsibilities of the
16 administrative team. Do you see that?

17 A Yes, I do.

18 Q All right. You spoke to the Judge about this in
19 terms of the administrative team's obligations. When we talk
20 of administrative team here are we talking about the two
21 administrators that came from Manpower?

22 A Yes, the administrative assistants.

23 Q Now, it say here that they're supposed to perform
24 verification duties for background and resume checks. Again,
25 is it your testimony that that background and resume check

1 only meant reviewing the information provided by the
2 applicant?

3 A The background check portion of that would be to
4 help identify if all owners, officers, and board members had
5 current, up-to-date background checks through the State and
6 the FBI.

7 Q That's it. But it does not include a confirmation
8 that all the owners, officers, or board members actually were
9 listed.

10 A No. Not with the administrative assistants.

11 Q And would the resume checks involve determining
12 whether or not -- let's say someone listed a person as having
13 a college degree. Would that resume check involve calling a
14 school or a university to determine if they in fact had a
15 degree?

16 A I believe so. I don't know if they did make any
17 calls. That would be a question that you'd have to ask some
18 of the evaluators.

19 Q You agree with me that some -- that scoring -- one
20 of the scoring criteria included education levels?

21 A Yes.

22 Q All right. And so if someone put on their
23 application that every owner had a Ph.D in economics, you
24 would simply rely on that representation without any resume
25 check?

1 A No. They did resume checks.

2 Q And how did they do resume checks?

3 A Through Google searches.

4 Q Is there any information in a written form that I

5 could see -- because I've not -- from my review of the records

6 in this case I've not seen any Google search results regarding

7 any applicant. So this is the first I'm hearing of this. To

8 your knowledge, did you train any of these evaluators on how

9 to do a resume check?

10 A I did not.

11 Q All right. So do you know of anyone who did?

12 A I don't. It could have been the identified section,

13 so Damon Hernandez? I'm not sure.

14 Q You don't know, do you?

15 A I don't.

16 Q You don't know if a single resume was checked in

17 terms of someone's education achievements on any applicant.

18 A That's something you'd have to talk to the

19 evaluators about. I wasn't intimately involved in the

20 evaluation of the applications.

21 Q Did any evaluator come to you and say, listen, we're

22 having a difficult time confirming this person's education

23 level?

24 A Not that I can recall.

25 Q Do you recall ever offering someone assistance in

1 providing information from a university to determine if
2 someone actually was a graduate of college?

3 A I did not.

4 Q Do you know -- have you seen any documentation
5 indicating that someone actually did a search to check
6 someone's resume?

7 A No, have not.

8 Q The bullet point --

9 MR. PARKER: Put that back on the screen for me,
10 Shane.

11 BY MR. PARKER:

12 Q The bullet point says, "Will not perform merit-based
13 scoring." So the administrative team was not given the right
14 to do scoring, simply to provide information to the
15 evaluators; is that correct? Is that what this is saying?

16 A Well, it's saying that they would help verify and
17 individual, whether they had a background check or not that
18 was current with the Department, but they weren't involved in
19 evaluating the application.

20 Q Okay. How would we know whether or not any
21 background or resume checks were done by the administrative
22 team?

23 A Well, the background checks DPS -- they're not --
24 they're verifying the criminal background checks.

25 Q Yes. I'm talking about the resume checks.

1 A You would have to talk to them.

2 Q No, no. Would there be any paper trail documenting
3 that resume checks were performed?

4 A Possibly in the notes. Violations.

5 Q Okay. But we don't see it in the notes.

6 A No. That would be it. That's the paper trail.

7 Q All right. So, for example, there's no -- there's
8 no information from any schools or universities saying, yes, I
9 verified that this person went to Dartmouth College, graduated
10 in 1984?

11 A That would be question for the evaluators.

12 MR. PARKER: Can we go to DOT281, please.

13 And that would still be in Exhibit 207, Your Honor.

14 THE COURT: Thank you.

15 BY MR. PARKER:

16 Q So it says, "Multi-establishment applicants." I'm
17 concerned with the second bullet point. It says, "Cross-check
18 to make sure that owners, officers, and board members meet
19 requirements within the law for ownership percentage and
20 jurisdiction limits."

21 Now, when I saw this percentage, it made me think
22 back to the Administrative Code that says 5 percent. Do you
23 see that?

24 A Yes.

25 Q All right. Was that done in fact?

1 A So what we do is at the Department we have an agent
2 card process, and we -- based on the ownership percentage
3 they're required to get background checked periodically,
4 whether three years, five years, or annually.

5 Q Yes.

6 A So that's -- I'm assuming that's where this is from,
7 just verifying that the background checks are current.

8 Q But it says "percentage."

9 A Yeah. Which ties into -- I'm sorry, sir.

10 Q No. Go ahead. Which ties into?

11 A Which ties into whether they need an agent card or
12 background check and how often they need a background check.

13 Q And what percentage of ownership would you have to
14 do to require you to have an agent card?

15 A 5 percent.

16 Q Now, if that is the case, if the percentage is
17 important in terms of getting agent cards, how could you not
18 require shareholders with 5 percent or greater to be
19 identified on the application? Because they need an agent
20 card, and it did not identify if they can't get an agent card;
21 isn't that correct?

22 A They would -- they need to identify themselves to
23 get an agent card.

24 Q Exactly. And so if you didn't require them to do
25 it, there's no way in the world you can comply with this

1 portion of the training; isn't that correct?

2 A Well, this part of the training was to confirm that
3 the ownership that we had on record at the Department, because
4 that's what we required, met the requirements for an up-to-
5 date background check of criminal history.

6 Q No. But you included specifically for -- within the
7 law for ownership percentage, which again refers you back to
8 the Administrative Code which we went over earlier today. And
9 if that's the case, every applicant had to include a 5 percent
10 owner or greater so that you be able to then determine their
11 requirements for agent cards; isn't that correct?

12 A Well, we didn't require shareholders to be submitted
13 in the application.

14 Q I didn't use the word "shareholders." I said
15 5 percent owner or greater.

16 A Well, that would match the record at the -- what we
17 had on record at the Department.

18 Q If they disclosed.

19 A Yeah, if --

20 Q But if they did not disclose a 5 percent owner or
21 greater, then that person would not have been able -- the
22 evaluator, that is, would not be able to determine who would
23 be required to get an agent card for that establishment; isn't
24 that correct?

25 A Well, through our renewal process annually -- so we

1 know -- we know who the owners, officers, and board members
2 are, and that's part of the renewal process, is to verify that
3 they've been --

4 Q No. You know the ones they disclosed. You don't
5 know the ones that really are out there. You only know the
6 ones that that they disclosed; isn't that correct?

7 A Yes.

8 Q Because you're taking them at their word, aren't
9 you?

10 A Yes, we are.

11 Q And if they don't disclose every owner with
12 5 percent or great interest, then those owners would not have
13 been required to get agent cards, which would be against the
14 law; isn't that true, sir?

15 A I don't know. I'm not a legal expert.

16 Q Well, you put it your own training. "Requirements
17 within the law." That's within your training; isn't that
18 correct? This came straight from your training guidelines.

19 A This would refer to the 5 percent background checks
20 that we require or the 3 percent on the annual basis. That's
21 what that training was addressing.

22 Q Sir, you indicated that this training and this
23 percentage came -- this ownership percentage came from the
24 Administrative Code. That's what you said a few moments ago.

25 A Yes. I think it's the statute.

1 Q All right. And, again, it requires those with that
2 interest, that 5 percent ownership interest, to have an agent
3 card; isn't that correct?

4 A That's correct.

5 Q Which means that every applicant should identify
6 every owner with a 5 percent interest or greater; isn't that
7 correct?

8 A Yes.

9 Q And if they didn't disclose it, that would mean that
10 they did not comply with the law as you indicated in this
11 training; isn't that correct?

12 A The entity?

13 Q Yes.

14 A Yes.

15 Q Thank you. All right. So for a company like Nevada
16 Organics -- and you heard Mr. Jolley speak -- he did not
17 identify all of his ownership -- all of the owners with
18 5 percent or greater ownership in Nevada Organics. Did you
19 realize that?

20 MR. KOCH: Objection. Misstates evidence,
21 testimony.

22 THE COURT: Overruled.

23 BY MR. PARKER:

24 Q Did you hear him say that today?

25 A I did. But I -- I'd have to look at the application

1 and have it evaluated.

2 Q That's okay. We don't need the application for this
3 conversation. We heard -- you heard what he testified to.
4 And wouldn't you agree with me, given that there were owners
5 of Nevada Organics that were not identified that have a
6 greater than 5 percent interest, because we know they sold
7 95 percent of that company prior to the application process
8 being completed, wouldn't you agree with me that application
9 and given the testimony you heard was in violation of this
10 training slide?

11 MR. KOCH: Objection. Misstates testimony. He's
12 referring to what Mr. Kemp testified to.

13 THE COURT: Overruled. Mr. Kemp didn't testify.
14 BY MR. PARKER:

15 Q Isn't that true, sir?

16 A I don't know if I have enough information to answer
17 that question, because I -- I mean, I don't know if that's the
18 case. I'd have to really look at it.

19 Q Well, if he was being honest -- if he was being --
20 I'm sorry. Didn't mean to interrupt you. Go ahead.

21 A I don't know if I can answer that right --

22 THE COURT: Only one of you can speak at a time.
23 Mr. Parker, you know that.

24 MR. PARKER: I do.

25 //

1 BY MR. PARKER:

2 Q Go right ahead.

3 A I don't know if I could accurately answer that

4 question up here on the stand. I'd have to look at the

5 information and have, you know, other staff look at it, also.

6 Q Well, no. Let's just take what you heard yourself

7 with your own ears. You heard Mr. Jolley say that there are

8 owners in excess of 30 percent that were not disclosed on his

9 application. Didn't you hear him say that?

10 MR. KOCH: Objection. Misstates testimony.

11 THE COURT: So this is a requested break, Mr.

12 Parker. We're going to take a break. Everybody needs to do a

13 biological break at this point, so we will see you guys in

14 10 minutes.

15 (Court recessed at 3:37 p.m., until 3:47 p.m.)

16 THE COURT: Are we ready?

17 MR. PARKER: Ready to go.

18 THE COURT: Sir, are you ready?

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: We've got another hour.

21 MR. PARKER: We're missing Mr. Kemp.

22 (Pause in the proceedings)

23 THE COURT: Mr. Gilbert, you are ready to start up

24 again.

25 Mr. Parker, let's be brief. We've got an hour.

1 MR. PARKER: Yes indeed.

2 BY MR. PARKER:

3 Q All right. So we were talking for a moment there
4 about the length of time necessary to review an application.
5 Do you recall that?

6 A Yes.

7 Q Okay. And then we looked at the slide that talked
8 about mock applications, two to three days. Remember that?

9 A Yes.

10 Q Was that number refined to a number of hours or a
11 more precise length of time it would take to review an
12 application?

13 A Not that I can recall. Not during the mock
14 application period.

15 Q All right. How about in terms of the real
16 applications?

17 A I think -- oh, I don't -- I don't -- I don't know if
18 it was or not. I was never given an average number.

19 MR. PARKER: All right. Look at DOT298, which,
20 again, is a Exhibit 207, I believe, Your Honor. It is.

21 THE COURT: Okay.

22 BY MR. PARKER:

23 Q "Each application is estimated to take 33 hours to
24 review." Is that a fair estimate of how long it would take to
25 review each application?

1 A You know, I don't really know if that was actually
2 what took place. I'd have to look at all the applications and
3 the time that was put down for them. That would -- I think
4 from the previous -- 2014 that was an estimate, you know,
5 based on the three evaluators.

6 Q Okay. Well, you had six evaluators; right?

7 A Yeah. But three per session.

8 Q All right. And would the 33 hours include each of
9 the three evaluators' time, so maybe 11 hours for each?

10 A Yeah. Again, I don't know if -- I don't know how
11 accurate that number is. For the PowerPoint slide that was in
12 that was probably taken from 2014.

13 Q Right. Do you know if that had any applicability to
14 the 2018 applications?

15 A What --

16 Q In terms of the length of time it would take to
17 review an application. Were the applications in 2018 longer
18 than 2014 on average?

19 A You know, I don't know. I don't know what they
20 were.

21 Q All right. Good enough.

22 MR. PARKER: Let's look at page 300.

23 BY MR. PARKER:

24 Q Now, was this taken from the medical, or is this
25 particular to the 2018 recreational applications?

1 A That's from the medical.

2 Q Was it applied to the recreational applications?

3 A It was not.

4 Q It was not?

5 A No. It's not part of the criteria.

6 Q So there were no regulatory first four criteria for

7 the --

8 A No. That was -- I'm sorry, sir.

9 Q No. Go ahead.

10 A That was probably a slide just left over that should

11 have been taken out.

12 Q All right. Do you blame --

13 A It was probably addressed in training.

14 Q Do you blame Mr. Plaskon for all of the 2014 slides

15 that found its way into the 2018 training?

16 A Do I blame Mr. Plaskon?

17 Q Or attribute it to Mr. Plaskon?

18 A No. It was a group effort.

19 MR. PARKER: Okay. Turn to 314 for me, Shane.

20 Still in 207.

21 BY MR. PARKER:

22 Q Now, this says "Verification Activities." It says,

23 "Verify background check results and confirmation of resume

24 details." Would your answers be the same, that the

25 administrative team did not review anything beyond what was in

1 the DOT data files?

2 A I'm sorry. Can you clarify?

3 Q Yes. The only information the administrative team
4 used was the information provided by the applicants and what
5 the DOT had its own files; is that correct?

6 A As far as background checks, yes.

7 Q Okay. And the same with resumes; right?

8 A Yeah. I mean, you'd have to talk to the evaluators
9 if they reached out to the administrative team to do any
10 resume work.

11 Q I want you to take a look at 315. This goes a
12 little further. And I believe this is meant to comply with
13 the statute, as opposed to the regulation. It says,
14 "Verification of background checks on all proposed owners,
15 officers, and board members." Do you see that?

16 A I do.

17 Q Do you know what that entailed?

18 A Yeah. I kind of spoke to that earlier about
19 verifying that in our portal we track all background checks
20 for criminal history. That would be verifying that all
21 owners, officers, and board members listed on the application
22 were up to date on their background checks.

23 Q So when the DOT received information through the --
24 I think it was the Avino paper of the proposed purchase, do
25 you recall that in the extraction report?

1 THE COURT: Text messages? The text messages?

2 MR. PARKER: Yeah. From the extraction report.

3 BY MR. PARKER:

4 Q Do you remember that? Mr. Plaskon discussed it.

5 A I do.

6 Q Were verifications on backgrounds of those proposed
7 owners performed by the administrative team?

8 A No, they were not.

9 Q Okay.

10 A Those wouldn't be -- those wouldn't be checked until
11 we actually got the transfer of interest submitted.

12 Q All right. So, despite the fact that that was done
13 prior to the application being submitted, the proposed owners'
14 backgrounds would not have been verified; is that correct?

15 A I'm sorry. I don't understand that question.

16 Q Yeah. We know that based upon the text message
17 which was a part of the extraction report the purchase took
18 place before September 20th, 2018. Recall that?

19 A I do. I don't recall which companies it was,
20 though.

21 Q All right. But this verification slide indicates
22 that proposed owners' backgrounds would be verified; is that
23 correct?

24 A So that goes back to what I mentioned earlier. If
25 there's a transfer of interest that the Department had not

1 acted upon --

2 Q Yes.

3 A -- that transfer of interest would have to be
4 approved before that conditional license.

5 Q Now, it says "proposed owners." So this doesn't
6 seem to say at the conclusion of a transfer of ownership or a
7 transfer of interest. It just says "proposed owners," doesn't
8 it?

9 A Yes, it does.

10 Q All right. And that's how you trained them; is that
11 correct? Trained the evaluators. Or the, I'm sorry,
12 administrative team.

13 A Well, the administrative assistants would bring it
14 to Diane O'Connor, who manages the agent card portal which
15 houses all the background check information.

16 Q So this would have been meant to be performed by a
17 DOT employee?

18 A The verification of the backgrounds, yes.

19 Q All right. Do we know -- well, I believe you've
20 answered, but I just want to make sure. So a DOT employee,
21 Ms. Diane O'Connor, did she check the backgrounds of proposed
22 owners of -- what's the name of the company -- I think it was
23 Essence. I'm sorry. Of Essence that was brought out in the
24 extraction report text message?

25 A If there was -- I don't know. I don't know if we

1 had the transfer of interest in the house then.

2 Q But this doesn't say that it's predicated on the
3 transfer of interest being considered or approved. It just
4 says on all proposed owners; isn't that correct?

5 A Well, yeah. I mean, that would be proposed -- that
6 would be proposed in today's -- 2018 the proposed owners would
7 be somebody that's proposing a transfer of interest to the new
8 owner.

9 Q That's not what this say.

10 A Well, that's -- that's probably language from the
11 2014 where everybody was proposed.

12 Q So is this training incorrect?

13 A No, it's not. Because we verify all proposed
14 owners, also, if there was a transfer of interest and they
15 were awarded.

16 Q No. But based upon the purchase being done prior to
17 submission of application shouldn't the proposed owner
18 verification have been done once the DOT received notice of
19 that?

20 A I don't -- I don't think we had the transfer of
21 interest at the Department.

22 Q Okay. But the training doesn't say that the
23 transfer of interest was necessary, does it?

24 A No, it doesn't.

25 MR. PARKER: All right. Let's go to page 340.

1 Which again is still 207, Your Honor.

2 THE COURT: Thank you.

3 BY MR. PARKER:

4 Q It says, "Questions during individual review." Now,
5 I asked you about this earlier. What do you consider to be an
6 individual review?

7 A That would be if they -- if they couldn't come to a
8 conclusion or they had any discrepancies that they couldn't
9 come to a -- to a, you know, consensus, if they're more than
10 3 points apart. That wouldn't be elevated up to me.

11 Q Now, you've told me today that there were certain
12 areas of the application that you did not train the evaluators
13 on, you left it up to Ms. Cronkhite or Mr. Hernandez or Mr.
14 Plaskon. Do you recall that?

15 A Yes.

16 Q All right. So why would you be the stopping point
17 for evaluation questions if you had, you know, such a limited
18 role in the process?

19 A Because I'm management, and if something needs to be
20 elevated up to Mr. Pupo or even higher, then I would be the
21 avenue to take.

22 Q Do you recall fielding any questions from the
23 evaluators or the administrative team that you provided
24 responses to?

25 A Not specifically by the application, but they did

1 ask maybe some process questions.

2 Q Okay. And what did you do with those questions?

3 A I would answer them if I could.

4 Q Would you do it in writing?

5 A Most -- we did have some policies and procedures,
6 but if it was a question I could answer, you know, verbally, I
7 would.

8 Q Okay. But this item says here, the second-to-the-
9 last bullet point says you're supposed to document the issue.
10 Did you document every issue?

11 A I don't know if we had any issues.

12 Q Okay. You just said there were questions and you'd
13 answer them verbally. Did you document those answers that you
14 gave?

15 A Potentially. I'd have to go back and look and see
16 what we came up with through the procedures.

17 Q And if you did so, should they be in the DOT files?

18 A I don't know how to answer that question.

19 Q All right. Would that be -- would you have your own
20 separate files if you documented the issues?

21 A No.

22 Q Is there some type of central location for issues
23 that are documented?

24 A There's a -- we save all of our documents on a
25 shared drive.

1 Q Okay. Did you -- do you know if that shared drive
2 was provided to the State?

3 A All documents, from my understanding, that were
4 requested have been provided.

5 Q All right. Good. Let me have you look at DOT391,
6 which is Exhibit 209.

7 MR. PARKER: I think that's been stipulated to, as
8 well, Your Honor.

9 THE CLERK: Yes.

10 BY MR. PARKER:

11 Q You're familiar with this, the application criteria
12 points breakdown?

13 A Yes.

14 Q Did you have anything to do with determining the
15 points for the building construction?

16 A Yeah. So Jorge Pupo, Kara Cronkhite, and myself met
17 and we compared -- we compared the current application to the
18 regulations and discussed the 250 points.

19 Q All right. So building construction. This is worth
20 20 points; is that correct?

21 A Yes.

22 Q Number 1 says, "Building plan details." Do you see
23 that?

24 A I do.

25 Q Do you understand what a building plan or building

1 plan details are?

2 A Is this -- can I ask a question?

3 Q Certainly.

4 A Is this the -- I don't know what document this is.

5 MR. PARKER: Let him see the whole document, first

6 page.

7 BY MR. PARKER:

8 Q This is the scoring criteria. Are you familiar with

9 this?

10 A Looks in a different format than what I'm familiar

11 with.

12 Q This is one of the ones provided by the Department

13 of Taxation. Do you want to look at my hard copy?

14 A Yes, please.

15 MR. PARKER: May I approach, Your Honor?

16 THE COURT: You may.

17 THE WITNESS: Okay. I see.

18 BY MR. PARKER:

19 Q Are you familiar with this document?

20 A Yes.

21 Q Can you read it on the screen?

22 A It's not on the screen.

23 Q Well, just use mine --

24 A All right.

25 Q -- and I'll work with the one on the screen.

1 So Element Number 1 is building plan details. Do
2 you have an understanding of what building plan details are?

3 A That would be the floor plan, the detail of the
4 establishment.

5 Q Well, it doesn't say details of a floor plan. It
6 says building plan details; is that correct?

7 A I don't know where you're at. Sorry.

8 Q First page at the bottom, Element Number 1 under
9 building construction. Do you see it? First page.

10 A Yeah. I'm trying to -- I'm not familiar with this
11 document --

12 Q You're not familiar with the --

13 A -- this summary, the summary one. The scoring
14 criteria as it is broken out like this --

15 Q Yes.

16 A -- that's what I'm familiar with.

17 Q Okay. But are you familiar with Element Number 1,
18 building plan details?

19 A I am.

20 Q Okay. Let's start there. Would you agree with me
21 that that description does not include floor plan details?

22 A Yes.

23 Q You agree with me there's a difference between a
24 building plan and a floor plan?

25 A Yes, I would.

1 Q All right. And the Element Number 2 says, building
2 plan regulatory compliance. See that?

3 A Where? Oh.

4 Q Same page. First page at the bottom.

5 Q Yes, I see it.

6 Q All right. It doesn't say floor plan regulatory
7 compliance, does it?

8 A No, it doesn't.

9 Q Because the floor plan may be adequate, but may not
10 be compliant with the regulations; is that correct?

11 A Can you repeat that.

12 Q Yes. A floor plan could be adequate, but not in
13 compliance with the applicable regulations; isn't that
14 correct?

15 A Well, they would score lower. It wouldn't be as
16 strong in the application. The more --

17 Q Well, you would think not.

18 A The more compliant the higher they would score.

19 Q Well, in fact it had to be compliant, number one.
20 Isn't that a threshold to be in compliance?

21 A Yeah. Yes.

22 Q Right. But you can't determine if the floor plan is
23 compliant because the floor plan does not say that the
24 building is in compliance.

25 Let me give you some context. A floor plan does not

1 tell you whether or not you're within 300 feet of a school.
2 Would you agree?

3 A I'd agree with that, yes.

4 Q A floor plan does not tell you if you're within
5 1200 feet of a church or a liquor store or a casino or my
6 backyard; is that correct?

7 A Yes.

8 Q So simply providing a floor plan provides no
9 information in terms of regulatory compliance; isn't that
10 correct?

11 A It does towards the regulations surrounding a floor
12 plan.

13 Q No. I'm talking about in terms of building
14 compliance, sir. Because it says in the Element Number 2,
15 building plan regulatory compliance.

16 A No, it doesn't.

17 Q And wouldn't you agree with me, sir, that when we
18 looked at that P.O. box that was attached to the UPS Store
19 that that wouldn't tell you whether or not that floor plan was
20 actually in a building that was -- that would meet the
21 regulations? Isn't that correct?

22 A I'm sorry. Can you repeat that one, sir.

23 Q Yes. You remember I showed you the location for
24 Thrive and Essence --

25 A Yes, I do.

1 Q -- in a UPS Store, a P.O. box associated with a UPS
2 Store?
3 A Yes.
4 Q Wouldn't it be true, sir, that having that
5 information would give you no understanding of whether or not
6 that UPS Store or that P.O. box was in compliance with the
7 regulations, 300 feet from a school or a church or liquor
8 store or a casino, anything?
9 A The floor plan wouldn't.
10 Q That's right. So how would you judge a floor plan
11 under these two elements? Because it's not a building plan
12 and it provides you no information in terms of regulatory
13 compliance.
14 A I'm trying to see in the actual evaluation materials
15 what that language says, because I'm not positive why this --
16 Q No problem.
17 A All right.
18 Q You ready?
19 A Yeah. Go ahead.
20 Q All right. So what's the answer?
21 A Can you repeat the question.
22 Q I knew you were going to say that.
23 Yes. These are the two elements, building plan
24 details, and building plan regulatory compliance. You see
25 that?

1 A I do.

2 Q Wouldn't you agree with me, sir, that having a P.O.
3 box associated with a UPS Store could not provide you any
4 information for determining a building plan or building
5 regulatory compliance? Wouldn't you agree with that, sir?

6 A I would.

7 Q Thank you.

8 Now, you indicated that sometime prior to September
9 20th, 2018, there was a change made that locations were not
10 necessary. Remember that?

11 A Yeah. I think I said -- yeah. I think I brought
12 that up in my last testimony.

13 Q Was the training tool ever changed?

14 A Not that I'm aware of. Not that I can recall.

15 Q So you had the evaluators using a training tool that
16 didn't match what you were telling certain applicants; is that
17 what you're telling me?

18 MR. PARKER: You can put that back up, Shane.

19 THE WITNESS: Were you referring to this as the
20 training tool?

21 BY MR. PARKER:

22 Q As the scoring criteria, yes.

23 A I don't know if this was ever used as the scoring
24 criteria. The scoring criteria would be these sheets.

25 Q So you think that the Department of Taxation has

1 given me a document that was not actually utilized by the
2 evaluators as a scoring criteria?

3 A No, that's not what I'm saying. This might have
4 been used for a different purpose.

5 Q Well, you don't trust the heading of that document?

6 A I mean, that's what it is, yes.

7 Q That's what I thought. So if that's what it is and
8 it is the scoring criteria, why would you utilize that scoring
9 criteria if you weren't going to actually follow the elements
10 of the scoring criteria, building plan details, building plan
11 regulatory compliance?

12 A The evaluators were trained on the evaluation
13 sheets, which were these, which is different than what this
14 says here.

15 Q So --

16 MR. PARKER: Your Honor, may I approach?

17 THE COURT: You may.

18 MR. PARKER: Thank you.

19 BY MR. PARKER:

20 Q So let's actually utilize for purposes of the record
21 the Bate numbers.

22 A Okay.

23 Q So when you're referring to it, maybe you can tell
24 me what you believe to be the right documents for us to be
25 looking at, okay?

1 A Okay.

2 Q So DOT391, that's the first page of Exhibit 207 --

3 THE COURT: 209.

4 MR. PARKER: 209. Thank you.

5 THE COURT: Dulce has your back.

6 MR. PARKER: She does. I appreciate it.

7 BY MR. PARKER:

8 Q -- of Exhibit 209. Are you telling me this was not

9 -- this document and this page was not used by the scorers or

10 the evaluators?

11 A I can't recall if it was or not.

12 Q All right. So you don't know. So the head guy --

13 and I say the head guy because when we looked at the chart

14 right before we took the break and said that questions --

15 ultimately questions come to you. So as the head person, you

16 don't know if this was the scoring criteria for the

17 evaluators?

18 A The scoring criteria was in document DOT000396.

19 MR. PARKER: May I approach again, Your Honor?

20 THE COURT: You may.

21 BY MR. PARKER:

22 Q You don't believe, sir, that 391 was utilized?

23 A It doesn't give any detail that the evaluators would

24 have used.

25 Q Good enough. So let's use this one.

1 MR. PARKER: Shane, can you pull up Exhibit 209,
2 page 396.

3 BY MR. PARKER:

4 Q We'll use this one, sir.

5 A All right.

6 Q That's the one you're familiar with; is that
7 correct?

8 A Yes. It looks familiar.'

9 Q I actually like this one equally.

10 MR. PARKER: So you just blow that one up. Thank
11 you. Is that the biggest you can get?

12 Because the witness has my version -- do we --

13 THE COURT: I understand. You're welcome to walk
14 up.

15 MR. PARKER: Thank you, Your Honor. You read my
16 mind.

17 BY MR. PARKER:

18 Q All right. So the first paragraph under building
19 construction says, "Documentation concerning the adequacy of
20 the size -- of the size of the proposed marijuana
21 establishment to serve the needs of persons who are authorized
22 to purchase recreational marijuana, building plans and
23 supporting details." Do you see that?

24 A Yes, I do.

25 Q Now, it doesn't say floor plans, does it?

1 A No, it doesn't.

2 Q And supporting details. Do you know what supporting
3 details are being referenced or considered here?

4 A That would be everything describing the
5 establishment itself, or the dispensary.

6 Q All right. So a floor plan could be a one-pager.
7 Supporting details to a building plan would be more than a
8 one-page floor plan; is that correct?

9 A Right. It would be the operating procedures, you
10 know, the inventory closing, storage, pathway for customers,
11 size.

12 Q Good enough. And then it says, "Effective and
13 efficient building planning is demonstrated in the response."
14 And now we go to a excellent response versus an average or an
15 inadequate response. Do you see that?

16 A Yes.

17 Q All right. So an excellent response would be "The
18 building place demonstrates a clear definition of work areas,
19 estimation of acquired resources, and the duration of
20 individual tasks, planning of scheduled activities with the
21 estimated resources, duration are realistic and
22 achievable within five to twelve months to be fully
23 operational." You understand that?

24 A Yes.

25 Q So the 12-month requirement, is that 12 months from

1 the time a conditional license is provided to the floor plan
2 or building plan actually being constructed and ready for use?

3 A The 12 months is between December 5th and when they
4 become operational -- or final licensed by the Department.

5 Q Okay. And, again, if the scorers are using this
6 document, page 396, as opposed to 391, why didn't you change
7 it to say floor plan instead of building plan?

8 A It just wasn't changed.

9 Q So when Mr. Jolley was speaking yesterday and today
10 and was using the word "ignorant" and "confused" -- do you
11 remember him using those words?

12 A Not specifically, no.

13 Q You're smiling. Thought you may have remembered
14 them.

15 So would you agree with me, sir, that there is no
16 confusion here in that the word "building plans" are being
17 used, as opposed to "floor plans"? We can agree with that;
18 right?

19 A As far as the evaluators go?

20 Q The evaluation tools, yes. Or the scoring criteria,
21 I should say.

22 Q Not on the part of the evaluators, no.

23 Q All right. And in fact the word "P.O. box" being
24 allowed is not mentioned there, either.

25 A No.

1 Q Is that correct?

2 A That's correct.

3 Q So no P.O. box being indicated here, no information

4 saying that, we don't need a building plan or location, is

5 included here; is that correct?

6 A No, it's not.

7 Q So if the training and the scoring criteria discuss

8 building plans and location verification, wouldn't it make

9 sense that that's what the scoring should be based upon, as

10 opposed to this change that you're speaking of that's not

11 reflected in the training or the scoring criteria?

12 A Well, the evaluators were trained on evaluating

13 floor plans. And the criteria actually references more of,

14 you know, the floor plans and the ability to operate than it

15 does a construction plan.

16 Q Well, it doesn't -- the word "floor plan" didn't

17 show there at all. It says building plan. And in fact the

18 training that we went over because I wanted to take it

19 systematically, the training tool that you provided said

20 "building verification location." It didn't say anything

21 about floor plans. So tell me what training your speaking of

22 that maybe used the word "floor plans" anywhere.

23 A I'd have to go back and look and see if it mentions

24 floor plans.

25 Q Would you agree with me that the training

1 information we've gone through today, which we've gone through
2 a couple of hundred pages already, didn't mention the word
3 "floor plan"?

4 A Not that I've seen of what we looked at today.

5 Q And you agree with me that the scoring criteria does
6 not mention the word "floor plan"

7 A I'd have to go through it.

8 Q Take a second.

9 A It doesn't specifically say "floor plan," but all
10 the requirements and the criteria that they were looking for
11 is -- would be found in a floor plan.

12 Q Well, not regulatory compliance. We've already
13 talked about that. That's not going to be found in the floor
14 plan; isn't that true?

15 A Sure it could. I think so. My belief is that --

16 Q In terms of location?

17 A Not as far as location, but in compliance to the
18 other aspects of the regulations.

19 Q Good enough.

20 MR. PARKER: May I approach, Your Honor?

21 THE COURT: You may.

22 MR. PARKER: Thank you.

23 (Pause in the proceedings)

24 MR. PARKER: All right. I want to look at Exhibit
25 109, Shane -- I believe this has been admitted, Your Honor --

1 page 31.

2 THE CLERK: I'm sorry.

3 MR. PARKER: No?

4 THE CLERK: 108's been admitted.

5 MR. PARKER: All right. Well, let me I can lay the
6 foundation for it.

7 THE COURT: Okay. Is there a stipulation to 109?

8 MR. PARKER: This is the extraction report for Steve
9 Gilbert produced by -- I believe it was produced by the DOT.

10 MR. KOCH: I think it's already admitted.

11 MR. PARKER: Yeah, I thought it was admitted, Your
12 Honor. I had it highlighted as being admitted.

13 THE COURT: So Dulce now thinks it's admitted, too.
14 It is. It's now admitted.

15 (Plaintiffs' Exhibits 109 admitted)

16 MR. PARKER: Okay. Here we go. Thank you. Thank
17 you.

18 BY MR. PARKER:

19 Q So Exhibit 109, Mr. Gilbert, is the extraction
20 report from your telephone. So if we could look at page 31
21 and Entry 117.

22 A I can't see it on this one.

23 THE COURT: We're going to blow it up for you, I
24 think. Although this one you may not be able to look, because
25 it takes up a lot --

1 MR. PARKER: Paragraph number 5 is the one I want to
2 look at, Shane, on this top group. Yeah, the paragraph on the
3 top. That's it.

4 BY MR. PARKER:

5 Q Do you recall receiving this text message? Or I
6 believe it's a text message.

7 THE COURT: How about we get the actual hard copy
8 out for him. It's going to be really hard to adjust that one.

9 MR. PARKER: Well, I think it should be in one of
10 volumes behind him.

11 THE COURT: It should.

12 MR. PARKER: Let me see if I can grab it for him.

13 (Pause in the proceedings)

14 THE COURT: And what page is the Bates number, Mr.
15 Parker?

16 MR. PARKER: Your Honor, it's page 31, ST31.

17 THE COURT: So, sir, there's a number on the bottom.
18 Oh. You've got it. Okay. And you can read it. Are you okay
19 reading it from there?

20 THE WITNESS: Yes.

21 THE COURT: Okay.

22 BY MR. PARKER:

23 Q Do you recall receiving this text message, sir?

24 A Sure. I guess. I mean, I'd have to -- I mean,
25 who's it from?

1 Q Well, I see Mr. Plaskon's name at the top,
2 "Attendees." It looks like it reflects a meeting.
3 A It looks like it's a meeting.
4 Q Okay. Good. So tell me something. Where are these
5 notes taken from? Because I got it as an exhibit based on an
6 extraction report. But it does reflect a meeting. Did you
7 discuss in a text a meeting held in your office?
8 A Oh. I don't know.
9 Q Okay.
10 A I'd have to refresh my memory. "Verify all --" I'm
11 sorry.
12 Q No. Go right ahead. Read it.
13 A What's the question?
14 Q You could read it to yourself.
15 A Okay.
16 Q And I bring this to your attention because
17 paragraph 4 talks about the change of ownerships. It says,
18 "Pull out CHOWs that are needed to be completed so an
19 applicant will know this matches." See that?
20 A Yes.
21 Q And it says, "Completed by close of business 11/15.
22 These will be the priority ones that contractors will help
23 with." So to me that means an employee for DOT is doing this
24 verification. Is that correct?
25 A Yes. Because the CHOWS would be -- they're managed

1 by one of those program officers that we talked about earlier.

2 Q This says, "I don't have the names ahead of time. I
3 can't make my deadline in Number 3 below." And then it says
4 again, "Verify all owners have completed background check.
5 Take ownership spreadsheet and create a background check."
6 You see that?

7 A Yes.

8 Q Now, is the spreadsheet based on the information the
9 applicants had previously provided coupled with the 2018
10 application?

11 A I'm sorry. I don't understand that question.

12 Q Well, I'm trying to figure out what the spreadsheet
13 -- where the spreadsheet would come from. It says, "Take
14 ownership spreadsheet." You see that?

15 A Yes.

16 Q How is the spreadsheet created?

17 A It was created -- if I recall correctly, when we did
18 the matching of ownership we created an ownership list, and
19 that's the spreadsheet that must be referenced in this
20 meeting.

21 Q And who -- would the employee -- would an employee
22 of the DOT create the spreadsheet?

23 A Yes.

24 Q And where would the information for the spreadsheet
25 come from?

1 A The applications.

2 Q Okay. So the entire -- again, this goes back, as
3 you said before, the spreadsheet and any verification that was
4 done on the background of any owner came just from the
5 information the applicants provided?

6 A That's correct.

7 Q All right. Be it a CHOW, in the form of an a change
8 in ownership or a transfer of ownership or initial
9 application, that's the parameters that you would check?

10 A That's correct.

11 Q All right. In terms of monopolies, if you don't
12 have all of owners identified, how do you determine whether or
13 not there are ownership interests in other applicants'
14 proposed operations?

15 A Well, we have this list, because we could refer to
16 this list of the master owners, officers, and board members,
17 which is now posted on the Website. That was our listing of
18 owners, officers, and board members.

19 Q Right. But if -- let's say that Thrive had an owner
20 that had 20 percent interest in Thrive that they did not
21 identify and Nevada Organics had someone that had 20 percent
22 interest in Nevada Organics that they didn't identify. Would
23 that constitute a monopoly if those two companies obtained a
24 license in the same jurisdiction but you were not aware of the
25 ownership interests of both?

1 A I'd have to run the analysis. I don't know if -- or
2 have somebody do it, actually, to answer that question.

3 Q Do you understand the dilemma there?

4 A Not -- not totally.

5 Q The first level of the dilemma is that you would
6 have to get actual disclosures of the owners. You understand
7 that?

8 A Uh-huh. Yes.

9 Q Is that yes?

10 A Yes.

11 Q And then you would have to -- if you had full
12 disclosure of the ownership, then you'd have to determine if
13 any of those owners had interests in more than one applicant's
14 application for a single jurisdiction. Isn't that correct?

15 A That's correct.

16 Q So if you don't have full disclosure of all of the
17 owners of each of proposed applicant or licensee, you could
18 never determine if you had a monopoly. Isn't that correct?

19 A If you're referring to the shareholders --

20 Q Yes.

21 A -- we didn't -- we don't require that information,
22 so --

23 Q But the statute did. If you complied with the
24 statute, you'd actually have a way of determining monopolies
25 through ownership. Isn't that correct?

1 A I'd have to get a legal opinion on that one.

2 Q Well, let's look at Exhibit 108, page 21. And this
3 is an extraction report from Mr. Plaskon's telephone. And
4 I'm concerned with Item 211.

5 Do you recall this situation, Mr. Gilbert? Because
6 it mentions to you from Mr. Plaskon -- it says, "We are
7 continuing monopoly analysis today. Do you want to check in
8 later today with Dinnette and I?" Do you see that?

9 A That's me going to him?

10 Q Okay.

11 A Or is that --

12 Q I thought it was him going to you.

13 A Okay. Possibly. I mean, that was towards the end
14 of, you know, the application period, the 90 days.

15 Q All right. Do you know what the result of the
16 analysis was?

17 A Yeah. That there was no monopoly that we could
18 determine.

19 Q And how did you come to that conclusion?

20 A We had a -- we had a chart that we put together with
21 the help of Dinette that showed all the owners, officers, and
22 board members that were listed on the applications and then
23 their current -- their current licenses or certificates that
24 they hold, license, and then compared them that way.

25 Q Okay. But, again, you're only comparing what they

1 disclose; isn't that correct?

2 A That's correct.

3 Q So you're not doing anything independent of the
4 applicants' own information. And so if they don't disclose
5 all of the owners, you've not done a full monopoly analysis;
6 isn't that correct?

7 A We didn't -- again, we didn't request the
8 shareholders of the company, so we didn't have that
9 information.

10 Q All right. Can you tell me how it was determined
11 what the liquidity number needed to be for each application?

12 A That 250,000 --

13 Q Yes, sir.

14 A -- in liquid assets? I think that was used from
15 2014 or the medical.

16 Q All right. How about in terms of one years'
17 operation?

18 A I don't know if there was a -- I'm sorry. Can you
19 be more specific in that question?

20 Q Yes. Was there a determination or a threshold
21 determination made on how much money each applicant would need
22 to demonstrate that they had enough money to run the operation
23 for a year?

24 A No. That was -- that was up to the evaluators', you
25 know, expertise in the fields that they came from to determine

1 if the size and the extent of plan covered.

2 Q Well, how would they know? How would they come up
3 with a number that would be used objectively for each
4 applicant? For example, the average 5,000-square-foot
5 building that would house the operation, someone would need
6 \$3.5 million to run that operation for a year. Was an
7 analysis performed to determine that amount and whether the
8 applicant had sufficient funds for that one-year operation?

9 A Well, to answer your question, an analysis wasn't
10 done.

11 Q Thank you. And the reason I say that is because I
12 do not see anything in the DOT documentation showing that an
13 analysis was done.

14 So without an analysis how can they include in your
15 evaluation or your scoring a base line to tie to the ballot
16 question that says "directly and demonstrably related to the
17 operation of a marijuana establishment," if there's been no
18 analysis done of what it takes to run one for a year? And I
19 didn't see it any of your training, either.

20 And let me stop there. Before you answer the
21 question answer this one. Did you include --

22 THE COURT: So you want to strike that one and start
23 over?

24 MR. PARKER: I want to strike that one.

25 //

1 BY MR. PARKER:

2 Q I want to make sure we're clear. I didn't see it in
3 your training. Were there any training slides related to a
4 determination of what it costs to run a recreational marijuana
5 establishment for a year?

6 A Not that I can recall.

7 Q All right. So no training slides, no analysis. Did
8 you leave it to evaluators to determine per applicant whether
9 or not that applicant had enough money to run it for a year?

10 A We did. Because we couldn't determine -- we didn't
11 know what the applications were going to include, and they --
12 based on their expertise and their experience they -- they
13 looked at the budget and compared it to the plan.

14 Q Had a single evaluator ever operated a marijuana
15 establishment for a year?

16 A Not -- I don't think -- no.

17 Q Okay. So when you said based upon their experience,
18 they didn't have any experience in running a marijuana
19 establishment in the state of Nevada. Isn't that correct?

20 A That's correct.

21 Q So it wasn't based on experience, and there was no
22 training, and there was no analysis done by the DOT. So isn't
23 it a fair statement, sir, that there was no way to objectively
24 determine whether or not the evaluators could determine the
25 number of -- the amount of money, the amount of money

1 necessary to run a recreational marijuana establishment for a
2 year?

3 A I think there was. I mean, some of these questions
4 might be better to be asked to the evaluators themselves to
5 see what they experienced. However, they looked at the
6 comprehensive plan that was provided to them in the non-
7 identified section and then the budget to see if there was
8 enough funds to cover the plan.

9 Q Well, sir, you've already told me that none of them
10 had medical marijuana -- I'm sorry, I keep on saying medical
11 -- none of them had recreational marijuana experience in the
12 state of Nevada. You told me no analysis was done and no
13 training was done. So you left it up to people without
14 experience to come up with a number to run a recreational
15 marijuana operation in the state of Nevada; is that correct?

16 A Well, that's -- no, that's not correct. I think --
17 so the non-identified group had three people on it.

18 Q This is part of the identified portion.

19 A Oh. I thought you --

20 Q No, no. This is -- the financial ability is a part
21 of the identified portion; isn't that correct?

22 A It is part of it, yes.

23 Q Okay. So let's stay focused. Let's stay on this
24 topic, that is, the ability to finance the operation of a
25 recreational marijuana establishment for a year. You told me

1 that there was no training on it; isn't that correct?

2 A Can you repeat what you just said.

3 Q Yes. You said there was no training done in terms
4 of educating the evaluators on how to determine if an
5 applicant had sufficient amount of money to run a recreational
6 marijuana establishment for a year.

7 A Well, there was training on the financial side of it
8 by Damon Hernandez. So I don't know if I can answer that
9 specifically. I think the question you asked earlier, if I
10 may, was if there was any analysis done and provided to them.

11 Q That was one of my questions.

12 A There wasn't on the analysis.

13 Q There was no analysis. I understood that. But when
14 I looked through your training materials there was no training
15 dealing with that part of the application. Do you recall
16 seeing any training slides that dealt with that?

17 A No, there wasn't.

18 Q All right. So I -- so my question again is if there
19 was no training, there was no analysis, and we know that they
20 did not have experience in the recreational marijuana --

21 THE COURT: I'm still listening.

22 MR. PARKER: I know you are. I've seen you do this
23 before.

24 THE COURT: Keep going. I'm grabbing a book.

25 MR. PARKER: I'm with you.

1 BY MR. PARKER:

2 Q Would you agree with me that you left it up to
3 inexperienced evaluators to come up with a number?

4 A No, I would not.

5 Q Well, what number was that? Tell me that. What
6 number did they arrive at that a applicant would need to run a
7 medical marijuana establishment for a year?

8 A That would be a question I think that the evaluators
9 would have to answer, because --

10 Q You don't know the answer to that question, sir?

11 A No.

12 Q The person who trained the trainers and was the go
13 to person to field questions that could not be answered by the
14 trainers does not know what the threshold number would be to
15 run a recreational marijuana location in Nevada for a year; is
16 that correct?

17 A We did not -- we did not provide that number to
18 them.

19 Q All right. How did -- how is determined what
20 percentages of taxes paid to Nevada would equate to serve the
21 scoring? For example, I believe if we were to put the scoring
22 criteria back up, taxes are -- let's see if I can find the
23 taxes for you.

24 THE COURT: Do we need to break? I mean, I've got
25 seven minutes. If you're coughing real, bad we can --

1 MR. KOCH: I'm fine. This one question will
2 probably take seven minutes.

3 THE COURT: That is likely.

4 BY MR. PARKER:

5 Q So financials, the taxes indicate that if you've
6 paid zero to 499,000, you get 1 point, 500,000 to 999,000 2
7 points. Do you recall that?

8 A Yes.

9 Q Who came up with those numbers and those lines of
10 demarcation?

11 A I think Mr. Pupo did. This was part of the exercise
12 that Kara and Jorge and I did when we comparing the scoring
13 criteria to the regulations.

14 Q Would you agree with me that that portion has
15 nothing to do with being directly and demonstrably related to
16 the operation of a recreational marijuana facility?

17 A I think it shows the ability to run a successful
18 business in the state of Nevada.

19 Q You're saying simply paying taxes on something that
20 could be related to a construction business or a pet store
21 would be -- could be directly related to running a marijuana
22 store?

23 A Maybe not directly to the marijuana business per se.

24 Q All right. So then why -- wouldn't you agree with
25 me that the bigger the company the more points likely they

1 will receive because they pay more taxes?

2 A I don't know if I can -- bigger revenue-wise?

3 Q Yes.

4 A Yes.

5 Q All right. And does that matter, the larger the
6 company is the better you can run a marijuana retail or
7 dispensary?

8 A Can you -- just -- I'm sorry.

9 Q Yeah. Does it matter how much you paid in taxes
10 whether or not you can run and operate a recreational
11 marijuana establishment?

12 A No, it's not. But that's part of the criteria that
13 is in the regulations.

14 Q So then the question becomes why wasn't simply a
15 threshold number used, as opposed to giving higher scores for
16 higher payers of taxes?

17 A That would probably be a better question for Mr.
18 Pupo. I'm sorry.

19 Q You didn't decide these figures, did you?

20 A No, I didn't. Like I said, we were sitting, if I
21 recall correctly, discussing the scoring and Mr. Pupo came up
22 with those.

23 Q All right. Same with the liquidity number. Who
24 came up with that?

25 A I think that was carried over from the 2014

1 application process.

2 Q So you'd agree with me that, again, this scoring
3 system for the liquidity again favors the bigger companies?

4 A Well, I think that's just a minimum amount required,
5 you know, just to show that you do have liquid funds.

6 Q Well, if you look at the financial statements --
7 again, this is DOT394 -- there points that increase as you
8 demonstrate greater assets. So 250,000 1 point, in excess of
9 3.5 million is 10 points. Are you familiar with that?

10 A Yes.

11 Q So does it -- why would it matter -- after you've
12 reached the threshold of two fifty why does it matter in terms
13 of liquidity whether or not that amount of money is necessary
14 for purposes of running a marijuana establishment?

15 A Well, the liquidity wouldn't necessarily be enough
16 to open up a business within 12 months.

17 Q Okay.

18 A The liquidity -- you'd have to look at the budget,
19 and there's a lot of aspects that go into what the evaluators
20 I think looked at to come up with these determinations.

21 Q The liquidity amount was at two fifty; right?

22 A Yes.

23 Q All right. So this is taken from the liquid and
24 illiquid asset figure.

25 MR. PARKER: Make that whole section bigger, Shane,

1 so he can see where it's coming from.

2 BY MR. PARKER:

3 Q Are you familiar with that, sir?

4 A No.

5 Q These deal with the financial statements. Or this
6 information comes from the financial statements of the
7 applicants.

8 A Yeah, I'm familiar with it.

9 Q All right. So after you've demonstrated the amount
10 of liquidity necessary, this provides scoring for the more
11 money you show the more points you get; right?

12 A Yes.

13 Q You said you had nothing to do with setting these
14 parameters?

15 A Taxes. Taxes is what I said I didn't have --

16 Q Did you have anything to do with these parameters?

17 A I don't recall if -- how we came to the conclusion
18 on these. I don't know if -- I mean, I wasn't the final say
19 in it, of course.

20 Q All right. So you don't recall?

21 A No, I don't.

22 Q Okay.

23 THE COURT: Would this be a good place to break, Mr.
24 Parker?

25 MR. PARKER: It would be, Your Honor. I was about

1 to change --

2 THE COURT: All right. It's 4:45. I'm going the

3 let the witness leave before people change minds.

4 Sir, do you want to come back on Tuesday, or do you

5 want for your counsel to negotiate a different start?

6 THE WITNESS: If I fly in Tuesday morning, is that

7 fine?

8 THE COURT: I was going to start about 9:30.

9 THE WITNESS: Okay.

10 THE COURT: What time can you get here?

11 THE WITNESS: I'll have to come Monday night. But

12 that's fine. I'd like to get it over.

13 MR. KOCH: I'm sorry. I couldn't hear, Your Honor.

14 THE COURT: He said yes.

15 Okay. We'll see you Tuesday morning. You have a

16 nice weekend.

17 All right. So, team --

18 We can go off.

19 (Court recessed at 4:45 p.m., until the following

20 Tuesday, June 18, 2019, at 9:30 a.m.)

21 * * * * *

22

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24

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| <u>NAME</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
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PLAINTIFFS' WITNESSES

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|---------------|----|--|--|--|
| Steve Gilbert | 91 | | | |
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* * *

DEFENDANTS' WITNESSES

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EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
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PLAINTIFFS' EXHIBIT NO.

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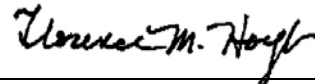
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

6/14/19

DATE

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 24 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAINST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |

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| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 342 | BENCH TRIAL - DAY 19 | 327 thru 328 | 8/17/2020 | 045940-046223 |

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| 343 | BENCH TRIAL - DAY 20 | 329 | 8/18/2020 | 046224-046355 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 354 | BENCH TRIAL - PHASE 1 | 332 | 9/8/2020 | 046667-046776 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |

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| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
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| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
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| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

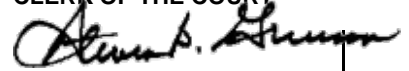
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

EVIDENTIARY HEARING - DAY 7

TUESDAY, JUNE 11, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL CRISTALLI, ESQ.
ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
ADAM BULT, ESQ.
MAXIMILIEN FETAZ, ESQ.
THEODORE PARKER, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
THERESA HAAR, ESQ.
RUSTY GRAF ESQ.
BRIGID HIGGINS, ESQ.
ERIC HONE, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
PHILIP HYMANSON, ESQ.
JOSEPH GUTIERREZ, ESQ.

1 LAS VEGAS, NEVADA, TUESDAY, JUNE 11, 2019, 9:23 A.M.

2 (Court was called to order)

3 THE COURT: All right. Counsel, we have an issue.
4 We have Exhibit 26 that is missing. I understand from my
5 clerk that Exhibit 26 was supposed to be provided by the State
6 even though it's a plaintiffs' exhibit.

7 Is Mr. Kemp here?

8 THE CLERK: One of the defendants'.

9 THE COURT: Essence/Thrive's application in a
10 redacted form. Is that what it is, Dulce?

11 THE CLERK: That's what it says on the list.

12 THE COURT: It's what it says on the list. Who's in
13 charge? Who is in charge of it? Nobody is taking credit.

14 MR. PARKER: Or responsibility.

15 MR. GUTIERREZ: I think that was the evaluator notes
16 that Mr. Kemp --

17 THE COURT: No. I think it was the application,
18 because it was before the evaluator notes were produced.

19 Essence/Thrives is what Dulce has on her notes.

20 THE CLERK: It was admitted on the 24th --

21 THE COURT: By stipulation.

22 THE CLERK: It says, "on the list to be produced".

23 THE COURT: Here comes Mr. Kemp. We'll grill him.

24 Mr. Kemp, when does Mr. Rulis come back from
25 vacation?

1 MR. KEMP: Sunday.

2 THE COURT: Is he coming next week?

3 MR. KEMP: I hope so.

4 THE COURT: We're missing Exhibit 26. Do you know
5 anything about that?

6 MR. KEMP: Other than it's missing, I don't know
7 anything about it. You did get 27, though; right? Because
8 there were two.

9 THE COURT: Dulce is only telling me what we're
10 missing.

11 So when Mr. Rulis is here on Monday we will find out
12 where Exhibit -- or on Tuesday we'll find out where Exhibit 26
13 is.

14 Dulce, you might want to send him an email so when
15 he gets into the office on Monday he can look for it and
16 resolve it before he shows up on Tuesday.

17 (Pause in the proceedings)

18 THE COURT: All right. Are we ready to continue and
19 finish up Mr. Jolley?

20 Mr. Parker.

21 MR. PARKER: I am, Your Honor.

22 THE COURT: Anything else before Mr. Jolley starts?

23 Mr. Jolley, let's get you finished and get Mr.
24 Gilbert back on. I told Mr. Gilbert yesterday it was an hour
25 and a half that he would have a break. It didn't turn out

1 that way.

2 ANDREW JOLLEY, DEFENDANTS' WITNESS, SWORN

3 THE CLERK: Thank you. Please be seated. Please
4 state and spell your name for the record.

5 THE WITNESS: Andrew Jolley, A-N-D-R-E-W
6 J-O-L-L-E-Y.

7 THE COURT: Mr. Parker, you may continue. Mr.
8 Parker, you can continue.

9 MR. PARKER: Thank you, Your Honor.

10 CROSS-EXAMINATION (Continued)

11 BY MR. PARKER:

12 Q Good morning, Mr. Jolley. How are you?

13 A Good morning. I'm wonderful, thank you.

14 Q Good. Mr. Jolley, when we left off yesterday we
15 were talking about the confusion created by more than one
16 application, Exhibits 5 and 5A. Do you recall that?

17 A Yes, I recall.

18 Q And I want to finish that line of questioning by
19 asking you whether or not either Exhibit 5 or 5A specifically
20 indicate which applications should be used. For example, does
21 5A say no, this is -- I'm not the right application to use,
22 you should be using 5, which is Exhibit 5. Or does 5 say no,
23 I'm the earlier version, you should look to the DOT for the
24 updated version. Is there any indication on 5 or 5A which
25 application is correct?

1 MR. KOCH: Objection. The document speaks for
2 itself.

3 THE COURT: Overruled.

4 THE WITNESS: If memory serves, there was an email
5 or some communication sent by the Department stating that --
6 which form of the application was the updated form.

7 BY MR. PARKER:

8 Q Let me ask it one more time. Looking at Exhibit
9 5 --

10 MR. PARKER: I'm sorry, Your Honor. Is Exhibit 5 in
11 front of the witness?

12 THE COURT: It's not on the screen.

13 MR. PARKER: May I approach, Your Honor?

14 THE COURT: It's now on the screen in front of him.

15 MR. PARKER: Well, I want to give him the hard
16 copies so he can look at those.

17 THE COURT: You can, Mr. Parker. You can approach
18 and get it out of the book for him.

19 MR. PARKER: Thank you.

20 BY MR. PARKER:

21 Q So if you could look at the face of 5 and 5A, first
22 page of those two exhibits. Can you tell me if either exhibit
23 indicates that it is the appropriate application to use.

24 A I can't tell by looking at the front page of these
25 exhibits.

1 Q All right. Is it fair to say, sir, then, if a
2 person did not receive the email that you were speaking of
3 earlier or perhaps was not on the -- a part of the Listserv,
4 that simply by looking at the applications themselves they
5 wouldn't know which application is the appropriate application
6 to use?

7 MR. KOCH: Objection. Speculation.

8 THE COURT: Overruled.

9 THE WITNESS: Yeah. I think you'd have to look at
10 the context and the source of the application.

11 BY MR. PARKER:

12 Q Is it a true statement, sir, that without having any
13 additional information other than either application in front
14 of you you would not know which application is correct?

15 A Well, I'm only looking at the front page.

16 Q Look at all of the pages, sir. Take your time.

17 MR. KOCH: Your Honor, he's asking him to look at
18 two 34-page documents and whether they say something within
19 them. The documents speak for themselves.

20 THE COURT: Overruled. He can look at them and tell
21 me. We had him do the same thing yesterday. If it refreshes
22 his mind, let me know.

23 (Pause in the proceedings)

24 THE WITNESS: Can you please restate your question.

25 //

1 BY MR. PARKER:

2 Q Certainly. Looking at those two documents, is there
3 any indication, be it Exhibit 5 or 5A, that one is the
4 appropriate application to use versus the other?

5 A Looking at the application itself and ignoring the
6 context from which it came, I can't determine -- well, let me
7 rephrase that. There's differences in these two applications.

8 Q We understand that.

9 A They're not the same. So in a sense I guess you
10 could determine which one was the more up-to-date application,
11 you know, looking back. But there's nothing on the face of
12 the application that I can see sitting here that would
13 indicate the date from which that application was applicable.

14 Q Right. There's nothing indicating a revision date;
15 is that correct?

16 A Not that I can see.

17 Q There's nothing that would say to a applicant, this
18 is the right one and this is the wrong one, on the face of
19 those two documents?

20 A Yeah. You'd have to look at the context from which
21 the application came.

22 Q Thank you, sir. Now, yesterday you were telling me
23 why you listed certain employees as officers. Do you recall
24 that?

25 A I don't think that's what I said.

1 Q Okay. You did inform me and the Court that you
2 listed your Human Resource director and your procurement or
3 purchasing director as, who are employees. They are
4 employees; is that correct?

5 A Yes.

6 Q Okay. And you listed them as officers in your
7 application; is that correct?

8 A We believe they are officers, and we listed them as
9 such in order to be thorough and accurate.

10 Q Good enough. Are there any other officers of Nevada
11 Organics that you've listed in your application?

12 A Yes.

13 Q All right. And who are those other officers?

14 A I'd have to look back at it, but I can try my best
15 to go from memory.

16 Q Were any of them employees?

17 A Well, I think all officers are employees. Our
18 officers work for the company and also have additional
19 authority within the company.

20 Q Let me -- I like that response. So do you believe
21 that all employees can be considered officers?

22 A No.

23 Q All right. So then tell me what other employees you
24 listed as officers --

25 A We --

1 Q -- for purposes of your 2018 application.

2 A So the application asked us to list officers,
3 owners, and also key personnel, and we did that.

4 Q Key personnel was a part of the application request?

5 A If memory serves.

6 Q In terms of Exhibit 5, again -- it's on the screen
7 right now. You can look at it again. That's Exhibit 127.

8 MR. PARKER: Can you highlight the title again, or
9 the portion that says, I believe, "owners, officers, and board
10 members."

11 BY MR. PARKER:

12 Q Do you see key employees in that, on Exhibit 127,
13 which is in front of you, sir?

14 A No. But if you look at page 17, section 6 of the
15 application, reading from the first paragraph, "The
16 description of the proposed organizational structure of a
17 proposed marijuana establishment and information concerning
18 each owner, officer, and board member, including key personnel
19 of the proposed marijuana establishment, including information
20 provided pursuant to R092-17." So, again, we listed the
21 officers who run and manage the company, including the folks
22 you just mentioned. And pursuant to the application we, you
23 know, think, you know, also included some information about
24 others who work in the company.

25 Q All right. Did you list any other employees as

1 officers? That's the question I have before you right now.

2 A I think our application is self evident who we
3 listed.

4 Q You don't recall?

5 A We listed the officers who run the company, board
6 members, and owners.

7 Q You don't recall the name of any of the employees,
8 is what I'm asking you, that you listed as an officer?

9 A If they were an officer, we wrote down their name
10 and we indicated they're an officer and their title, and in
11 other sections of the application we went into detail about
12 their title, their general responsibility.

13 Q Let me see if I can focus this question so I can get
14 a more focused response. Do you know the name of any other
15 employees that you listed as officers?

16 A Let's see, you're using the word "employee," and I'm
17 saying we stated who the officers of the company are on the
18 application in the section.

19 Q Were any of those other officers employees?

20 A You know, I don't know the legal term of what you're
21 trying to get me to say here. But when somebody comes in to
22 work everyday and works for a company full-time I consider
23 that person to be an employee in addition to whatever other
24 responsibility or title they would have. You know, I mean,
25 myself included.

1 Q How about I help you with these questions.

2 MR. PARKER: All right. Your Honor, I'd like to

3 have use of the Elmo.

4 THE COURT: You may.

5 MR. PARKER: Thank you. Your Honor, I'm going to

6 put on the screen -- and I think the Court can take judicial

7 notice under 47 of the Nevada Secretary of State's

8 instructions for LLCs.

9 THE COURT: Does anyone have an objection to him

10 using this as a demonstrative exhibit?

11 You may use it as a demonstrative exhibit and mark

12 it as such.

13 Sir, if you need him to blow it up --

14 MR. PARKER: I brought copies just in case anybody

15 wanted to have a copy.

16 THE COURT: All right. Sir, if you want him to hand

17 you a copy --

18 THE WITNESS: It's okay. I can see it. Thank you.

19 THE COURT: Okay.

20 THE CLERK: Mr. Parker, do you have any extra ones?

21 MR. PARKER: Yeah. I brought one for you, too.

22 THE CLERK: Thank you.

23 MR. PARKER: Your Honor, may I approach the clerk?

24 THE COURT: You may.

25 MR. PARKER: May I also approach the witness, Your

1 Honor?

2 THE COURT: You may.

3 THE CLERK: It will be D5.

4 MR. PARKER: Thank you.

5 BY MR. PARKER:

6 Q So, sir, have you ever seen this before?

7 A I may have. I don't recall.

8 Q So these are the instructions for an LLC in the

9 state of Nevada. And if you were to turn to the second page

10 of D5, you would see that this document is a form that you can

11 use to identify whether or not you're going to be member

12 managed and, if so, those members and managers and the names

13 and addresses. Do you see that?

14 A Yes.

15 Q All right. Did you list any of these employees as

16 members or managers that you identified as officers in your

17 application?

18 MR. GRAF: Objection, Your Honor. Compound.

19 THE COURT: Overruled.

20 THE WITNESS: I don't know.

21 BY MR. PARKER:

22 Q All right. Let me see if we can help your --

23 THE COURT: Jill, can you hear Rusty from the back

24 there?

25 So I can hear you, Mr. Graf, but Jill can't. So

1 that's more important.

2 MR. GRAF: For the record, objection, compound.

3 THE COURT: Overruled.

4 MR. GRAF: Do you have another copy?

5 MR. PARKER: Would you like another copy, Graf?

6 MR. GRAF: I would.

7 MR. PARKER: Here you go.

8 MR. GRAF: Thank you.

9 MR. PARKER: You're welcome.

10 BY MR. PARKER:

11 Q So the third page of this document there's a big box
12 at the bottom that says, "manager or managing member." Do you
13 see that?

14 A Yes.

15 Q Did you list any of these employees or officers, as
16 you call them, in this document when you opened up Nevada
17 Organic Remedies?

18 A I believe Steve Byrne and myself were listed as the
19 managers.

20 Q All right. So none of these employees that you
21 identified as officers were identified in the Nevada Organic
22 Remedies list of managing members or members for Nevada
23 Organic Remedies with the Secretary of State of Nevada; is
24 that correct?

25 A Like I said, I think Steve Byrne and I, who are also

1 on the application, were listed as the managers of the LLC.

2 Q Did you list by chance in an annual list to the
3 State any officers of Nevada Organics?

4 A Yes.

5 Q All right. Do you know if you listed any of these
6 employees as officers for purposes of the State?

7 A Again, the officers that we put on our application
8 were --

9 Q Yes, sir.

10 A -- were provided to the State, yes.

11 Q All right. Well, let's see what you actually said
12 to the State.

13 MR. PARKER: Here is -- and I'd like to make this
14 the next exhibit in order, Your Honor -- is Nevada Organic
15 Remedies LLC filing with the Secretary of State, which I
16 believe you can also take additional notice under 47.130.

17 THE COURT: It's all -- I'll let it --

18 MR. KOCH: It's already an exhibit. Mr. Kemp may
19 have it in as an exhibit.

20 THE COURT: Can we use it as a demonstrative
21 exhibit --

22 MR. KOCH: It's fine.

23 THE COURT: -- rather than trying to get Mr. Kemp to
24 find it, since Mr. Rulis is on vacation?

25 MR. KOCH: Sure.

1 MR. PARKER: We'll make this D6, Your Honor?
2 THE COURT: Whatever the next in order is.
3 MR. PARKER: Would that be correct, Madam Clerk?
4 THE CLERK: Yes, that'll be good.
5 MR. PARKER: All right. And I will bring you D6.
6 May I approach, Your Honor?
7 THE COURT: You may.
8 MR. PARKER: The witness as well, Your Honor?
9 THE COURT: You may.
10 MR. PARKER: Thank you.
11 Rusty, you want one?
12 MR. GRAF: Yes.
13 THE COURT: You know, we used to call the back row
14 the peanut gallery, but I'm not sure I want to apply that to
15 you.
16 BY MR. PARKER:
17 Q All right. So this appears to be, we'll start from
18 the top, Nevada Organic Remedies LLC, your annual list of
19 officers and members. And at the bottom I see only two
20 officers, and that would be yourself and Mr. Byrne; is that
21 correct?
22 A Yes.
23 Q You didn't list any other officers, which would
24 include any employees; is that correct?
25 A On this form, no.

1 Q All right. So in terms of the State's recognition
2 of Nevada Organic Remedies LLC the only officers that are
3 identified would be yourself and Mr. Byrne; is that correct?

4 A In the Nevada Secretary of State I believe that's
5 the case.

6 Q Thank you. Would the same be true for Henderson
7 Organic Remedies?

8 A It's a different ownership structure, and I can't
9 recall who the managers were initially.

10 Q Well, let me show you what it says here for
11 Henderson Organic Remedies.

12 MR. PARKER: We can make this D7.

13 THE COURT: Why do I care, since they're not an
14 applicant that's at issue here? While I certainly care
15 about --

16 MR. PARKER: Your Honor, I had that same concern.

17 THE COURT: Okay.

18 MR. PARKER: That's why I started with -- I started
19 with the ones I knew you would have no issue with. This one
20 only because I believe it ties into something that Mr. Kemp
21 got into yesterday regarding the similarity of ownership and
22 similarity of the item under the non-identified care, quality,
23 and control issues.

24 THE COURT: I'm not concerned on the compliance
25 issue that was testified yesterday, since other than as it

1 goes to the compliance issue and the knowledge and whether
2 that should have been evaluated from an owner, officer,
3 director issue, which is what I am focusing on with these
4 applications, I'm not concerned. So I don't need --

5 MR. PARKER: No worries. I won't worry about that,
6 Your Honor.

7 THE COURT: I don't need to go into the LLC
8 formation for Henderson.

9 MR. PARKER: For Henderson?

10 THE COURT: Yeah.

11 MR. PARKER: That's fine, Your Honor.

12 THE COURT: I don't need it.

13 MR. PARKER: That's fine, Your Honor. Thank you.

14 THE COURT: Thank you.

15 MR. PARKER: You're welcome.

16 THE COURT: Trying to save some time.

17 MR. PARKER: No. I appreciate it, Your Honor.

18 THE COURT: Although I will let the witness give as
19 long an answer as he wants.

20 MR. PARKER: I've noticed that, which also allows me
21 to follow up. So I appreciate both of those considerations,
22 Your Honor.

23 BY MR. PARKER:

24 Q So, Mr. Jolley, the long and the short of it is in
25 terms of the Secretary of State of Nevada the only officers

1 you've ever identified under your annual list would be
2 yourself and Mr. Bryne; is that correct?

3 A I think the document speaks for itself.

4 Q Is that a yes, sir?

5 A This document speaks for itself.

6 Q Is that a yes, sir? I'm entitled to an answer.

7 A I'm giving you an answer.

8 Q You can talk about the document as long as you can.

9 A I mean, when you use words --

10 THE COURT: Sir, can you answer the question yes or
11 no.

12 THE WITNESS: Ever? I don't know. I don't know.

13 BY MR. PARKER:

14 Q In terms of --

15 A We've sold the company, so I don't know what the
16 current list is. So I can't answer a definitive statement.

17 Q Well, I was going --

18 A Sold part of the company.

19 Q -- to help you out with that. This list, D6, is the
20 list that was brought up this morning.

21 A Okay.

22 Q And as of this morning the only officers are
23 yourself and Mr. Byrne; is that correct?

24 A Yes.

25 THE COURT: Mr. Parker, you're making a

1 representation that you pulled or someone at your direction
2 pulled that listing off the Secretary of State's office as the
3 most accurate and up-to-date member list?

4 MR. PARKER: I am, Your Honor.

5 THE COURT: Okay. Thank you

6 MR. PARKER: You're welcome.

7 BY MR. PARKER:

8 Q And, sir, is it fair to say that in your
9 recollection you do not recall any other officers being
10 designated through the Secretary of State's annual listing for
11 Nevada Organic Remedies?

12 A Not through the Secretary of State.

13 Q Thank you. You said yesterday that you recall
14 either yourself or perhaps people within your team having
15 conversations or communications with the DOT. Do you remember
16 that?

17 A That's not what I said.

18 Q What did you say, then?

19 A We received information from DOT.

20 Q Other than the Listserv did you receive any other
21 information through any other medium?

22 MR. KOCH: Objection. Vague as to time.

23 THE COURT: Overruled.

24 THE WITNESS: Directly, I don't recall. I mean, we
25 do -- we are in somewhat constant communication with DOT. For

1 example, when we have audits or inspections there's
2 communication that is passed between our organization and the
3 Department. Regarding the application process, I stated
4 yesterday that I don't recall having any direct contact with
5 the Department regarding the application. If certain members
6 of our team did, I don't recall that off the top of my head.

7 BY MR. PARKER:

8 Q Okay. Have you ever spoken to Ms. Kara Cronkhite?

9 A Yes.

10 Q On how many occasions?

11 A I don't know. I would say a handful or maybe, you
12 know, a few occasions.

13 Q Were any of those conversations -- were any or those
14 conversations related to the 2018 application process?

15 A I don't recall.

16 Q Have you ever spoken with Mr. Damon Hernandez?

17 A I am not sure.

18 Q Let's go back to Ms. Kara Cronkhite. Were any of
19 those conversations recorder in any fashion?

20 A I'm not aware of any.

21 Q Were any of those conversations memorialized in any
22 written document, an email, a letter, or some type of response
23 in a Listserv to your knowledge?

24 A They may have been. I remember seeing email from
25 Kara I believe that was produced as part of this litigation

1 regarding the incident that we discussed yesterday at
2 Henderson. But I'm not recalling any specific emails about
3 the application process.

4 Q How about Mr. Gilbert, Steve Gilbert? Have you ever
5 spoken with him?

6 A Yes.

7 Q On how many occasions?

8 A A few.

9 Q Any of it involving the 2018 application process?

10 A Not that I can recall.

11 Q Any of it dealing with -- since you mentioned,
12 dealing with any deficiencies related to Nevada Organic
13 Remedies?

14 A Not that I can recall.

15 Q How many deficiencies has Nevada Organic Remedies
16 received?

17 A I'm not sure, but I don't think it's in -- I don't
18 think we're an outlier in terms of the rest of the industry.

19 Q More or less than 10?

20 A More.

21 Q More or less than 20?

22 A More.

23 Q More or less than 30?

24 A Are you asking in the lifetime of the company?

25 Q Well, the lifetime would be, I'm thinking since 2014

1 or '15; right?

2 A Correct.

3 Q All right. Yes.

4 A Yeah.

5 Q How many?

6 A So, yeah, over the course of those years, yeah, it
7 could be more than 30.

8 Q More than 40?

9 A Are you saying like -- let's say we have an audit
10 and we get a letter that has two deficiencies in it, are you
11 separating those, or are you counting that audit letter as
12 one --

13 Q No. I'm counting those as two deficiencies.

14 A As two. Okay.

15 Q Yes, sir.

16 A All right. Then, yeah, it's probably more than 30.
17 I wouldn't be able to quantify how many more than that, but
18 probably not many.

19 Q Do you know whether or not that list of deficiencies
20 were provided to or made available to the evaluators?

21 A I have no idea.

22 Q It appeared that your counsel, based upon
23 Exhibit 96, was attempting to prevent that issue from being
24 considered among the Nevada Organic Remedies applications. Do
25 you have the same opinion?

1 MR. KOCH: Objection, Your Honor. Misstates the
2 document. Also, it mischaracterizes the communication.
3 There's no indication that Counsel's even on that
4 communication.

5 THE COURT: Can you not make a speaking objection.
6 Overruled.

7 THE WITNESS: Can you please ask the question again.

8 BY MR. PARKER:

9 Q Yes. Do you want me to bring up Exhibit 96 again
10 just for purposes of context?

11 A Sure.

12 MR. PARKER: Could you do that for me, Shane. Let's
13 bring the whole thing in, Shane.

14 BY MR. PARKER:

15 Q And if you'd like, I can provide the book for you.
16 Can you highlight the second-to-the-last sentence of the word
17 "banks." Starts at "These investigations." And if you can't
18 see it, Mr. Jolley, I can grab the volume behind you and give
19 it to you. It says, "These investigations should be removed
20 from the log". And Kara Cronkhite is identified at the bottom
21 of this document. Do you recall ever speaking to her about
22 this document or about the incident that this document
23 concerns?

24 A No, I don't.

25 Q Do you have an understanding why these

1 investigations should be removed from the log?

2 A I don't believe I was a party to this email. I just
3 saw it for the first time yesterday, I believe. And so all I
4 can do is go off of the face of the text. I don't really have
5 any, you know, detail or inside information on this email. It
6 says, "Please remove the investigation SODs regarding self-
7 reported incidents," and goes on from there. So --

8 Q Do you know whether or not the 30-plus deficiencies
9 that you were just speaking of were also removed from the log,
10 or are they currently on log, to your knowledge?

11 A I don't have access to the State's proprietary, you
12 know, private information.

13 Q Do you know whether or not those deficiencies were
14 available to the evaluators?

15 A I do not.

16 Q You were on the NDA; right?

17 A Yes.

18 Q Were there any discussions or recommendations with
19 regards to the availability of the deficiencies for a
20 particular applicant for the evaluators?

21 A I don't recall having those discussions. It wasn't
22 really our job to be part of that discussion.

23 Q As an NDA member did you reach out to the industry
24 to inform them of whether or not deficiencies would be a part
25 of the application process?

1 A I think it was discussed a little bit here and
2 there. I mean, I think we all assumed, I know I did, that the
3 State would consider your compliance track record and, you
4 know, the status of your company.

5 Q Did any of those deficiencies concern the care,
6 quality, or safety of marijuana from seed to sale?

7 A I don't really know how to answer that question.

8 Q Well, the application -- as a part of the criteria
9 for the application the evaluators had to determine in scoring
10 your care, quality, and safekeeping. Do you recall that?

11 A Uh-huh.

12 Q Is that a yes?

13 A Yes, I do recall that.

14 Q All right. Were any of your deficiencies related to
15 that element or criteria?

16 A So deficiencies are not categorized like that. So
17 that would be a subjective, you know, call that you would have
18 to make. I guess there could be circumstances. For example,
19 I recall, you know, certain companies having significant
20 issues with the State, compliance issues, and having to shut
21 down operations.

22 Q Right.

23 A And so, yeah, I mean, I guess there could be
24 situations where a deficiency -- one could construe a
25 deficiency or adherence to a certain regulation as being, you

1 know, relevant in that general topic --

2 Q Right.

3 A -- of discussion. But I don't think that it was
4 outlined as such in the application.

5 Q Wouldn't you agree with me that with someone with
6 30-plus deficiencies that some of those deficiencies, yours in
7 particular, Nevada Organic Remedies, could touch on that
8 criteria?

9 A I believe if an operator had made serious mistakes
10 or had been shut down by the State or something like that, it
11 could factor into their qualification for additional licenses.

12 Q And if a applicant had 30 or plus deficiencies, some
13 of which touching on care, quality, and safekeeping from seed
14 to sale, wouldn't that be directly and demonstrably related to
15 the operation of a marijuana establishment?

16 A That's not how I interpreted the application. But
17 as I said earlier, I think, you know, a company's track record
18 in following the regulations could be relevant when looking at
19 issuing new licenses.

20 Q All right. Because you would agree with me that
21 that track record, if it reflected negatively upon the
22 applicant, the evaluators should have access to that for
23 determining whether or not that applicant should score high in
24 the care, quality, and safekeeping criteria. Do you agree
25 with that?

1 A I'm not familiar with how the State handled that
2 particular aspect of the application process.

3 Q All right. In terms of your communications with Mr.
4 Gilbert you said maybe half a dozen times; is that correct?

5 A Going back several years, if you count in-person
6 communications, phone communications, every possible form,
7 then, yeah, maybe, you know, a handful of communications. I
8 don't know.

9 Q All right. And do you ever recall any emails --
10 strike that. Did you communicate with Mr. Gilbert by text, or
11 only in person or by phone?

12 A I don't recall ever texting Mr. Gilbert, but I'm not
13 a hundred percent positive on that.

14 Q Okay. You had his personal email -- telephone
15 number?

16 A I definitely have his office number. I'm not sure
17 about his other contact information.

18 Q All right. Were any of your communications with
19 him, be it in person or over the phone, ever memorialized or
20 reduced to writing and sent back to you, this is to confirm
21 our conversation, you know, we don't care if you don't use
22 actual locations for your application, anything like that?

23 A I never received an email like that that I can
24 recall.

25 Q Okay. And I was using an example, a hypothetical.

1 But any type of written communication confirming the
2 conversations you may have had with him?

3 A I don't recall receiving emails directly from Mr.
4 Gilbert related to the application.

5 Q Okay. And you don't recall any of your
6 conversations being reflected in a Listserv dissemination,
7 either?

8 A I don't know what you mean by having my
9 communication being sent out to a Listserv. I don't
10 understand that.

11 Q Let's say you asked Mr. Gilbert a question regarding
12 the application process because you needed clarification and
13 he sent you an email saying, this clarifies our conversation,
14 something like that.

15 A Well, I just said I don't recall ever receiving such
16 an email.

17 Q Okay. So if you had a question regarding this 2018
18 process that you discussed with Mr. Gilbert, Ms. Cronkhite, or
19 Mr. Hernandez and it didn't make its way into something in
20 written form disseminated through the Listserv, then the
21 general public would not have that information. Is that a
22 fair statement?

23 A Well, I think each applicant had the opportunity and
24 the prerogative to clarify questions they may have had
25 regarding the application. And I don't think it's the

1 Department's practice to redistribute all communications it
2 has publicly.

3 Q Okay. So the answer to my question would be yes,
4 Mr. Parker, the public would not gain the benefit of your
5 discussions with the DOT through a written dissemination by
6 the Department of Taxation; is that correct?

7 A That's not what I said.

8 Q But is that correct?

9 A I don't believe the Department has a practice of
10 redistributing communications it has with licensees or anyone
11 public via the Listserv.

12 Q All right. Now, do you believe that there's an
13 advantage that you gained by being able to have these
14 communications with the Department of Taxation employees that
15 did not result in the public being afforded the results of
16 those conversations?

17 A I believe every applicant had the opportunity to ask
18 questions on an equal, level playing field. I think all
19 applicants had at their disposal the same opportunities to ask
20 questions and clarify issues.

21 Q That's not answering my question, sir. The question
22 is do you believe because of your ability to have these
23 conversations directly with the people training the trainers,
24 or, as they say, training the evaluators, that you perhaps
25 received information that the general public did not.

1 MR. KOCH: Objection. Lacks foundation.
2 THE COURT: Overruled.
3 THE WITNESS: No, I do not agree with that.
4 BY MR. PARKER:
5 Q Well, you had -- like you said before, you had Mr.
6 Gilbert's direct line at his office; is that correct?
7 A It's on the Website. You can get it.
8 Q Is that correct?
9 A That I had Mr. Gilbert's office phone number?
10 Q At the very least you said that; is that correct?
11 A I did say that.
12 Q All right. And you spoke with him both in person
13 and over the phone; is that correct?
14 A Going back to 2014 or '15, the course of my
15 experience and relationship with him, yes, I have had --
16 Q All right.
17 A -- conversations with Mr. Gilbert.
18 Q Same with Mr. Hernandez; is that correct?
19 A I don't recall ever speaking with Mr. Hernandez.
20 I'm not sure who that is.
21 Q And the same with Ms. Cronkhite?
22 A I met Kara during some of our first inspections back
23 in 2015 and have had various interactions with her over the
24 years.
25 MR. PARKER: Okay. Shane, I need you to bring this

1 up for me.

2 Your Honor, it's an admitted exhibit I'm looking
3 for. It's the extraction report.

4 THE COURT: I don't know all the exhibits in this
5 case, Mr. Parker.

6 Sir, I have a question on an unrelated issue while
7 he's looking for that. And if you need time to think about
8 the answer, just let me know. When did you learn that the
9 Department of Taxation would be using outside contractors to
10 review the applications under 453D?

11 THE WITNESS: I believe I learned about that leading
12 up to the application period. I believe there was a public
13 hearing in which Jorge Pupo may have mentioned that or some
14 information that came out. I'm a little fuzzy on that.

15 THE COURT: So summer of 2018?

16 THE WITNESS: Yeah, that sounds about right, but --

17 THE COURT: Okay.

18 THE WITNESS: I'm pretty fuzzy on it, but yeah.

19 THE COURT: I'm looking for your best recollection.

20 THE WITNESS: Thank you. Yeah.

21 THE COURT: All right. Sorry, Mr. Parker, I was
22 trying to use time wisely.

23 MR. PARKER: No. No worries. I have -- no worries,
24 Your Honor. I appreciate you using the time. So I believe we
25 have Exhibit 108, Your Honor, on the screen, which has been

1 admitted. It is the extraction report, page 32, KP32. I
2 believe it's Exhibit 108. And I'm concerned about Item Number
3 404.

4 BY MR. PARKER:

5 Q Can you see that on the screen, Mr. Jolley? Or can
6 you see it on your personal screen if it's easier that way?

7 A It's not on the personal screen. I can see it on
8 this one.

9 MR. KOCH: I think you can turn it off and on.

10 MR. PARKER: Yeah. It's the Plaskon approach to
11 technical issues.

12 THE COURT: The marshal's going to help if you can't
13 get it done.

14 (Pause in the proceedings)

15 BY MR. PARKER:

16 Q So this text message was taken from Mr. Plaskon's
17 telephone. It says, "Jorge Pupo is the MED Deputy Director."
18 Do you see that?

19 A Yes.

20 Q Okay. And you've spoken with Mr. Pupo; is that
21 correct?

22 A Have I ever spoken with Mr. Pupo?

23 Q Yes, sir.

24 A Yes, I have.

25 Q And how many occasions?

1 A A handful.

2 Q All right. As many times as you've spoken to Mr.
3 Gilbert?

4 A I wouldn't say that. I don't know that I can, you
5 know, directly quantify the number of conversations with both
6 of those individuals. But, you know, it's a few. It's not
7 hundreds, and it's not one or two. It's somewhere in between.

8 Q Were those discussions related to the 2018
9 application process?

10 A I don't recall ever speaking with Mr. Pupo directly
11 about the application process.

12 Q I thought you just said to the Court that you had a
13 conversation with him regarding the use of outside evaluators.

14 A That's not what I said.

15 Q What did you say?

16 A Would you like me to repeat the conversation I just
17 had with the Judge?

18 Q Just your answer.

19 A Okay. The question was when did I first learn that
20 the Department was going to use outside consultants to help
21 evaluate applications. And my general and somewhat vague
22 recollection is that it was in the summer of 2018, leading up
23 to the application process. And I believe, I don't know this
24 for sure, that it may have been through something that Mr.
25 Pupo said publicly, some kind of public statement that was

1 made. But I know that others on our team I believe had heard
2 something similar, and we discussed that.

3 Q Okay. So it came from Mr. Pupo. You just don't
4 know if you were a one-on-one conversation when that came up?

5 A No. I said I don't recall discussing the
6 application process directly one on one with Mr. Pupo. I
7 don't believe that ever occurred.

8 Q All right. But --

9 A I learned about the Department's intention to use
10 outside consultants I believe through something that came out
11 publicly, either a news article or a hearing, something like
12 that. I actually don't recall.

13 Q All right. It says, "Steve Gilbert is the program
14 manager and reports to Jorge. I report to Steve. Steve
15 prefers to not have the world know our structure. He likes
16 industry folks knowing, though, and addressing them". Now, if
17 you're not in the industry, how would you get the same level
18 of information from the DOT if you're not in the industry and
19 you're not on the Listserv?

20 A I'm not really sure what you're inferring here.
21 What do you mean by same information?

22 Q Fortunately, I get to ask the questions. And so let
23 me repeat the question. Maybe you didn't understand it or
24 maybe I need to rephrase it to make it easier for you to
25 respond to. Do you have an understanding of what "the

1 industry" means in the context of the 2018 application
2 process?

3 A I would assume it means people who are in the
4 marijuana industry in Nevada.

5 Q All right. So if you're not in the medical
6 marijuana industry in Nevada and presumably not on the
7 Listserv, how would that person, that member of the public,
8 get the same information that you're getting for purposes of
9 preparing your applications?

10 A It's up to that person and what they're looking for
11 and how resourceful they are. They can go to the Department's
12 Website, they can call the Department, they can attend, you
13 know, hearings and meetings, can read through the various
14 materials that are available through the Department's Website.

15 Q Would you agree with me that there's an advantage to
16 being the president of the NDA and having the ability to
17 contact these people personally, the DOT people that we --

18 A No, I would not agree with that.

19 Q All right. Yesterday you were discussing locations
20 with Mr. Kemp and I think to some extent Mr. Cristalli. Do
21 you recall that?

22 A Yes.

23 Q All right. And you -- as a part of that discussion,
24 you indicated I believe in part of your answer the impact to
25 the community based upon the location. Do you recall that?

1 Or did I misunderstand what you were saying?

2 A I generally remember that topic of discussion.

3 Q Do you recall that the application required you to
4 identify the maximum square footage that you had utilized? Do
5 you remember that?

6 A I believe the application called for a floor plan,
7 and there was some language in there about the size and
8 adequacy of the proposed floor plan.

9 Q And do you have -- it's my understanding you used a
10 -- I think Mr. Kemp said a generic floor plan; is that
11 correct?

12 A That was his term.

13 Q But it was your -- the floor plan that you currently
14 use; is that correct?

15 A That's not what I said.

16 Q Is it the floor plan that you currently use that you
17 wanted to replicate in different locations?

18 A I said it was based on the floor plan and there were
19 some tweaks that were made.

20 Q Okay. But I thought that some of those tweaks would
21 come after you actually found a location. Is that correct or
22 incorrect?

23 A Those are not mutually exclusive issues you're bring
24 up.

25 Q All right. So that's -- we can address them

1 individually. Was it your intention to make tweaks to a floor
2 plan that you generally use right now based upon each
3 location?

4 A We used -- we started from our existing floor plan
5 of one of our stores and then made some minor modifications to
6 that and included that in our application, because we felt
7 that it supported the idea that we could use that floor plan
8 and knew how to function as a company in this particular flow
9 and layout in a way that would best serve the needs of the
10 community.

11 Q If you don't have a location, just a floor plan, how
12 do you know that you will be able to convince a landlord or an
13 owner to allow for that floor plan or tweaks to that floor
14 plan after you enter a lease?

15 A Well, first, I've done that before, and so I had
16 confidence that I could do it, again. Secondly, in retail
17 there's pretty standard dimensions for retail buildings, and
18 so we felt that it was not unreasonable to base future stores
19 on our current store design with some minor modifications. Of
20 course things like the location of electrical panels and
21 drains and plumbing fixtures might need to be tweaked a little
22 bit based on the individual needs of the building.

23 But I don't think that's what the intention of the
24 application was. I think the intention of the section of the
25 application was for the State to get an idea of how a company

1 would operate to serve the needs of the community. And I
2 think we did an excellent job of demonstrating that.

3 Q So if that's the case, if the State only wanted an
4 idea, they could have said, please simply provide floor plans.
5 That could have been the request in the application. Didn't
6 have to do anything with building size or location, just
7 provide floor plans; right?

8 A I'm not in a position to speculate on the
9 Department's intentions or strategies behind the application.
10 I just know what the application requested, and I know, you
11 know, generally what we did to respond to that section.

12 Q Well, you gave me your interpretation of what the
13 application required. That's why this conversation started,
14 when I asked you about your floor plan. And you said it was
15 based upon your interpretation of the application this is what
16 the DOT was looking for. So I'm trying to figure out how you
17 move from what the words -- the four corners of the
18 application says, building size, adequacy, all of those
19 things, how do you jump from that to simply saying a floor
20 plan was sufficient and why in the heck you would get such
21 high scores when the application doesn't say, give me floor
22 plans. If that was the case then everybody could have just
23 provided floor plans. But the application talks about
24 building size and adequacy, not just simply floor plans. So
25 what made you think that you were simply -- or you were

1 providing adequate information when it says more than, just
2 give me a floor plan?

3 A You lost me. There's many questions in that
4 diatribe/statement/question, so I really don't know how to
5 answer that.

6 Q Let me see if I can break it up for you.

7 A Okay.

8 Q Is there any -- did you receive any information from
9 the DOT that said simply providing a floor plan would be
10 adequate in a response to building size, adequacy of building,
11 the actual requirements of the application?

12 A We went off what was stated in the application.

13 Q You didn't receive any additional information from
14 anyone at the DOT?

15 A Members of our team may have received certain
16 clarifying, you know, information, but I don't recall
17 receiving any direct communication from the DOT regarding the
18 application process.

19 Q And is it fair to say, sir, that you had no
20 conversations or any LOIs -- let's start here. Did you have
21 any LOIs in terms of lease space for any of these locations,
22 the eight or so applications you submitted?

23 A We did not provide letters of intent in our
24 application.

25 Q And you had no other type of agreement related to a

1 location that you provided with your application; is that
2 correct?

3 A I don't know what you mean by other type of
4 agreement.

5 Q Well, did you have perhaps earnest money on a piece
6 of property that you intended to buy to build a building?

7 A We own and are developing several retail properties
8 in various locations and jurisdictions that we felt would be
9 potential candidates should we receive a provisional license.
10 But following the instructions in the application, we did not
11 provide, you know, leases or letters of intent regarding
12 proposed locations.

13 Q Did you provide any building plans, or simply a
14 floor plan?

15 A We provided a great deal of detail about the
16 proposed layout and flow and processes within the proposed
17 locations.

18 Q Let me be more precise. Did you provide
19 construction drawings?

20 A I do not believe we provided construction drawings.

21 Q Did you provide a security plan that included some
22 type of contract or anything showing what would be placed on
23 that floor plan?

24 A Yes, I believe we did.

25 Q And did that also identify for purposes of outdoor

1 security devices, cameras, where you anticipated those
2 locations to be? So, for example, a floor plan would not
3 necessarily indicate windows to the exterior, it may just have
4 walls without showing where windows would be. Understand?

5 A I understand what you're saying, but I'm not sure
6 that's what we did.

7 Q If you had windows perhaps you may want more
8 security near windows; is that correct?

9 A It really depends on the layout of the building. I
10 can't really comment on a -- in that kind of hypothetical.

11 Q And I appreciate that. And you're actually helping
12 me go where I wanted to end. Without that information the
13 actual building layout -- a floor plan by itself would not
14 indicate or provide a reader or an evaluator a full complement
15 of what would be required for that establishment, because you
16 don't know what building it's going to be placed on, you don't
17 know if it's going to be first floor, the second floor, you
18 don't know if it's in the -- next to -- adjacent to an alley.
19 I mean, none of those things were a part of your application;
20 is that correct?

21 A Are you asking if we indicated where potential
22 alleyways would be in our application?

23 Q Yes, sir.

24 A I don't recall specifically discussing alleyways,
25 no.

1 Q You didn't particularly describe where windows would
2 be, either, did you?

3 A I'm not sure. I'd have to go back and look.

4 Q You didn't describe first floor or second floor?

5 A I don't recall discussing floors.

6 Q Strip mall --

7 A All of our locations are on ground floors.

8 Q Strip mall or stand alone, none of that stuff was
9 identified; right?

10 A We did not discuss strip malls in our application
11 that I can recall.

12 Q Or stand-alone buildings?

13 A I don't recall.

14 MR. PARKER: Good enough.

15 Thank you, Your Honor.

16 THE COURT: Anyone else for the plaintiffs' side?
17 Any other defendants or the State wish to inquire before I go
18 to redirect?

19 MR. SHEVORSKI: Nothing from the State, Your Honor.

20 THE COURT: Redirect.

21 REDIRECT EXAMINATION

22 BY MR. KOCH:

23 Q Well, Mr. Jolley, I told you you'd be done by 2:00
24 yesterday. I hope you're done by 2:00 today. Try to get you
25 there. You've had a lot of conversation and discussion about

1 diversity and officers and the impact on diversity, a couple
2 discussions with Mr. Kemp and Mr. Cristalli and Mr. Parker.

3 A Yes.

4 Q Did you know what NOR's diversity score was before
5 yesterday?

6 A I did not.

7 Q And for all the noise and discussion that's been had
8 here today and yesterday, do you know what the impact of the
9 diversity score for NOR was for NOR receiving or not receiving
10 a license?

11 A I'd have to do the math to work it out, but I don't
12 think it would have changed the outcome of the licenses that
13 we received.

14 Q You understood that NOR -- 8 points, is that the
15 figure that NOR received for diversity?

16 A Yes.

17 Q All right. Let's look at Exhibit 5004, please. I
18 should put it up on the screen here. It'd probably be the
19 easiest way to do that. You may need to turn your screen off
20 and on again switching over. Is it up on yours?

21 A It's working, yep.

22 Q All right. So 5004, this is a list of the
23 applicants that received a license and those that didn't and
24 all the scores for each of those applicants. Have you seen
25 this before?

1 A Yes.

2 Q Okay. Let's look down at Las Vegas, which is the
3 bottom of that first page, I believe. Las Vegas highly
4 contested market here. And we have -- NOR is Number 2; is
5 that right?

6 A Yes.

7 Q And NOR received 8 points for diversity?

8 A Yes.

9 Q If we took away 8 points from NOR, what place would
10 NOR fall to?

11 A Looks like we would have been fifth place.

12 Q Okay. So you'd be below Cheyenne, above Lone
13 Mountain; is that right?

14 A Correct.

15 Q Let's look right above that. Henderson, the same
16 page. NOR comes in second, again. Do you see that?

17 A Yes.

18 Q And if we took away those 8 points for diversity,
19 where does NOR end up?

20 A That would have been 214.99. So I think that would
21 have put us at fourth place.

22 Q And we can go through this exercise for all of the
23 seven licenses that NOR received. I've done it. We can do it
24 if the Court would like. But are you aware of any
25 jurisdiction where NOR would have lost its license if all of

1 the diversity points given to NOR were taken away?

2 A No.

3 Q And can you turn to Exhibit 70, please. You weren't

4 here when the cannabis law expert testified the first day of

5 this hearing were you?

6 A I was not.

7 THE CLERK: In sorry, 70?

8 MR. KOCH: 70.

9 THE CLERK: That's proposed.

10 MR. KOCH: You have no problem with 70, your

11 expert's report?

12 MR. KEMP: What is 70?

13 MR. KOCH: The expert's table of listings of taking

14 diversity out. It's your exhibit.

15 MR. KEMP: I thought that wasn't -- I don't have any

16 problem.

17 THE COURT: Are you okay admitting it?

18 MR. KEMP: Yeah, I'm fine, Your Honor.

19 THE COURT: Okay. It'll be admitted.

20 (Plaintiffs' Exhibit 70 admitted)

21 MR. KOCH: Let's put Exhibit 70 up.

22 THE COURT: 70's admitted.

23 BY MR. KOCH:

24 Q Exhibit 70 was a calculation that this expert came

25 up with where he took diversity away for all applicants in

1 unincorporated Clark County. Where does NOR end up?

2 A Looks like first place.

3 Q Let's go to 71.

4 MR. KEMP: Not a problem.

5 THE COURT: Any objection to 71?

6 MR. KEMP: No, Your Honor.

7 THE COURT: 71 be admitted.

8 (Plaintiffs' Exhibit 71 admitted)

9 BY MR. KOCH:

10 Q 71, same thing for Las Vegas. Where does NOR end up
11 if it takes out diversity?

12 A First place.

13 Q All right. So, long and short, there's a lot of
14 discussion about this, you know, putting officers in, taking
15 officers out for purposes of diversity based on the arguments
16 that are made. Did NOR have any benefit from diversity even
17 being considered in this process?

18 A Not that it appears. I mean, we just did our best
19 to have a thorough and accurate application listing the people
20 we felt were responsive to the application.

21 MR. KOCH: I'd like to propose Exhibit 5027. Do you
22 guys have any objection to the ownership officer letter?

23 MR. KEMP: That was the one -- I have no objection
24 if these guys --

25 MR. KOCH: Dominic, do you have any objection, 5027,

1 the ownership letter we have from the State --

2 MR. GENTILE: No. You showed that to me this

3 morning. Is that the one?

4 MR. KOCH: Yeah.

5 THE COURT: 5027 be admitted.

6 (Defendants' Exhibit 5027 admitted)

7 MR. KOCH: Do you have a binder clipped with 27?

8 Does he have a --

9 THE CLERK: I still have it, Mr. Koch.

10 MR. KOCH: If I can approach.

11 THE COURT: Would you like to approach so you can

12 take it over to the witness? That'd be great.

13 Sir, this now has a sticker on it. It's important I

14 get it back, so don't walk out with it.

15 THE WITNESS: You got it.

16 THE COURT: Thank you.

17 THE WITNESS: Uh-huh.

18 BY MR. KOCH:

19 Q Mr. Jolley, yesterday we looked at the first couple

20 of pages of 5027, because there's some question about the

21 ownership being disclosed. First the department of Taxation

22 letter, the August 20th letter, we looked at that. I think

23 that was with another exhibit that we also admitted

24 separately. So we're going to move past that. I'd like you

25 to look at Bates Number 1591. It should be the fourth page in

1 this document. Connor & Connor, did that law firm represent
2 NOR for purposes of part of this process?

3 A Yes.

4 Q And this letter here, do you recognize this letter?

5 A Yes.

6 Q What is it?

7 A It's a letter from Amanda Connor, our attorney, to
8 Kara Cronkhite at the Department notifying her of certain
9 individuals that are officers within NOR, Nevada Organic
10 Remedies.

11 Q All right. It says the following people have been
12 made officers at NOR, and it lists all those individuals,
13 including the individuals that have been talked about here as
14 director of retail, director of Human Resources, et cetera.
15 Did you ever get anything back from the Department saying,
16 we're not going to count those people as officers, after they
17 were notified of this information?

18 A No. Not that I can recall, no.

19 Q Let's turn two pages further into that document,
20 1593, another letter sent one week later, September 7th, 2018.
21 And have you seen this letter before?

22 A Yes.

23 Q Okay. Another letter from Ms. Connor to the
24 Department saying, the following people are current officers,
25 again; is that right?

1 A That's correct.

2 Q Now, here's an additional on the bottom. It says,
3 "The following individual is hereby added as an officer, Dan
4 Zarrella, Director of Marketing". Mr. Zarrella, what's his
5 race and gender?

6 A White male.

7 Q So after the list of officers was first provided to
8 the Department Nevada Organic Remedies supplemented that to
9 list a white male as an officer?

10 A Yes, that's correct.

11 Q Pretty stupid thing to do if you're trying to get
12 extra diversity points; isn't it?

13 A Yesterday Mr. Kemp made the assertion that we were
14 trying to, you know, somehow throw these people in just to
15 increase our diversity score. This clearly refutes that
16 argument. Dan had just been promoted to the -- as an officer
17 in the company, a director of Marketing. And so we felt it
18 was necessary to add him to the application to provide a
19 thorough understanding to the Department of who the people are
20 who are actually running the company.

21 Q If we go back to Exhibit 5025. I'm just going to
22 pull up the organizational chart. The second page of 5025 is
23 Bates Number 1427. And down below on that bottom section
24 there are all of the officers that Nevada Organic Remedies
25 listed, including the directors and the other individuals that

1 have been talked about at some length here. Let me just ask.
2 Brandon Wiegand, what's his diversity score? What's his race
3 and gender?

4 A He is a white male, so I don't think he would add
5 any points to the diversity score.

6 Q Ed Kistner?

7 A Same.

8 Q Kent Kiffner?

9 A Same.

10 Q Dan Zarrella?

11 A Same.

12 Q Steve Little?

13 A Same.

14 Q What about Kim Lester?

15 A Kim Lester is a female.

16 Q All right. And what about Courtney Barker?

17 A Also a female.

18 Q And what about Chris Vickers?

19 A Male. White male.

20 Q And Jeanine Terrance?

21 A Female.

22 Q So you listed everyone that you believe to be an
23 officer of the company irrespective of their race or gender;
24 is that right?

25 A That's correct.

1 Q You believe that you provided a full and complete
2 disclosure to the Department of Taxation as part of your
3 application?

4 A Yes.

5 Q And when you or NOR wrote those letters to the
6 Department on August 31st and on September 7th did the
7 Department ever come back and tell you that that was improper
8 or not an actual list of the officers?

9 A No.

10 MR. KOCH: Proposed Exhibit 5028, that was a page
11 from our operating agreement. Any objections?

12 Dominic?

13 THE COURT: Any objection?

14 MR. GENTILE: No, Your Honor.

15 THE COURT: Be admitted.

16 (Defendants' Exhibit 5028 admitted)

17 BY MR. KOCH:

18 Q And 5028 is part of the application that went to the
19 State based upon the Bates numbers here. It's a page from
20 NOR's operating agreement; is that right?

21 A Yes.

22 Q And I want to call your attention to 2.4(a), which
23 talks about the appointment, resignation, and removal of
24 officers. It says, "Appointment. The managers may from time
25 to time elect or appoint officers. Officers of the company

1 may have such titles as the corresponding officers of the
2 corporation incorporated under the laws of the state of Nevada
3 or such other titles as the board of managers shall determine,
4 and as such have powers and duties as set forth in this
5 agreement or approved by the managers." When you indicated
6 that those individuals we've looked at were officers of the
7 company did you believe that they were properly designated as
8 officers pursuant to the operating agreement of the company?

9 A Yes.

10 MR. KOCH: Go to Exhibit 5036. I think we're -- no
11 objection to that ETW exhibit. And 5037 while you're at it.

12 THE COURT: Any objection?

13 MR. KEMP: Not from me, Your Honor.

14 MR. GENTILE: No, Your Honor.

15 THE COURT: Be admitted.

16 (Defendants' Exhibit 5036 admitted)

17 BY MR. KOCH:

18 Q A couple of questions about this exhibit. First of
19 all, 5036 is a document Bates stamped ETW, it's document ETW.
20 Have you seen this document before, this actual paper version
21 of the document before this proceeding?

22 A No.

23 Q Okay.

24 A Well, I may have been on the -- the paper version,
25 no. I may have been on this distribution list. I don't

1 recall specifically this email. But I have not seen the paper
2 before now.

3 Q Yeah. We've talked quite a bit about this Listserv.
4 There's a lot of discussion about the Listserv, and this
5 purports to be from the Listserv at listserv.state.nv.us. Is
6 that where the Listserv communications came from, from the
7 Department?

8 A I believe so, yes.

9 Q Okay. And this email that apparently was sent
10 Monday July 30th, 2018, to the State MME at
11 listserv.state.nv.us, do you know if that was part of the
12 Listserv that the Department would send communications to?

13 A Yes, it appears so.

14 Q State MME, would that be -- do you know if everybody
15 who had a marijuana certificate, medical marijuana certificate
16 would have been part of that Listserv?

17 A I would assume so. Again, I don't know the inner
18 workings of the State's list, but based on the name I would
19 assume that it's at a minimum all of the required points of
20 contact for all of the different licensed companies in the
21 state.

22 Q Okay. And this email states, "To all retail store
23 license applicants. The Division has made important
24 clarifications to the application for the upcoming September
25 retail store application. The following pages of recreational

1 marijuana establishment license application, recreational
2 retail marijuana store only, have been edited". So were you
3 aware that the State -- the Department was making
4 clarifications to the application at this time?

5 A Yes.

6 Q Let me ask you first about the item under page 17,
7 where it says page 17, "Added to the first row of the Nevada
8 Recreational Marijuana Application criteria, 'including key
9 personnel'", So was that an addition that the State made?

10 A Yeah, that was an addition to the organizational
11 structure of the company section of the application.

12 Q All right. Hold that first page. We're going to
13 turn to -- because with this email there's first on the third
14 page that has an official announcement that went out.

15 A Yes.

16 Q Have you seen that official announcement before?

17 A Yes.

18 Q Okay. That official announcement has the same text,
19 it looks like. Do you see that, page 17, the same "including
20 key personnel"?

21 A Yes, I see that.

22 Q Okay. And then let's turn to the application that
23 was attached to that Listserv email. And we'll turn to page
24 17 of 34, which is Bates Number ETW43. And let me know when
25 you're there.

1 A I'm there.

2 Q Okay. The change that they reference there,
3 "including key personnel," where's that listed on this
4 document that you see here?

5 A So it would be the top box under the heading where
6 it says, "The description of the proposed organizational
7 structure," and goes on from there and indicating to the right
8 the number of points allocated to that section of the
9 application.

10 Q So let me finish that. You said, "The proposed
11 organizational structure of the proposed marijuana
12 establishment and information concerning each owner, officer,
13 and board member, including key personnel, of the proposed
14 marijuana establishment". Did you understand based upon this
15 information communicated by the Department to the entire
16 Listserv that you were to include key personnel as part of
17 your application?

18 A Yes.

19 Q And did you do that?

20 A Yes.

21 Q The individuals we've looked at, were they part of
22 your key personnel?

23 A Yes.

24 Q While we're on this document -- I guess exhibit,
25 before we leave it let's go back to the beginning of the

1 email, second page of that document where it talks about page
2 21 and 29. Do you see that at the top?

3 A Yes.

4 Q Okay. And on each of those it says that the
5 Department added "if applicant owns property or has secured a
6 lease on property or has a property agreement." See that
7 spot?

8 A Yes.

9 Q Okay. What did you understand was being changed on
10 the application pursuant to this portion of the communication?

11 A It's clear that the location is optional.

12 Q Okay. Let's actually turn to that page 21, which is
13 Bates Number ETW47. Let me know when you're there.

14 A I'm there.

15 Q Okay. And in that top box, I think we've looked at
16 it I don't know how many times in this proceeding, but I guess
17 the second box, "Marijuana establishment's proposed physical
18 address." And then it goes on to say, "if the applicant owns
19 property or a secure lease or the property agreement," was
20 that a change from the prior version of the application as you
21 understood it?

22 A It appears to be, yes.

23 Q Okay. Now, here's an interesting -- and so this is
24 an email ETW produced in this case; right?

25 A Yes.

1 Q I guess you don't know that, but it's an ETW Bates
2 number so we'll assume it is.
3 Let's go to Exhibit 5037.
4 THE COURT: Any objection to 5037?
5 MR. KEMP: No, Your Honor.
6 MR. GENTILE: No, Your Honor.
7 THE COURT: Be admitted.
8 I thought you nodded no, Mr. Gentile.
9 MR. GENTILE: Yes, I --
10 THE COURT: Yes, you have no objections?
11 MR. GENTILE: Yes, Mr. Cristalli has no objection.
12 It's his witness.
13 THE COURT: Okay. All right. Thank you, Mr.
14 Gentile.
15 Mr. Cristalli, no objection. It'll be admitted.
16 MR. CRISTALLI: Thank you, Your Honor.
17 (Defendants' Exhibit 5037 admitted)
18 BY MR. KOCH:
19 Q All right. 5037 is a section from the ETW
20 application that they have submitted in this case. Now, does
21 it surprise you that ETW, who submitted that email with the
22 Listserv with the new application with the information -- the
23 new phrasing on there, filed an application that they've
24 called the old version of the application even after they
25 received the new version of the application?

1 A Yes, this is very surprising. It appears that they
2 received the correct application form, an updated application
3 form on July 30th, '18, yet they appear to have used the old
4 version of the application when they actually submitted it.

5 Q Do you have any idea why they did that?

6 A I don't, no.

7 Q Did the Department come out to each applicant's
8 address and in person tell them which application to fill out?

9 A No.

10 Q Did it help them fill out the applications, you
11 know, put their pen to paper, anything like that?

12 A No.

13 Q All right. And so there's some applicant
14 responsibility to obtain the information and submit the
15 correct application; is that right?

16 A Absolutely.

17 Q There was some talk about this public ownership
18 question, and you said that you did not believe that every
19 owner of a share in a public corporation needed to be listed
20 as part of the application; is that right?

21 A That's correct.

22 Q Has anything that you've heard here during this
23 proceeding changed your mind on that?

24 A No.

25 Q You also testified I believe when Mr. Kemp asked you

1 that you'd expected the rules to be applied evenly and fairly
2 to all applicants. Is that what you believe?

3 A Yes.

4 Q Do you know of any other publicly owned companies
5 that are perhaps represented in this case today?

6 A There are a number of plaintiffs who are public
7 companies.

8 Q MM Development, for example, Mr. Kemp's client, are
9 they publicly owned?

10 A Yes.

11 Q Would it surprise you if MM Development did not list
12 every shareholder of their stock in their application?

13 A It wouldn't surprise me. I don't think that was
14 required in the application.

15 Q And based on my review of the information, MM
16 Development appeared to have approximately 70 million shares
17 outstanding, 30 percent of those are -- approximately are
18 referenced as being held by the public. So 21 million shares
19 of that stock, do you believe that all 21 million shares of
20 that stock should be listed with the Department of Taxation?

21 A I don't believe that was a requirement for the
22 application.

23 Q I looked yesterday, MM Development, and Mr. Kemp can
24 correct me if I'm wrong, for Planet 13 Holdings had 494,000
25 shares of ordinary stock change hands yesterday. Would it

1 surprise you if not all those shares of stock were listed with
2 the Department of Taxation as new owners, whoever purchased
3 those?

4 A It would not surprise me.

5 Q Do you think that would be a reasonable requirement
6 for the Department to have to require all of those shares of
7 stock to be listed each time they traded hands?

8 A No, I don't think it would be reasonable.

9 Q And what about each owner of a share of stock to
10 file an agent card with the Department? Do you expect that
11 those owners are doing that?

12 A No, I don't think it's a requirement, and I think it
13 would be a logistical nightmare for the State and it would
14 make the option of being a publicly traded company completely
15 invalid.

16 Q And obtaining an agent card, what does that entail?

17 A It entails getting fingerprints, filling out a form
18 with the State, submitting it to the State.

19 Q And is there a fee?

20 A Yes.

21 Q Each of the officers, owners, or board members that
22 NOR listed in its application, did they each have an agent
23 card?

24 A Yes.

25 Q What about Serenity Wellness, which is Oasis,

1 represented by Mr. Cristalli? Do you know if they're
2 publicly traded?

3 A Yes. I believe they were acquired by a publicly
4 traded company.

5 Q CLS Holdings USA, looks like they're the publicly
6 traded entity. Have you heard of that entity?

7 A Sounds right. Yes, I've read the press releases.

8 Q Would you expect CLS Holdings or Serenity or
9 whatever entities are in there to list every shareholder of
10 that entity as part of the application?

11 A No.

12 Q You don't think that would be like a fair thing to
13 do?

14 A I don't think it was called for in the application.
15 I don't think it would be logistically possible to do that.

16 Q And I guess we can go on and on, but just one more,
17 Livfree Wellness the dispensary. Do you know if they are
18 publicly traded?

19 A I think they were actually acquired during the
20 application period by a publicly traded company.

21 Q Cannabis Strategies Acquisition Corp., does that
22 name ring a bell?

23 A Sounds about right.

24 Q Do you know if Cannabis Strategies Acquisition Corp.
25 listed all of its shareholders as part of Livfree Wellness's

1 application?

2 A I don't know if they did or not.

3 Q Would you fault them if they did not list those
4 shareholders?

5 A No, I wouldn't.

6 Q And what about the Department? Would you fault the
7 Department for not requiring a list of each of those
8 shareholders of all those public companies?

9 A No, I don't think that's a requirement.

10 Q Just one last area. So there's a lot of talk about
11 building plans and what was submitted and what was not, and
12 Mr. Kemp asked you some questions about submitting a
13 photograph of an existing location as part of that building
14 plan. If you had -- if NOR had just submitted a photo of its
15 existing stores and sent that in as its building plan, what do
16 you think the score would have been?

17 A Not a very good score. I don't think that was what
18 the application was calling for. And I don't know if that
19 would be identifiable information.

20 Q Right. Because the building plan, was that part
21 identified or non-identified?

22 A Non-identified.

23 Q So if you take a picture of your store and it says
24 the source on the outside, kind of identifying your location?

25 A I mean, even seeing the building could potentially

1 be identifiable given the fact that, you know, all the
2 dispensaries in the state have been audited and inspected
3 numerous times by, you know, members of the Department.

4 Q And so there was more than just a photograph that
5 needed to be submitted for a building plan; is that right?

6 A Yes.

7 Q You haven't reviewed -- have you reviewed anybody
8 else's building plans that were submitted in this case?

9 A No.

10 Q And do you know of any -- strike that. John Ritter
11 when he was here -- were you here for his testimony?

12 A I was not.

13 Q You're familiar with who Mr. Ritter is?

14 A Yes.

15 Q Do you work with him?

16 A I have, yes. He was -- he's on the board of the
17 NDA, and he and I worked pretty closely together over the
18 years.

19 Q He testified that he expected the Department to come
20 out and do an inspection of his current location as part of
21 the application process. Did you have any expectation of an
22 inspection of that sort?

23 A No. And we're inspected regularly, but I don't
24 believe that was in the application, nor do I believe there
25 was an expectation of inspections as it would relate to the

1 application process.

2 Q And do you -- based on any communication discussed
3 with Mr. Ritter, do you believe that he truly had an
4 expectation that there would be an inspection of his location
5 as part of the application process?

6 A He and I never discussed that. I never heard that.

7 Q What about in-person interviews? Did those ever
8 take place as part of the application process?

9 A In-person interviews from the State?

10 Q Right.

11 A Not to my knowledge.

12 Q What about the State conducting background research
13 on your company or anybody else's company? Did you expect
14 them to do that?

15 A Well, they certainly requested all that information
16 in the application, and what they did with it after that I was
17 not privy to. I wouldn't be surprised if they performed, you
18 know, background check and research and due diligence on the
19 applicants.

20 Q Okay. And so what was in the application, that's
21 what you expected to be scored?

22 A Correct.

23 Q I've got one other exhibit that I wanted to ask you
24 a couple of questions about. 5039, part of our score sheet.

25 MR. KOCH: Any objection to 5039?

1 THE CLERK: I only have up to 5038.
2 THE COURT: 5039, we'd love to admit it, but we need
3 a copy.
4 MR. KOCH: You know, it is 5038 I think. I'm
5 looking at my --
6 THE COURT: So would you like us to admit 5038?
7 MR. KOCH: Let's do 5038.
8 THE COURT: Everybody okay with that?
9 MR. KOCH: It looks like my secretary ran out of
10 tabs.
11 THE COURT: Be admitted.
12 (Defendants' Exhibit 5038 admitted)
13 MR. GENTILE: No objection from ETW.
14 BY MR. KOCH:
15 Q Okay. Exhibit 5038 is a part of the handwritten
16 score sheets that the State has produced in this case. Have
17 you ever seen this document before today?
18 A No.
19 Q That ID on the top is RD215. I think we've
20 established that's NOR; is that right?
21 A Yes.
22 Q And my understanding is these are handwritten
23 comments by an evaluator for NOR's application for the
24 organizational structure section of its application. And we
25 see a lot of handwriting that's listed there. In fact, it has

1 -- if we look in the comments section about halfway down, top
2 says 22OROFBN. Do you see that?

3 A Yes.

4 Q Okay. And then it talks about owners, officers, key
5 employees, and advisors on Point Number 1?

6 A Yes.

7 Q So based upon this does it appear that the
8 evaluators considered owners, officers, key employees and
9 advisors as part of the process?

10 A Yes, it does.

11 Q Okay. And I really just want to look at the last
12 page, the third page of this document where it talks about the
13 educational achievements of the persons who are proposed to be
14 owners, officers, and board members of the proposed marijuana
15 establishment, and it has a description there. Do you see
16 that?

17 A Yes.

18 Q It says, "Collectively, owners, officers, and board
19 members have over 100 years of secondary education," lists
20 some of the degrees there. But below is what I want to call
21 your attention to. It says, "No college listed." Do you see
22 that?

23 A Yes.

24 Q So that's Ms. Lester, Ms. Sicz, Mr. Stout, and Mr.
25 Zarrella. Are those the names that are there?

1 A Yes.

2 Q So you have four without degrees as part of the
3 educational. Ms. Lester we identified as a woman; right?

4 A Yes.

5 Q Sicz is a woman?

6 A Yes.

7 Q Mr. Stout, he's African-American male?

8 A Yes.

9 Q Mr. Zarrella's a white male?

10 A Yes.

11 Q So because of those individuals not having college
12 degrees listed, it appears that NOR got a 4 instead of a 5 on
13 this section of the application; is that right?

14 A Yes.

15 Q And so is it fair to say the listing of the
16 officers, board members, and directors and owners that NOR
17 provided kind of cuts both ways, might provide some diversity
18 points, but might cut back on educational points? And if we
19 looked at everything else there might be other factors that
20 were weighed in there?

21 A Yes, I would agree with that.

22 Q And when you submitted your application did you have
23 any idea how each of these factors would be assigned points in
24 relation to every single person that was being submitted?

25 A No, I didn't. I just knew what the application

1 called for, and we did our best to be responsive, thorough,
2 and accurate.

3 Q If anything, perhaps there's overdisclosure rather
4 than underdisclosure; is that right?

5 A Well, I would certainly err on overdisclosure and
6 providing as much information as possible that we felt was
7 relevant to the application.

8 MR. KOCH: Thank you. No further questions.

9 THE COURT: Anything further?

10 Thank you, sir. We appreciate your time. Sorry you
11 had to come back today. Have a nice trip.

12 MR. KEMP: Judge, what about our recross on the new
13 errors he brought up?

14 THE COURT: How long?

15 MR. KEMP: I only have two questions.

16 MR. CRISTALLI: I have five minutes, Your Honor.

17 THE COURT: I'm timing you.

18 Sit down.

19 I'm timing you. It's 10:50.

20 MR. CRISTALLI: Okay. Thank you, Your Honor.

21 RECROSS-EXAMINATION

22 BY MR. KEMP:

23 Q Mr. Jolley, you just said that Livfree should have
24 listed its public company affiliations with its application;
25 right?

1 A Can you say that again, please.

2 Q You just told Counsel that you thought Livfree
3 should list its public company affiliations on the application
4 they filed in September?

5 A What's public? I don't know what public company
6 affiliations --

7 Q You just said that Livfree, my client, was acquired
8 by a public company and they should have put that on the
9 application? You just told the Court that.

10 A I don't believe that's what I said.

11 Q Okay. You know that Livfree wasn't acquired by a
12 public company until the week before last. You know that;
13 right?

14 A No, I didn't know that. I knew that it was in
15 process for several months. There were press releases that
16 came out, you know, middle or end of last year.

17 Q It is June of 2019 now. The application was filed
18 in September of 2016. Livfree didn't have any obligation to
19 disclose a public purchase that hadn't been negotiated and
20 hadn't been closed, did they?

21 A I'm not aware of the detail of the timing of the
22 transaction.

23 Q So as we're sitting here today you don't know if
24 Livfree did any right or wrong according to Counsel's
25 questions at all, do you?

1 A Yeah. I'm just going off of information that I've
2 gleaned from press releases and other, you know, information.

3 Q Okay. And let's talk about the MM Development
4 application. If I told you that MM actually filed shareholder
5 disclosures for Planet 13 Holdings, any shareholder that was
6 around 4 or 5 percent, is that news to you?

7 A I'm not aware of the details of their application.

8 Q Okay. But you didn't do that, did you? You didn't
9 list the shareholders of 4 or 5 percent of your [inaudible],
10 did you?

11 A We listed everyone that we felt the application
12 called for and the statutes called for.

13 Q And you didn't list the 30 percent owner that I
14 referenced yesterday on the board, the J whatever it was, and
15 you didn't list the other one. You didn't file any disclosure
16 of those?

17 A We listed everyone that the application called for.

18 Q Okay. But if MM Development listed 4 or 5 percent
19 owners of its holding company, they went above and beyond what
20 you did; right?

21 A I don't know. I'm not in a position to make that
22 judgement.

23 Q Okay. And then you took the shot at MM for just
24 supposedly listing photos of their store in their application.
25 You know that's not true; right? You know that's not true.

1 A I'm not familiar with their application.

2 Q Okay. They actually put in the building plan for
3 the location that they'd been operating for years, as well.
4 And in addition they put photos. It wasn't a case where they
5 just put photos. You know that, don't you?

6 A No, I don't know that.

7 Q Okay. Well, if that's the case, you would agree
8 with me that photos and a building plan for an existing
9 building that had been operated for years would be the best
10 proof possible that you could build a building in 12 months?

11 MS. SHELL: Your Honor, I'm not sure if Mr. Kemp is
12 providing testimony, or asking questions here.

13 THE COURT: He sounds like he's asking questions.
14 Overruled.

15 MS. SHELL: Okay. Thank you, Your Honor.

16 BY MR. KEMP:

17 Q You think an existing building is somehow inferior
18 to what you submitted, a generic building plan at the same
19 address that other applicants have listed?

20 A No, that's not what I said.

21 Q Okay. So you think the existing building in the
22 photos are superior to what you submitted?

23 A No, that's not what I said.

24 MR. KEMP: Moving on to this Exhibit 5036. Can we
25 have that on the screen, please.

1 UNIDENTIFIED SPEAKER: I have not been provided that
2 yet.

3 THE COURT: Okay.

4 BY MR. KEMP:

5 Q Mr. Koch asked you whether or not there had been a
6 change with regards to employees, and I think he pointed to
7 page 2 of the document which changed something on page 21. Do
8 you see that? That's the property section. Page 17 changed,
9 which is not the listing for diversity purposes. That's on
10 page 12; right?

11 A I'm not sure.

12 Q Okay. Attachment A was never changed, was it?

13 A I'm not sure.

14 Q And Attachment A is the attachment where an
15 applicant is required to list its owners, officers, and board
16 members, just to get focused here. That was never changed,
17 was it?

18 A I'm not sure.

19 Q Okay. So when you were discussing the addition of
20 the key personnel to the section on page 17, you were not
21 intending to imply in any way, shape, or form that there was a
22 change made to Attachment A, were you?

23 A I think the document speaks for itself.

24 Q And the document does speak for itself. There was
25 no change made to Attachment A; right?

1 A I don't know that.

2 Q Okay. Final area. You talked about the diversity
3 of NOR and suggested to the Court that diversity was not
4 outcome determinative. Do you recall that testimony?

5 A I think what I said was in a hypothetical scenario
6 if you removed all of our diversity points, we still would
7 have qualified for licenses.

8 MR. KEMP: Okay. Well, let's have Exhibits 70 and
9 71 back up, again. Pop those up. Can you make them a little
10 bigger.

11 BY MR. KEMP:

12 Q Okay. That's the list of actual -- that's the list
13 of winners if diversity was taken out; right?

14 A This was a hypothetical exercise done by a witness
15 in this case earlier on that I'm not really familiar with.

16 Q If you take out all the diversity points, this is
17 what you get in the unincorporated Clark County; right?

18 A I believe that's the intention of this
19 demonstration.

20 Q Okay. And so MM Development, if you take out the
21 diversity points, it becomes a winner, as opposed to a loser.

22 Final area, Your Honor.

23 THE COURT: Well, no. Now the hook comes out.

24 So if you could answer, sir.

25 THE WITNESS: It appears that way based on the table

1 that has been presented here.

2 THE COURT: Thank you.

3 BY MR. KEMP:

4 Q And last question. GreenMart is a loser; right?
5 GreenMart's no longer on there?

6 A GreenMart is not in the green-shaded area.

7 Q Okay. So it is outcome determinative for --

8 THE COURT: Mr. Kemp, thank you.

9 MR. KEMP: Thank you, Your Honor.

10 THE COURT: Your time has expired.

11 Mr. Cristalli, you did not tell me you had more
12 questions. You have less than five minutes.

13 MR. CRISTALLI: Yes, Your Honor. That's fine.

14 RECROSS-EXAMINATION

15 BY MR. CRISTALLI:

16 Q Mr. Jolley, you talked a little bit about the
17 Listserv information you obtained from the Listserv and
18 information specific to the location and that you didn't have
19 to have a location unless you already had one; correct?

20 A That's not what I said.

21 Q Okay. Well, we talked a little bit about the
22 Listserv and the communication and the fact that there was an
23 attachment, which was the application, and in that application
24 it changed from the requirement of having to put a location to
25 a requirement to having to put a location only if you already

1 had a location. Isn't that true?

2 A Well, that's not exactly what the document says. It
3 says something like -- I'm paraphrasing, provide the address
4 if there is a lease or you own the building, something like
5 that.

6 Q Okay. Fair enough. That information is not
7 contained in the statute. The statute in fact requires
8 specific location in that you need a letter of intent or a
9 purchase agreement; correct?

10 MR. KOCH: Objection. Legal conclusion.

11 THE COURT: Overruled.

12 THE WITNESS: Yeah, I just went off of the
13 application itself.

14 BY MR. CRISTALLI:

15 Q Are you familiar with -- are you familiar -- I
16 understand what you went off of. I'm just asking, are you
17 familiar with the statute and the requirement that the statute
18 requires permission from a landlord, letter of intent,
19 purchase agreement as it relates to a location?

20 A So my understanding of the statute is that prior to
21 receiving a final certificate, which required an inspection
22 and a bunch of other things, that the location must comply
23 with all the distance separation requirements and other
24 requirements.

25 Q And, sir, the regulation also requires specific

1 information regarding a physical address, securing a letter of
2 intent or a purchase agreement also; correct?

3 A I'm not familiar enough to quote that.

4 Q Okay. Well, assuming -- let's just assume that's
5 the case. Assume that the regulation and the statute requires
6 that an applicant secure a location through a letter of intent
7 or some type of letter from the landlord or securing the
8 property. You could see how an applicant could be confused as
9 to whether or not they should in fact include that information
10 because they want to follow the law. You would agree with
11 that, wouldn't you, sir?

12 A No.

13 Q You understand, also, that the statute and the
14 regulations also consider zoning issues as it relates to the
15 securing of a location for the purposes of putting a marijuana
16 establishment in that location; correct?

17 A I am familiar that in order to receive a final
18 certificate that locations must have zoning approval and meet
19 certain distance separation requirements.

20 Q Okay. And in regard to the property locations and
21 talking about specifically the property locations that you
22 secured in this case, which were identical to the property
23 locations of Essence and Thrive, albeit different suites.
24 We've established that; correct?

25 A If I recall correctly, yes.

1 Q Okay. And we have information in the application
2 that requires building size. True?

3 A Yes.

4 Q Plans for building size; right?

5 A Yes.

6 Q Impact on the community; correct?

7 A Correct.

8 Q Budgets; right?

9 A Yes.

10 Q You can't -- and you submitted a generic plan for
11 each and every location that you applied for in each and every
12 jurisdiction that you applied in; correct?

13 A I wouldn't use the term generic, but we supplied a
14 proposed floor plan that was consistent across the various
15 applications that we applied for.

16 Q How big is that suite that you secured in each of
17 those locations that you put on your application?

18 A I'm not sure.

19 Q You can't fit your building plans in that suite, can
20 you, sir?

21 A I'm not sure.

22 Q Well, you'd have to move from that location. You're
23 not going to stay in that location, are you, if you receive
24 these conditional licenses? You're not going to stay in the
25 suite, are you, sir?

1 A We're going to follow the regulations and the rules
2 to a tee.

3 Q You're going to stay in that suite?

4 A We're going to follow the rules and make sure we
5 have a location that complies --

6 Q Sir, it's a simple yes or --

7 A Please don't interrupt me. I'm going to follow all
8 the rules --

9 THE COURT: Wait. Mr. Cristalli, let him answer.

10 MR. CRISTALLI: Okay.

11 THE COURT: I'm going to give you five more minutes.

12 MR. CRISTALLI: Okay. Thanks.

13 THE WITNESS: We are going to comply with all of the
14 necessary rules regarding the size, the location, the zoning
15 requirements, the setbacks, the distance separation setbacks,
16 local zoning approval, local business license approval and all
17 other necessary rules in order to have a location that
18 qualifies and meets all the rules.

19 BY MR. CRISTALLI:

20 Q Okay. So you're going to contact the State
21 Department of Taxation and advise them that you are not going
22 to set up shop in your suite that you put on your application
23 for the purposes of licensing in the 2018 application process;
24 correct?

25 A We are going to identify a location that meets all

1 of the requirements that qualifies for local zoning approval,
2 business license approval. It may or may not be in the same
3 location that was provided in the application.

4 Q Sir, are you telling me that you may put your retail
5 dispensary in the suite that you have listed on your
6 application?

7 A I'm not discounting anything. We're going to
8 identify locations that meet all of the State's requirements
9 and have them built out in such a way that we fell is in the
10 best interest of the company and the community.

11 Q So if we were to go -- first of all, have you ever
12 been to the suite?

13 A I'm not sure which suite you're talking about.

14 Q The suite -- okay, all the suites for each location
15 that you put on your application for each jurisdiction that
16 you applied in, have you been in those suites?

17 A I have not been in all of those suites, no.

18 Q Do you know the square footage of those suites?

19 A Not off-hand, no.

20 Q Okay. Do you know whether or not you could fit a
21 5,000 square foot -- well, first of all, let me ask you a
22 question. How big was your floor plan in terms of building
23 size as it related to the proposal that you put into your
24 application?

25 A I would have to go back and refresh my memory by

1 looking at our application to determine the exact --
2 Q Well, sir, is it more than --
3 A I'm still speaking. In order to refresh my memory
4 on the square footage of the proposed location.
5 Q Is it more than 2,500 square feet?
6 A Yes, I believe so.
7 Q Okay. Is your suite more than 2,500 square feet?
8 A What's my suite? I'm not sure what you're asking.
9 Q I'm not sure, either. What is your suite?
10 A I'm sorry?
11 THE COURT: That's the address on South Durango?
12 MR. CRISTALLI: Yes, Your Honor.
13 THE COURT: All right.
14 THE WITNESS: Okay. That address, I'm not sure of
15 the square footage. I'm not sure of the square footage of any
16 adjoining spaces or available spaces. I'd have to go back and
17 look at that.
18 MR. CRISTALLI: Okay.
19 THE COURT: I'm sorry, it was South Fort Apache.
20 BY MR. CRISTALLI:
21 Q Have you ever been there?
22 THE COURT: 5130 South Fort Apache.
23 THE WITNESS: I can't recall.
24 BY MR. CRISTALLI:
25 Q You can't recall if you were ever in that suite?

1 A No. I'm in the area frequently. I just don't
2 recall that specific suite.

3 Q So you know whether or not that suite is even zoned
4 or could be zoned for a marijuana retail establishment?

5 A I don't know off-hand. I assume that because it is
6 an existing retail center that it would potentially qualify,
7 yes.

8 Q Okay. Let me put this out there. If there were
9 applicants who were trying to abide by the statute and abide
10 by the regulations and secure property addresses with letters
11 of intent or purchase agreements and paying money to secure
12 those locations and having difficulty in terms of zoning and
13 other issues as it relates to the law, and if they're
14 competing against you, who has a suite which you can't
15 identify in terms of size, location, zoning or other issues,
16 you would agree, sir, would you not, that you would have an
17 advantage over that applicant?

18 MR. SHEVORSKI: Objection. Compound.

19 THE COURT: Overruled.

20 THE WITNESS: No.

21 MR. SHEVORSKI: I had to try, Your Honor.

22 BY MR. CRISTALLI:

23 Q Okay, final area. In regard to ownership, it was
24 your testimony that it would be prohibitive to have publicly
25 traded companies list all of their shareholders; correct?

1 A I mean, it's my opinion that it would be
2 logistically difficult, if not impossible. But more
3 importantly, that's not what the rules say, in my opinion.

4 Q Well, let's talk about that. Let me stop you for
5 one second. I know you want to explain. The initiative says
6 you must disclose all ownership; correct?

7 A I don't recall.

8 Q You don't recall the initiative?

9 A Well, you're asking me about very specific language
10 and I don't recall the exact verbiage well enough --

11 Q Okay.

12 A -- to be able to honestly answer the question the
13 way -- that way.

14 Q Okay, fair enough. Would you agree with me, sir,
15 that the initiative is the law?

16 A Yes, as far as I know. I'm not a legal scholar, but
17 it was a ballot initiative and then it was codified in law and
18 regulations.

19 Q So if the initiative, which is law, says all
20 ownership, it means all ownership, correct, sir?

21 MR. KOCH: Objection. Legal conclusion.

22 THE COURT: Overruled.

23 THE WITNESS: Yeah, I'm not -- you know, I'm not
24 comfortable making that statement because the Department, who
25 has the authority to administer the program and run this

1 program, has addressed this issue of public ownership a
2 certain way. We've gone over it over and over and over for
3 the last two days.

4 MR. CRISTALLI: Okay.

5 THE WITNESS: You keep trying to get me to say
6 something different and I'm just going to say --

7 MR. CRISTALLI: I'm not trying to make you say
8 anything, sir.

9 THE WITNESS: I'm still speaking. You keep asking
10 me to say it a certain way and all I can say is the Department
11 has established a mechanism for dealing with that and we
12 follow their rules.

13 BY MR. CRISTALLI:

14 Q Okay. You would agree with me, sir, that the
15 Department does not have the authorization to expand or amend
16 the law, sir. Would you agree with me on that?

17 MR. KOCH: Objection. Legal conclusion.

18 THE COURT: Overruled.

19 THE WITNESS: I'm not a legal scholar. All I know
20 is it seems to me, a lay person, that they are doing their
21 best at applying the rules and making the program work.

22 BY MR. CRISTALLI:

23 Q Okay. You're familiar with the regulations as well,
24 aren't you, sir?

25 A Generally, yes.

1 Q You were on the Task Force, sir; right?

2 A I was on a working group.

3 Q Okay. And you're the President of the Dispensary

4 Board; right?

5 A Was.

6 Q Okay. And you have a lot of information with regard

7 to the application process, right, sir?

8 A I had all the same information everyone else had.

9 Q Right. In fact, you said you had more information

10 and the applicants who didn't receive licenses were ignorant.

11 You went as far as saying that, too, sir, didn't you?

12 A No.

13 Q Okay. Are you -- you're aware that this is a

14 competitive bidding process, this application; correct?

15 A Everyone was aware of that.

16 Q Okay. And there's a difference, sir, between

17 applying for a license for the first time or -- applying for a

18 license, I'm sorry, in a competitive bidding situation versus

19 a transfer of ownership or a renewal of ownership. You're

20 familiar with that; right?

21 A I understand that applying for a new license in a

22 competitive application process is different than asking for

23 an ownership transfer approval from the State, yes.

24 Q Okay. You're aware, sir, that the regulation

25 requires that if you do a renewal or a transfer you only have

1 to state ownership that is more than 5 percent. You're
2 familiar with that, right, sir?

3 A I'd have to go back and look at the regulations.

4 Q Well, you've dealt with your transfers in the past,
5 haven't you?

6 A Yes, my company has. Yes.

7 Q And you understand that the requirement is only 5
8 percent or more if you're dealing with transfers and renewals;
9 correct?

10 A I'm actually not sure that's what the rules say.

11 Q Okay. That's not a competitive process; correct?

12 A No.

13 Q Okay. And there is nothing in the regulations in
14 terms of applications for a license that says anything with
15 regard to only identify an ownership if it is 5 percent or
16 more?

17 A We can bring up the regulation. I'd like to read it
18 because I believe it says with regard to applications that for
19 corporations you're required to list officers.

20 MR. CRISTALLI: I have no further questions, Your
21 Honor.

22 THE COURT: Thank you.

23 Mr. Bult. My plan is for you to have five minutes
24 or less, too.

25 MR. BULT: I just have two questions.

1 THE COURT: Yeah, but two questions can take more
2 than five minutes.

3 CROSS-EXAMINATION

4 BY MR. BULT:

5 Q Mr. Jolley, good morning. My name is Adam Bult. I
6 represent the ETW plaintiffs.

7 MR. BULT: Shane, can we pull up 5036?

8 BY MR. BULT:

9 Q Do you recall this email that your counsel went over
10 with you?

11 A Yes.

12 Q And it's dated July 30th, 2018; correct?

13 A Yes.

14 Q In the To line is: statemme@listserv.state.nv.us.
15 Do you see that?

16 A Yes.

17 Q And you testified that you received that. Do you
18 remember that?

19 A I don't recall specifically receiving that, but I
20 believe I am on this distribution list, so I believe I would
21 have received it. And I also remember having access to this
22 information and the referenced updated application.

23 Q And how would you have had access to it?

24 A Well, that was asked yesterday and I believe my
25 response was that I don't remember exactly the mechanism by

1 which I received it, but myself and our large team and our
2 counsel all had access to the same updated, accurate,
3 applicable application.

4 Q Okay. And did you testify yesterday or today
5 whether or not your team had that same information that the
6 rest of the Listserv recipients would have had?

7 A Well, I believe that our team is on the Listserv and
8 would have had access to the same information that all other
9 members of the Listserv would have had access to.

10 Q Would it surprise you to learn that members or
11 parties to this litigation, also applicants, did not receive
12 the information contained in this July 30th email?

13 A I wouldn't be able to speculate on that.

14 Q Would it surprise you to learn that GBS Nevada
15 Partners, a party in this case, did not receive the
16 information contained in this email?

17 A Again, I have no knowledge of GBS Partners and what
18 emails they did and did not receive.

19 Q Would it surprise you to learn that Nevada Wellness
20 Centers, a plaintiff in this litigation, did not receive this
21 update on July 30th, 2018?

22 A I have the same response. I don't know.

23 Q Last question. Did the Nevada Dispensary
24 Association make any effort to double check and make sure that
25 all members of the association actually received this update?

1 A I don't know.

2 MR. BULT: Thank you. No further questions.

3 THE COURT: Anything else, Mr. Koch?

4 MR. PARKER: Your Honor, can I ask one question,

5 just to follow up with what --

6 THE COURT: One question, Mr. Parker.

7 MR. PARKER: Just one. Just one.

8 THE COURT: No follow-ups on it, just one question.

9 MR. PARKER: Just one. Just one single.

10 RE CROSS-EXAMINATION

11 BY MR. PARKER:

12 Q The Listserv information received by Nevada Organic

13 Remedies, did you as the NDA president or former president

14 forward that information to all the NDA members?

15 A I did not.

16 MR. PARKER: That's it.

17 THE COURT: Thank you, Mr. Parker.

18 Anything else, Mr. Koch?

19 MR. KOCH: No.

20 THE COURT: Thank you, sir. I would leave before

21 someone changes their mind.

22 THE WITNESS: Thank you.

23 THE COURT: Does anyone need a break before we go

24 back to Mr. Gilbert, who has been patiently waiting for over

25 24 hours for what I told him was going to be an hour and a

1 half?

2 (Court recessed at 11:13 a.m. until 11:19 a.m.)

3 THE COURT: Is everybody ready to go? I would
4 notice your table is a little light there, Mr. Kemp.

5 MR. KEMP: Your Honor, they were right behind me.

6 (Pause in the proceedings)

7 THE COURT: All right. Mr. Gilbert, if you can come
8 back up, we're going to swear you in. We're going to go until
9 about noon, we're going to break until one o'clock and then I
10 think you just heard me say we'll break at 2:00 for 15 minutes
11 and then keep going.

12 STEVE GILBERT, PLAINTIFFS' WITNESS, SWORN

13 THE CLERK: Thank you. Please be seated. Please
14 state and spell your name for the record.

15 THE WITNESS: Steve Gilbert. S-T-E-V-E
16 G-I-L-B-E-R-T.

17 THE CLERK: Thank you.

18 THE COURT: Mr. Parker.

19 MR. PARKER: May I proceed, Your Honor?

20 THE COURT: You may. You told me you had a lot of
21 questions for Mr. Gilbert, but let's try to stay on track
22 because I know Mr. Gilbert will answer questions with yes or
23 no if that's possible.

24 MR. PARKER: That's a compliment and an instruction,
25 I think, all at the same time.

1 THE COURT: He can answer however he wants.

2 DIRECT EXAMINATION

3 BY MR. PARKER:

4 Q So, Mr. Gilbert, how are you?

5 A Fine, thank you.

6 Q Good. You've had an opportunity to listen to a lot
7 of testimony today that may be helpful in terms of helping you
8 answer questions that I may ask. Do you recall -- strike
9 that. My clients, Nevada Wellness Center, had a meeting with
10 two of your staff employees, Ms. Cronkhite and Mr. Hernandez.
11 Were you aware of that?

12 A What type of meeting?

13 Q It was a meeting to discuss the scoring of their
14 applications.

15 A Yes, I do recall. I'm aware of the meeting.

16 Q All right. Did you get involved in that meeting at
17 all?

18 A I don't think I was part of that meeting, if I
19 recall correctly.

20 Q I know you were not there personally, but were you
21 or did anyone else participate in that conversation via the
22 phone?

23 A I'm not sure.

24 Q Are those meetings recorded, to your knowledge?

25 A They are not.

1 Q Is there typically someone else who listens in on
2 the phone when those meetings are being conducted?

3 A Typically no. We do -- Ky Plaskon would maybe
4 participate remotely from his office.

5 Q Okay. We were under the impression that someone
6 from Carson City or from the north may have been involved by
7 telephone.

8 A That may have been Mr. Plaskon.

9 Q Okay. And in terms of that off-site participation,
10 would that be a recorded conversation, someone would actually
11 record the discussions?

12 A No, they're not.

13 Q Okay. Would the members of DOT take any notes
14 related to those discussions?

15 A I think notes were taken for most meetings.

16 Q All right. Were those notes provided to counsel at
17 the Department of Taxation?

18 A I'm not aware. I do not know.

19 Q Would those notes be available for every meeting
20 that took place for every applicant that requested such a
21 meeting?

22 A That I'm not sure of, if notes were taken for every
23 meeting.

24 Q Would the notes be kept by the Department of
25 Taxation?

1 A Yes.

2 Q Could you locate those notes and provide them to
3 your counsel?

4 A Yeah. If they exist, we should have them on record.

5 Q All right.

6 (Mr. Parker confers with counsel)

7 BY MR. PARKER:

8 Q Can I have you take a look at Exhibit 5, please. It
9 should be on -- either in front of you or right next to you
10 because we just used it with the previous witness.

11 THE COURT: And, sir, if you want to look at the
12 hard copy you are free to look at it. There's also 5A that
13 counsel may refer you to or he may compare them up on the
14 screen.

15 MR. PARKER: And can we go to page 8 of 34? It's
16 MMLF19, Shane.

17 BY MR. PARKER:

18 Q And I'm concerned about Assembly Bill 422. It says
19 on Assembly Bill 422, it says -- the second bullet point says,
20 "Adds diversity, race, ethnicity, gender of applicants." And
21 then it goes on. The portion I'm concerned about, it says,
22 "To the existing merit criteria for the evaluation." Who made
23 the decision how this merit criteria for purposes of diversity
24 would be judged or scored? And I'd like the name, if you
25 could.

1 A I'm not sure who made the decision, but it is in
2 NAC453D in the regulations. How and when -- who made that
3 decision, I'm not -- I do not know. Potentially Mr. Pupo
4 would be a better person to ask.

5 Q Okay.

6 THE COURT: Sir, on the bottom corner of your
7 monitor, can you touch to clear the purple dots? Thank you.

8 THE WITNESS: You're welcome, Your Honor.

9 BY MR. PARKER:

10 Q So you don't know who actually made the decision on
11 how the scoring would be done. So, you know, the percentages,
12 the denominator, you were not a part of that decision-making
13 process?

14 A Yes, I was.

15 Q You were. Okay. So who else was involved in that
16 decision-making process?

17 A We had a group of staff who took the 2014 medical
18 application and amended it to match the recreational 453D
19 regulations. We had a document that was sent around. We
20 tried to proof it and fact check it and then ultimately we
21 sent it up to Mr. Pupo for final review.

22 Q All right. This is going to make me jump my order,
23 but I want to do so just because you just mentioned this.
24 QuantumMark prepared the training tools and actually performed
25 the evaluation of the 2014 process, is that correct?

1 A They -- that's incorrect.

2 Q What part of that is incorrect?

3 A That they performed the evaluations.

4 Q Okay. Who performed the evaluation in 2014?

5 A Contractors, just like in 2018.

6 Q Wasn't that contractor QuantumMark?

7 A QuantumMark was contracted to do a number of things

8 in 2014. Put together the scoring criteria.

9 (Mr. Parker confers with counsel)

10 BY MR. PARKER:

11 Q Why --

12 THE COURT: You can finish your answer, sir.

13 MR. PARKER: Yes.

14 THE COURT: He was waiting for you to be able to

15 listen again.

16 THE WITNESS: Yes.

17 MR. PARKER: Okay. No worries. Thank you. That is

18 a courtesy to you. Go right ahead.

19 THE WITNESS: So if I recall where I was at,

20 QuantumMark did not participate in the evaluation and

21 identifications.

22 BY MR. PARKER:

23 Q It was QuantumMark's training tools that were used

24 in 2014, is that correct?

25 A Yes, that's correct.

1 Q And then did QuantumMark provide its own training
2 tools for 2018 or did your Department amend QuantumMark's
3 training tools for purposes of training the evaluators?

4 A We amended the 2014 training tools.

5 Q Why didn't you ask QuantumMark to provide updated
6 training tools to fit a recreational application?

7 A That wasn't my decision.

8 Q Whose decision was that?

9 A That would have been a contract decision,
10 essentially Mr. Pupo or the director of the Department.

11 Q Do you know who made that decision?

12 A No, I do not.

13 Q And do you know why that decision was made? Why
14 wasn't QuantumMark utilized to come up with the 2018 training
15 tools?

16 A I don't -- I do not know. I don't know if it was
17 ever contemplated.

18 Q And so going back to where we were, you were a part
19 of the process in terms of the merit criteria for diversity,
20 is that correct?

21 A Yes.

22 Q Who made the decision on how the scoring would be
23 done?

24 A Can you be --

25 Q Yes. Who came up with let's give points based on

1 this percentage? So if you had two out of four, 50 percent;
2 50 percent translates into whatever many points. Who made
3 that decision?

4 A If I recall correctly, again, Jorge Pupo, Kara
5 Cronkhite and myself were going through the application, the
6 250 points, and if I recall correctly it was Mr. Pupo that,
7 you know, came up with the breakdown.

8 Q Did you get any guidance from the ballot question in
9 terms of scoring?

10 A Just in the formulation of the regulations, I guess
11 is how it would trickle down.

12 Q Okay. Let's start with the ballot question and then
13 we'll get to the regulations. Was there any direction that
14 you got from the ballot question itself that led to this
15 scoring methodology for diversity?

16 A I don't think so, no.

17 Q All right, thank you. So if it didn't come from the
18 ballot question, are you telling me it came from your group's
19 interpretation of the regulations?

20 A I think it's in the regulations, if I recall
21 correctly, or potentially it's not. I'd have to look at that
22 section of the regulations.

23 Q Okay. I don't believe that the regulation tells you
24 the denominator or the points to give for percentages of
25 diversity. Is that your recollection as well?

1 A Yes.

2 Q All right. So if you didn't get the information
3 from the ballot question and you did not get that information
4 from the regulations, you had to get it from somewhere. Did
5 you get it from any other jurisdiction like Colorado? Because
6 I saw in the production of your training tool where there's
7 thanks given to QuantumMark, thanks given to Colorado. Do you
8 remember those?

9 A I do.

10 Q All right. So where did you get this methodology in
11 scoring diversity?

12 A The methodology was put together by Kara, Mr. Pupo
13 and myself. As far as the breakdown on the evaluation tool --

14 Q Yes, sir.

15 A -- that was put in then -- like I said, if I recall
16 correctly, Mr. Pupo gave us the breakdown of the percentages.

17 Q Do you know where he got that breakdown from?

18 A I do not.

19 Q And do you have any understanding whether or not
20 that breakdown can be traced to another jurisdiction like
21 Colorado or Washington or California?

22 A I wouldn't know, no.

23 Q You have no idea?

24 A No.

25 Q Good enough. Do you know whether or not there was

1 some type of analysis determined or utilized to determine that
2 there would be some direct or demonstrably related way of
3 tying diversity to the operation of a marijuana establishment?

4 A Do you mind repeating that question, sir?

5 Q Certainly. You're familiar with the ballot question
6 that deals with the standard in terms of criteria, to be
7 directly and demonstrably related to the operation of a
8 medical -- I'm sorry, a marijuana establishment?

9 A Yes.

10 Q All right. Was there any analysis utilized in that
11 standard to the approach ultimately adopted for evaluating or
12 scoring diversity?

13 A I didn't use it.

14 Q Thank you. Now, I understood from Mr. Plaskon what
15 the goal of the diversity scoring was or that criteria. Am I
16 correct that it was included to encourage and facilitate
17 diversities (sic) owning and operating marijuana
18 establishments?

19 A I would believe so, yes.

20 Q All right. And Mr. Plaskon testified that based
21 upon the results of the application process there were no
22 diverse -- I'm sorry, no minority or gender female owners,
23 single owners given licenses. Is that correct or incorrect?

24 A Can you repeat that question, sir?

25 Q Do you know of any minorities that were given

1 applications or conditional licenses based on this 2018
2 application process?

3 A What I do know is the stat that is on our website,
4 59 percent of the conditional licenses awarded had diversity.

5 Q And I'm asking about owners now, because we've gone
6 through hours and days of discussing officers who are
7 employees, advisory board members who are not board members
8 under the Nevada statutes, so I want to go -- let's talk about
9 owners. Do you know whether or not a single minority owner
10 was given a conditional license based on the 2018 application?

11 A Can I ask a clarifying question, sir?

12 Q I will actually address your question. Go right
13 ahead.

14 A Okay. Are you referring to was a license or an
15 entity 100 percent minority or diverse?

16 Q Yes, sir.

17 A Okay. If I recall correctly, and I'd have to refer
18 back, but I think there was one woman all owned that was
19 awarded a conditional license.

20 Q Okay. One out of 61 or 62?

21 A 61. There might have been multiple on that. I'm
22 not sure. Different jurisdictions.

23 Q Let me have you take a look at page 15, which is
24 MMLF26. I want to make sure that's correct. Actually it's
25 MMLF15. The second to the last box says, "Evaluation

1 Committee." And it says, "An independent committee comprised
2 of state officers or employees and contracted professionals
3 established to evaluate and score applications submitted in
4 response to this request for application. Do you see that?

5 A I do.

6 Q Tell me who made up that evaluation committee.

7 A It would be the A Contractors that the Department
8 hired.

9 Q Anyone else?

10 A No, that's it.

11 Q So it says state officers. Were there no state
12 officers that are a part of this evaluation committee?

13 A There were no state officers that evaluated any of
14 the applications that the Department received.

15 Q So in terms of this application, that's a false
16 premise. The applicants, if they read this, they would think
17 that this evaluation committee actually was comprised of state
18 officers, but you're telling me there were no state officers
19 that made up this evaluation committee, is that correct?

20 A Well, it says "or employees and contracted
21 professionals."

22 Q Okay. But there were no employees, either; right?

23 A No, there was not any. The employees took place in
24 the training of the contractors.

25 Q But in terms of the evaluation committee itself,

1 there were no state officers and there were no state
2 employees, is that correct?

3 A No -- well, no state officers or employees evaluated
4 the applications. State officers and employees were involved
5 in the process of getting the contractors on board, training
6 them and then getting them ready for the applications to be
7 received.

8 Q That's fine, but that's not what it says here. And
9 in fact it says that the state officers or employees would
10 play a part in the evaluation and scoring. But that's not
11 true. That's not what happened, is it?

12 A Well, they did play a part in -- they did not play a
13 part in scoring and evaluating the applications.

14 Q Thank you, sir. Now, if we go to the next page,
15 page 16, the identifiers or identified criteria response,
16 which is the second box, do you see that?

17 A Yes.

18 Q The last sentence in this category or this box says,
19 "Assignment of identifiers will be application specific and
20 will be communicated in the application in the identifier
21 legend." Do you see that?

22 A Yes.

23 Q Now, what we've seen up to this point are groupings
24 of applications. So, for example, with Nevada Organics, which
25 you heard Mr. Jolley's -- his testimony, did you notice that

1 they had his applications grouped? I think it was 215 through
2 218 or whatever it was, 212 to 218. Do you remember that?

3 A Yes. Uh-huh.

4 Q Was that done, to your knowledge, for every
5 application that had more than one license it was seeking?

6 A It was done for every application that was received.

7 Q Okay. So if Nevada Organics had eight applications,
8 would all eight applications be grouped together for the
9 evaluators to review, let's say for the identified topics?

10 A When they were -- Yes, they would. It would be the
11 RD -- whatever RD numbers they were assigned when they came
12 in. So if it was sequential, they would be 1 through 10 or 1
13 through 8.

14 Q Now, the first sentence says here, "A nonidentified
15 response such as an assignment of letters, numbers, job titles
16 or generic business type to show the identity of a person or
17 business remains unidentifiable." Do you see that?

18 A Yes.

19 Q If you group all the licenses together, wouldn't the
20 evaluator know that that one applicant would be providing the
21 applications for all of the jurisdictions? So be it company
22 Nevada Organics, or company M&M, if they're all together, even
23 if you don't know the name, you know that that one applicant
24 is seeking applications for all of these jurisdictions because
25 you've grouped them all together?

1 A Yeah, that's correct. And then on the application
2 we asked them to identify -- I think it's Attachment I, which
3 jurisdictions they want to apply for.

4 Q Right. The problem is if you're trying to comply
5 with your own application, you're supposed to keep them
6 unidentifiable. Isn't that correct?

7 A The unidentified section, yes.

8 Q Right. Were you here when the statistician gave her
9 testimony regarding how you remove the blind procedure by
10 grouping these together?

11 A I think I was for some of it, I don't know if all of
12 it. I think it was all of it.

13 Q Did you hear that testimony?

14 A I did.

15 Q All right. So would you agree with me from the
16 State's perspective that as soon as the State made that
17 decision to group applications together, it removed the layer
18 of blindness, given what the statistician testified to?

19 A I'm not a statistician, so I don't know if I can
20 speak to the rules of statistics --

21 Q Of course.

22 A -- but I don't think so, no.

23 Q All right. Did -- you would agree with me that the
24 State did not use a random approach by mixing all of the
25 applications up so there were no commonality in grouping

1 applications. That's a true statement, isn't it?

2 A Can you repeat that, please?

3 Q Certainly. Instead of giving an evaluator eight
4 applications from one company together that doesn't identify
5 the name, you give -- you mix them all up, not having any
6 groupings whatsoever so that there's no commonality among
7 applications that could be discerned by just reading eight in
8 sequential order?

9 A Well, there was only one application submitted for
10 the most part --

11 Q Okay.

12 A -- I think. I don't know if anybody submitted two
13 applications or not. One application was submitted on a thumb
14 drive or disk.

15 Q Right.

16 A And then, you know, the appropriate jurisdictions
17 were checked and then they were evaluated that way.

18 Q Right. But the jurisdictions were not separated for
19 the evaluators, isn't that correct?

20 A That's correct.

21 Q All right. Which meant that an evaluator knew if
22 they were looking at one application -- in the case of Nevada
23 Organics they were looking at one applicant for eight
24 jurisdictions. Isn't that correct?

25 A Yes.

1 Q Right. Which means the individual applications were
2 not looked at individually, they were looked at as a group.
3 Isn't that correct?

4 A Each application was looked at individually.

5 Q Not the jurisdictions?

6 A Not the jurisdictions.

7 Q Thank you. Hence, when you look at one applicant
8 and we've seen on the screen almost complete uniformity in the
9 numbers, that's what happens when you give one evaluator eight
10 jurisdictions, one application, isn't it?

11 A Yes. And I feel that that's how it should be if
12 it's an identical application, let's say on the identified
13 side, it shouldn't vary from jurisdiction to jurisdiction.

14 Q But let's talk about the nonidentified side where
15 you are supposed to have jurisdiction specific locations,
16 floor plans, security plans, impact to the community, care,
17 safety and quality. All of those are supposed to be
18 jurisdiction and application specific; right?

19 A Again, location wasn't required, so a lot of times
20 and I think you were testifying this morning that they
21 submitted a floor plan with a location but not a specific
22 location for that jurisdiction. So in that case if they were
23 evaluated altogether, they should come up with a new score.
24 A lot of times what I think I saw was, you know, a different
25 part of the state might have a different floor plan.

1 Q You touched on part of it, but let's generally
2 discuss this kind of. I don't want to get out of order here.
3 In terms of the nonidentified, the building size and adequacy
4 would be a part of that criteria, is that correct?

5 A Yeah, that's part of it. Yeah.

6 Q Right. And the impact on the community is a part of
7 that criteria, isn't it?

8 A Yes.

9 Q All right. So each evaluator in looking at each
10 jurisdiction, not just the -- not the overall application but
11 each jurisdiction within the application, right, they're
12 charged with that responsibility, is that correct?

13 A Yes.

14 Q Right. And to do so you had to look at every
15 jurisdiction and the impact of that location on that
16 jurisdiction; correct?

17 A That's what -- the evaluators are looking for a
18 comprehensive plan. Uh --

19 Q Let me -- okay, go right ahead. I apologize. Go
20 right ahead.

21 A A comprehensive plan, you know, to where they're
22 addressing or highlighting the things that they want to do,
23 they plan to do, and they were evaluated based on that.

24 Q All right. And I appreciate that response, but
25 let's go back to jurisdiction, location, impact to the

1 community because I want to talk about those issues in regard
2 to an evaluation per jurisdiction. Do you understand?

3 A Yes.

4 Q All right. So what may be perfect for North Las
5 Vegas may not be perfect for Henderson; right?

6 A It would get into -- it depends on the location --

7 Q Right.

8 A -- and the location wasn't required.

9 Q But building size, building floor plan, safety, all
10 of those things, including the impact in that community were
11 separate identifiable elements that were made a part of that
12 criteria for scoring, isn't it?

13 A Yes. That's what the application asks for, yes.

14 Q So every evaluator was charged with that
15 responsibility in terms of taking those factors into
16 consideration as a part of your scoring; right? Isn't that
17 correct, sir?

18 A Yeah, besides location, you know, location. So they
19 looked at -- they looked at the building, they looked at the
20 plan, they looked at how much was included, how it matched the
21 regs.

22 Q Now, did you hear yourself just say they look at the
23 building?

24 A The floor plan.

25 Q Ah-ha.

1 A Sorry.

2 Q No, I appreciate that. The fact is they could not
3 look at a building with Nevada Organics because there were no
4 buildings provided, isn't that correct?

5 A I'm not sure. I mean, when I saw their application
6 it was for the first time today.

7 Q Well, you heard the testimony regarding floor plans
8 as opposed to buildings; right?

9 A Yes.

10 Q All right. Now, your Freudian slip in terms of
11 throwing out buildings is well placed because the application
12 itself talks about the adequacy of the building size. They
13 didn't say the adequacy of a floor plan, did it?

14 A I'd have to refer back to it.

15 Q We'll get there. But isn't that your recollection?

16 A I'd have to refer back to it to answer.

17 Q So each evaluator was charged with the
18 responsibility of taking all of those factors into
19 consideration per license request, isn't that correct?

20 A Yes.

21 Q All right. And giving the evaluator all eight
22 jurisdiction license requests in one application, based upon
23 what you heard in this courtroom, would remove at least a
24 layer of blindness because they were all grouped together.
25 Isn't that a fair statement, sir?

1 A I don't -- I don't necessarily agree with that.

2 Q Okay. You said that the evaluators were given the

3 one thumb drive application; right?

4 A They were.

5 Q So they at least knew that those were all together?

6 A Yes.

7 Q So in terms of blindness, in terms of the

8 relationship between each of those jurisdiction requests, they

9 knew that it was all involved with one application, isn't that

10 correct?

11 A It would remove that type of blindness --

12 Q Thank you.

13 A -- but not blindness from who they identify as.

14 Q That's fine. I just want to make sure we at least

15 agree that one level of blindness was removed by that approach

16 taken by the Department of Taxation.

17 A I don't know what the definition of a level of

18 blindness is, though.

19 Q Good enough. The Court does.

20 THE COURT: Okay. I'm getting ready for lunch. Are

21 we at a good place to break?

22 MR. PARKER: Is it already that time?

23 THE COURT: It's 10 till.

24 MR. PARKER: Oh, man, time is moving fast.

25 THE WITNESS: Yes, it is.

1 MR. PARKER: All right.

2 THE COURT: With that, sir, if you could come back
3 at 1:00. You have a nice lunch.

4 THE WITNESS: Thank you, Your Honor.

5 (Court recessed at 11:49 a.m. until 1:04 p.m.)

6 THE COURT: Mr. Parker.

7 MR. PARKER: Yes?

8 THE COURT: Are you ready?

9 MR. PARKER: Just give me a high sign. Thank you,
10 Your Honor.

11 THE COURT: That was the high sign for you to start.

12 MR. PARKER: Yes, indeed.

13 DIRECT EXAMINATION (Continued)

14 BY MR. PARKER:

15 Q Mr. Gilbert, how are you?

16 A Fine, thank you.

17 Q Good. Good afternoon. So when we left off we were
18 talking about the application and I want to continue with the
19 application so that we have a better understanding going
20 forward how certain decisions were made and how the
21 evaluations were done. I'd like for you to take a look at
22 again Exhibit 5, page 22 of the application. This is the
23 Attachment A. Now, when we left off this morning we were
24 talking about the merit criteria for diversity. Do you
25 remember that?

1 A Yes.

2 Q All right. Now, this attachment deals with the
3 identification of owners, officers and board members. Do you
4 see that?

5 A Yes, I do.

6 Q Did the State provide any insight beyond what we see
7 on this page as to how LLCs versus C Corporations versus
8 professional corporations versus any other type of corporation
9 should identify owners, officers or board members?

10 A Not that I can recall, besides the information that
11 was provided in the application.

12 Q Okay. So, for example, there were Listserv
13 disseminations that explained who would be a proper board
14 member versus officer versus owner?

15 A I don't recall a Listserv going out with that
16 information.

17 Q Do you recall any conversations with any particular
18 applicants where information beyond what's here on this
19 document was disclosed in terms of board members?

20 A Personally I don't recall myself having a
21 conversation to that extent.

22 Q All right. Is it fair to say, then, that there was
23 no additional information beyond the application itself
24 related to what would constitute a board and its members?

25 A Not to my recollection during the application

1 period. Yeah.

2 Q And is it also fair to say that there is nothing in
3 the application that mentions the words advisory board?

4 A I'd have to review the application. Not to my
5 knowledge there isn't.

6 Q And is it also fair to say that there is no
7 definition of the word officer beyond what's included here in
8 terms of the word itself, officer, in the Attachment A of the
9 application?

10 THE COURT: Were you reading my notes, Mr. Parker?

11 MR. PARKER: I think we're on the same page, Your
12 Honor.

13 THE WITNESS: Could you --

14 BY MR. PARKER:

15 Q Isn't that true, sir?

16 A Is it in the definition section?

17 Q Yes. Is there a definition section that mentions
18 officer, number one, which I believe there isn't.

19 THE COURT: So then we would go to NRS Chapter 453D
20 and the definitions are in the section that is 030.

21 MR. PARKER: That is correct.

22 And we could pull that up, Shane, if you could.

23 THE COURT: And somewhere between 15 and 16 will be
24 words that start with the letter O.

25 MR. PARKER: That is correct, Your Honor. And you

1 have my notes. But I took them with me for lunch, so then we
2 can't be cheating off each other.

3 THE COURT: Yeah. I was at a bench bar meeting.

4 MR. PARKER: Your Honor, may I approach?

5 THE COURT: You may.

6 MR. PARKER: Thank you.

7 Shane, you have to go up.

8 THE COURT: There you go.

9 MR. PARKER: All right. So between --

10 THE COURT: Whoops.

11 MR. PARKER: You just killed it, Shane. No, no, the
12 other way. The other way, Shane. Go up, up, up, up. Stop.

13 THE COURT: Stop.

14 MR. PARKER: Stop.

15 THE COURT: At the very bottom, it's right there.

16 MR. PARKER: Right there.

17 THE COURT: Whoops.

18 MR. PARKER: All right. Stop right there, Shane.

19 BY MR. PARKER:

20 Q Between 15 and 16 do you see the word officer?

21 A Between 15 and 16?

22 Q Yes, sir. Paragraph 15 and 16. Do you see the word
23 officer between marijuana and process?

24 THE COURT: And the reason he stopped you there,
25 sir, is they appear to be in alphabetical order.

1 MR. PARKER: That's correct.

2 THE WITNESS: I don't see the word officer in 15 or
3 16.

4 MR. PARKER: Thank you.

5 BY MR. PARKER:

6 Q Would you agree with me, sir, that the word officer
7 is not defined in 453D?

8 A I would have to review 453 -- Oh.

9 THE COURT: Hold on. Let me get the book for you.
10 If I remember correctly it's in the pocket part.

11 MR. PARKER: It is.

12 THE COURT: Here you go, sir. You're at the
13 beginning of 453D.

14 THE WITNESS: Thank you.

15 THE COURT: Look to your heart's content and let us
16 know when you're done.

17 THE WITNESS: Based on the definition section and my
18 quick skim through the statute, it doesn't appear to be in the
19 statute.

20 BY MR. PARKER:

21 Q All right. So the word officer is not defined in
22 the statute. Would you also agree with me that the word owner
23 is not defined in the statute?

24 THE COURT: Please feel free to keep the book, sir.

25 THE WITNESS: Okay. Thank you, Your Honor.

1 THE COURT: I'm looking in 78 and 86 now, so.

2 BY MR. PARKER:

3 Q Are you ready, sir?

4 A Yeah. Can you repeat the question?

5 Q Yes. Do you see the definition of owners in 453D?

6 A I don't see the definition, no.

7 Q Now, if you see no definitions of the word owners or
8 officers, did you as the trainer or one of the trainers of the
9 evaluators provide the evaluators with a definition of owners
10 or officers?

11 A I don't recall training them on that. But in the
12 regulations, 453D, it does define an LLC has officers. A sole
13 proprietorship I think is owners and LLC is membership or
14 members.

15 Q Okay, good enough. The answer I believe you said is
16 you did not provide a definition of owners or officers to the
17 evaluators. Is that true?

18 A I don't recall training on that. That might have
19 been a question, but I don't recall. It wasn't, I don't
20 think, part of the training modules.

21 Q Okay. I appreciate your answer, but you're not
22 truly answering my question. My question was, did you provide
23 them a definition? Your response was we did not provide
24 training. So I want to divorce you of training for just a
25 second and have you answer that question first and then I will

1 ask you a follow-up question regarding the training, okay?

2 Number one, did you provide a definition for the terms owners
3 or officers to the evaluators?

4 A I may have verbally given them the definition as we
5 used it at the Department; however, that would have been done
6 in training.

7 Q Did you provide anything in writing?

8 A Not that I recall, no.

9 Q All right. Is there a definition used or utilized
10 by the DOT that we have not become aware of? Because we don't
11 see it in the statute, so where would that -- if there is, I
12 want to know what it is and where can you find it?

13 A Just that NRS or NAC that I mentioned before is how
14 we apply an ownership -- owners, officers and board members to
15 the different corporate structures.

16 Q Well, the NAC, 453D in the code, the Administrative
17 Code, doesn't have the definition of those, either, I don't
18 believe, Mr. Gilbert. So --

19 A I'd have to take a look at it.

20 THE COURT: I don't have the Administrative Code
21 here in a book, sir, to hand you. Sorry.

22 MR. PARKER: Do we have that? Do we have the NAC?

23 MR. CRISTALLI: Yes, we do.

24 MR. PARKER: Yeah. I thought we did, too, because I
25 looked at it earlier when I examined Mr. Plaskon.

1 MR. CRISTALLI: Do you want the paper?

2 MR. PARKER: Yeah. Do you have the paper?

3 Your Honor, if I have the paper could I approach the

4 witness with the actual --

5 THE COURT: You could.

6 And, sir, you don't have to believe it's the correct

7 version of the NAC. You can confirm that for yourself and it

8 looks different, you let us know.

9 THE WITNESS: Okay. Thank you.

10 (Mr. Parker confers with counsel)

11 MR. PARKER: Okay. Is that the -- Stop right there,

12 Shane. Was that the reg or was that the NRS?

13 I.T. TECHNICIAN: This is the reg.

14 MR. PARKER: Okay. Let me -- can you go to the

15 first page of it so I can see all of the listings?

16 Your Honor, may I approach the screen?

17 THE COURT: You may.

18 MR. PARKER: It's too blurry to read. Is it on your

19 screen?

20 THE WITNESS: Yeah, it's hard to read, though.

21 MR. PARKER: Can you read it? Is it any easier on

22 your screen?

23 THE WITNESS: It's probably easier up there.

24 MR. PARKER: Go back up to the top for me, Shane.

25 Let me see if there is a definitions portion. Yes. 0001.

1 Go up, go up, go up. All right, stop. Now go up. We're at
2 seeds. Go up so we can see if we can go to -- stop. All
3 right, there we go.

4 BY MR. PARKER:

5 Q So, 453D.089 and then between 453D.094, do you see
6 any word that starts with the letter O?

7 A I do.

8 Q Do you see a word owners or officers defined in the
9 regulation?

10 A No, I do not.

11 Q All right. So we know you didn't get the definition
12 from the statute. We know it's not in the application and we
13 know you didn't get it from your regulation. So where would
14 you get a definition of owner or officer from that you would
15 use for purposes of giving it to the evaluators?

16 A Well, it's been -- those terms have been used since
17 2014 to define the ownership structures of the establishments.
18 We know that the owners, you know, have a percentage of
19 ownership. Board members may or may not. And officers
20 typically do have a percentage of ownership.

21 Q All right. And thank you for that. When the
22 evaluators were tasked with looking at Attachment A, would
23 they also by virtue of what you just said be provided with
24 information confirming that the owners, officers and/or board
25 members had a percentage of ownership of the applicant?

1 A So the process that the Department followed when
2 they looked at the application for the first time and the
3 administrative assistants, they would compare it to the
4 ownership that the Department had on record at the time.

5 Q And where would that come from, Mr. Gilbert?

6 A A database that we keep on owners, officers and
7 board members, similar to what's posted on the website.

8 Q Okay. Would that also include information from the
9 Secretary of State's Office?

10 A That's part of the packets that we get, so, yeah,
11 their entire file would.

12 Q Good. So your database, is it only comprised of
13 licensees or license holders of the medical marijuana
14 establishments?

15 A The medical marijuana?

16 Q Yes. So for purposes of the 2018 application the
17 evaluators are charged with looking at Attachment A and they
18 have an opportunity or are afforded the ability to check the
19 percentage ownership of everyone listed on Attachment A. So
20 you're saying there's a database that they use to do that,
21 perform that check, is that correct?

22 A Yeah. It was checked by -- that was checked by
23 staff.

24 Q And where does the information come from that's in
25 the database?

1 A From either the original application in 2017 or a
2 change of ownership that might have come through since then.

3 Q So the only thing you're checking is information
4 provided by the applicant? You're not using any independent
5 source to confirm whether or not an owner, officer or board
6 member has an ownership interest?

7 A I'm sorry, can you repeat that question?

8 Q Yes. You said that the information that the
9 evaluators are using comes from a database that the Department
10 of Taxation has and you said that database comes from
11 information from prior applications, you said 2017
12 applications, is that correct?

13 A Or '14, depending on -- depending what transpired
14 between 2014 and 2018.

15 Q Good enough. But you're having evaluators use
16 information received from the applicants themselves, be it
17 2014 or '17, to cross check, is that correct?

18 A Yeah. The information that they provide us in their
19 application, whether it's a transfer of ownership or -- the
20 application is the information that we rely on.

21 Q So you're relying on their information to check
22 their information, is that correct?

23 A Well, what we have on record at the Department is
24 the ownership that we approve the application for.

25 Q Again, you're relying on the applicant's information

1 to check the applicant's updated application, is that correct?

2 A Yeah. Well, the information that was vetted through
3 us through an approval process of either an application or a
4 transfer of ownership, yeah.

5 Q Right. But that information, again, was provided by
6 the applicant?

7 A Yes, it was.

8 Q Right. So what outside source are you using to
9 actually validate that the information you're receiving from
10 the applicant is true and correct?

11 A We don't use an outside source.

12 Q All right. So that means that a person can list an
13 employee as an officer and you have no way of checking in
14 terms of your own database whether or not that applicant is
15 giving you truthful and accurate information because the only
16 information you're using in the database is information they
17 provided to you previously, isn't that correct?

18 A Yes, it is. And they also sign an attestation
19 saying this information is true and we rely on the information
20 that's provided by the applicant.

21 Q All right. And so like today, you have the fortune
22 or misfortune of listening to me cross-examine Mr. Jolley and
23 you heard him indicate to us after reviewing the Secretary of
24 State's filing that the only officers identified for purposes
25 of the Secretary of State filing was himself and Mr. Byrne.

1 Did you hear that?

2 A I did, yes.

3 Q Neither of the two employees he added to his list of
4 officers were identified with the Secretary of State, is that
5 correct?

6 A Based on the documents that were put up on the
7 screen, I believe so.

8 A And if the evaluators could have checked the
9 Secretary of State information, they would have been able to
10 determine that these officers listed in your 2018 application
11 for Nevada Organics were not reflected on their Secretary of
12 State filing. Isn't that correct as well?

13 A I can't speak for the evaluators, you know, but they
14 went off the information that was provided in the application.

15 Q Right. But if they checked the Secretary of State's
16 information, which was available, isn't that correct?

17 A Oh, yeah. Yes.

18 Q Right. They would have determined at the very least
19 from its face that these are officers that are not identified
20 with the Secretary of State. Isn't that correct?

21 A Yeah, there would have been a difference, I guess.
22 I haven't looked at Mr. Jolley's application, though, so I
23 don't know what he listed.

24 Q And when you were cross-examined by Mr. Kemp, you
25 indicated, I believe, and correct me if I'm wrong, that

1 differences should have been further examined. If you saw
2 something that was different, someone should have raised a
3 flag or said something. Isn't that correct?

4 A I don't know if I recall speaking to that
5 specifically.

6 Q You didn't say flag. That's my term. But you said
7 if there was a difference, there would be some questions
8 asked.

9 A If I recall correctly, the difference would have
10 been in the ownership structure that we have on record versus
11 what was submitted in the application.

12 Q Right. And if you saw something that differed, you
13 being an evaluator, based upon your training you saw something
14 that was different than what was held by the Secretary of
15 State, then someone should have asked the question. Isn't
16 that true?

17 A No, not based on the training. What I was referring
18 to is when we checked the application to see if the ownership
19 matched currently what was on record with the Department, not
20 with the Secretary of State.

21 Q Right. I'm beyond that now.

22 A Yeah. If that matched, then the application was
23 okay to move forward. If there was a discrepancy between the
24 ownership, then that would have been brought to the attention
25 of management.

1 Q Understood. But how about if there is a discrepancy
2 between what's at the Secretary of State and what's a part of
3 Attachment A?

4 A Really it was just to see if they were registered
5 with the Secretary of State.

6 Q So no evaluation was done or no vetting was done to
7 determine if the Secretary of State's records reflected what
8 was presented in Attachment A?

9 A I don't think -- there was no comparison.

10 Q Thank you. And would you also agree that there was
11 no comparison of any outside source? Any other reliable
12 source was not used to compare Attachment A in terms of
13 ownership, officers or board members?

14 A I don't think I can answer that question because
15 that would have been -- that would have been the job of the
16 evaluators to investigate an organizational chart or the
17 structure of a company the best that they possibly could.

18 Q Did you provide training on how to go to an outside
19 source to verify the information on Attachment A?

20 A They were trained to, you know, Google and do as
21 much investigative work as they possibly can.

22 Q Okay. Well, it didn't take much to pull up the
23 Secretary of State's information; right? Isn't that correct?

24 A No, it's very easy.

25 Q Right. So at the very least we know that that

1 wasn't done in terms of Nevada Organics. Is that correct?

2 A Not to compare if the Secretary of State's
3 information matched what was in the application.

4 Q To your knowledge, was any outside sources used to
5 evaluate any of these Attachment As?

6 A I would have to refer to the evaluators on that
7 because I wasn't -- I didn't consult them after they started
8 the process.

9 Q And based upon your review of Attachment A, did you
10 provide any training or information regarding advisory boards?

11 A Not that I can recall, no.

12 Q So can you tell me why and tell this Court why would
13 members of an advisory board be utilized for purposes of
14 diversity if there was no training in terms of that?

15 A I would have to look at the application and the
16 details behind it.

17 Q Okay. Because you would agree that there was no
18 training done or definitions provided for advisory board
19 members, is that correct?

20 A I can only speak to what I trained on and I did not
21 train on advisory boards.

22 Q Thank you. So in terms of your training, if an
23 evaluator or three evaluators used advisory board members as a
24 part of their diversity scoring, that would be beyond training
25 that you provided, is that correct?

1 A That I personally provided.

2 Q Yes, sir.

3 A But we had other trainers working on the identified
4 and the nonidentified sections.

5 Q Just talking about you. That would be beyond your
6 training, is that correct?

7 A I don't know if it would be beyond my training, but
8 I don't think it was brought up.

9 Q Thank you. It would be inconsistent with your
10 training because you didn't provide that training. Is that
11 true?

12 A Not that I can recall.

13 Q So that's a true statement I made, isn't it?

14 A What was the statement?

15 Q The statement was you did not provide any training
16 on advisory board members and how they were to be considered,
17 if at all. Isn't that correct?

18 A I personally did not.

19 Q Thank you. And if an evaluator or three evaluators
20 utilized advisory board members in their diversity scoring,
21 that was not something you trained or allowed them to do based
22 upon your training. Isn't that correct?

23 A To my -- yes, to my recollection, yes.

24 Q Thank you. All right. And the same would be true
25 in terms of classifying employees as officers. You did not

1 provide any training to evaluators which would allow for staff
2 members or employees to be considered officers, is that
3 correct?

4 A I don't recall that ever coming up as a question
5 during the training, so if it didn't come up -- I mean, we
6 trained on, you know, Attachment A, which was listing of
7 owners, officers and board members.

8 Q Yes, sir.

9 A And I don't recall anything -- any questions being
10 raised about advisory board members.

11 Q And is it also true that because you did not provide
12 training to these evaluators in determining the -- or allowing
13 for employees to be classified as officers, isn't it also true
14 that you did not train them on allowing employees designated
15 as officers to be considered as a part of diversity?

16 A Can you repeat that?

17 Q Yes. And let me say up front it's somewhat
18 truncated, this question, because it takes a couple things
19 into consideration. Number one, did you provide training and
20 how to determine if an employee could be rightfully classified
21 as an officer? And I believe you said you didn't provide that
22 training. Is that true?

23 A We relied on the information that was provided by
24 the applicant.

25 Q That's fine. But you did not provide any training

1 to the evaluators in determining whether an employee could be
2 considered an officer, isn't that true, sir?

3 A Personally I did not.

4 Q Thank you. So now we take that as a platform for
5 the next question. The next question is if you didn't provide
6 the training on how -- when an employee could be considered an
7 officer, would you also agree that that employee being
8 classified as an officer would not have been -- the evaluator
9 would not have been trained on how to determine the diversity
10 qualifications for those employees that are now being
11 classified as officers?

12 A Well, if they're listed as an officer on Attachment
13 A, the diversity pieces were taken from Attachment C, I think
14 it was. I don't know if they were listed on Attachment C,
15 also, but that was the information the evaluators relied on,
16 what was provided on Attachment C.

17 Q Right. And listen, I understand the attachments.
18 What I'm trying to do is get through the training first. So
19 what I've done, and I may be slow but methodical about it, is
20 I take each one of the items one by one, which I started with
21 how you define them and then we've gone from definitions to
22 now use of those definitions and your training. Follow me?

23 A I am.

24 Q And I'm taking them in inverse order. I started
25 with board members instead of owners. We've gone through

1 board members and now we're looking at officers. And I want
2 to know whether or not, and I believe the answer is you did
3 not provide any training to the evaluators on how to
4 distinguish between an employee and an officer. Isn't that
5 correct?

6 A There was no specific training on how to distinguish
7 between. And again, they look at their org chart, they look
8 at Attachment C, they look at Attachment A and define the
9 roles that way.

10 Q Okay. And if there was no training in terms of
11 determining when an employee could be considered an officer,
12 is it also true that there was no training in determining when
13 this employee/officer would be utilized for purposes of
14 diversity scoring?

15 A Can you repeat that, sir? I'm sorry.

16 Q Yes. Let me ask it this way. Maybe this is an easy
17 way for you to understand it. How would an evaluator know
18 whether to include an employee/officer in the diversity
19 calculation?

20 A If they were listed on Attachment A and then also
21 listed on Attachment C -- I'm pretty sure it's C -- and then
22 compare it to, you know, the narratives that they wrote, the
23 organizational chart that they provided in their application,
24 they would use the information provided on Attachment C.

25 Q Okay. Now, again, I guess this means that the

1 evaluators are simply utilizing the information presented
2 without doing any -- I hate to use this word again --
3 evaluation of the employee's role versus ownership interest in
4 the company, is that correct?

5 A Well, that goes back to us comparing the ownership
6 that was provided in the application to the ownership that the
7 Department had on record, and if that matched then the
8 application was okay to go forward.

9 Q Let me bring this home for you. The reason why I'm
10 asking is because Mr. Jolley said that his purchasing person,
11 director person he listed as an officer, but there's no
12 corresponding information regarding ownership of the company
13 of the purchasing director. So how would an evaluator know
14 whether or not to include that person, the Director of
15 Purchasing, in the diversity calculation?

16 A I think it goes back to my previous comment that the
17 ownership was compared and if the ownership matched what the
18 Department had on record -- because we don't keep records of
19 employees, we keep records of what they provide as their
20 owners, officers and board members in either an initial
21 application, a transfer of ownership application or --

22 Q Good enough. Good enough. In terms of owners --
23 let's move on. In terms of owners we've learned now and
24 you've heard testimony that owners of publicly held companies,
25 be it in the United States or in Canada, were not all

1 provided. Is that correct?

2 A That's correct.

3 Q Would you agree with me that be it Attachment A, B
4 or C, there is no limitation in terms of ownership interest
5 stated in the application? So be it a 1 percent owner, 10
6 percent owner, a 50 percent owner, it just says owners, is
7 that correct?

8 A I believe so, yes.

9 Q And wouldn't you agree that that means all owners,
10 not 10 percent owners, not 20 percent owners but all owners
11 since there's no definition limiting that category?

12 A Well, in the public or in the corporations it's the
13 officers that we -- I know we didn't ask for it, but the
14 information that we've gathered throughout the years is the
15 officers of the corporation, not the shareholders.

16 Q Okay. But that's not what the application says,
17 isn't that correct?

18 A It just asks for owners, officers and board members.

19 Q Exactly. Not one or the other, it says owners,
20 officers and board members, is that correct?

21 A Yes.

22 Q Which meant that you as the Department or part of
23 the DOT, expected to get information on all three categories,
24 is that correct, owners, officers and board members?

25 A Yes.

1 Q Right. And so in terms of owners, you would agree
2 with me, sir, that this name or category, owners, did not
3 limit it in any way?

4 A Can you repeat that question, please?

5 Q Yes. There's no limitations in terms of ownership
6 interest. It says owners, which would include all, isn't that
7 true?

8 A Well, the Department had to -- it had to -- we
9 couldn't vet hundreds of shareholders on a daily basis,
10 because I think that's what the task would involve is anytime
11 somebody bought or sold a share we would have to re-vet this
12 person.

13 Q Well, then couldn't you have said in the attachment
14 we don't have time to vet all the owners of a publicly held
15 corporation or a big corporation, just tell us the big ones?
16 That's not what it said here, is it?

17 A No, it doesn't say that.

18 MR. PARKER: Can you put up Exhibit 5 again, page 22
19 of 34, which is MMLF33.

20 BY MR. PARKER:

21 Q Again, there is no limitation when it comes to
22 owners: is that correct, sir?

23 A That's correct.

24 Q All right. Now, be it Attachment A, Attachment B
25 or in particular Attachment C, if you're vetting all owners

1 then you should also be able to vet all owners in terms of
2 diversity; right?

3 A We didn't ask for all the shareholders. I don't --
4 I didn't look at hardly any of the applications, but I didn't
5 hear of any applicant submitting a list of shareholders.

6 Q Okay. Let me stop you there because you're kind of
7 jumping ahead. We've agreed, I believe, that owners is not
8 limited in any way on Attachment A, is that correct? It says
9 owners. It doesn't say, you know, 10 percent owners, 20
10 percent owners, it just says owners, is that correct?

11 A That's correct.

12 Q The word shareholder is not mentioned there, is that
13 correct?

14 A Not in the application, but I think it's mentioned
15 in the statute or the regulations of the 5 percent.

16 Q Okay. Well, let's say the regulation says 5 percent
17 but the statute I believe says all owners. Isn't that
18 correct?

19 A I'd have to go back and refer to that.

20 Q All right. I think you have --

21 THE COURT: You've got the book.

22 THE WITNESS: Yeah.

23 BY MR. PARKER:

24 Q You've got the book. Take a look at NRS 453D and
25 you tell me what the statute says in terms of owners. And

1 then you can compare that to NAC. We'll pull that up if you'd
2 like again. And I believe NAC says 5 percent. In fact, I
3 have that on my iPad if you want to look at that and make it
4 quicker.

5 Your Honor, can I approach?

6 THE COURT: You may.

7 BY MR. PARKER:

8 Q Okay. Here's the NAC.

9 A Yes.

10 MR. PARKER: I'm showing him NAC 453D, I believe
11 255, Your Honor, that says the 5 percent. And then I think he
12 has the book that shows the statute.

13 THE COURT: I'm there.

14 MR. PARKER: Thank you, Your Honor.

15 BY MR. PARKER:

16 Q Have you had a chance to look at it?

17 A Yeah, I read this. I can't find it in the statute
18 yet, though.

19 (Pause in the proceedings)

20 THE WITNESS: I can't find it in the statute.

21 MR. PARKER: All right. Your Honor, may I approach?

22 THE COURT: You may.

23 THE WITNESS: What you're referring to.

24 BY MR. PARKER:

25 Q So it's either 453D.210 and it talks about owners,

1 officers, board members.

2 A Okay.

3 THE COURT: Are you in Section 5(f)?

4 MR. PARKER: I believe that's 5(f).

5 THE WITNESS: Yes.

6 THE COURT: I'm just checking.

7 MR. PARKER: Yep. That is correct, Your Honor.

8 BY MR. PARKER:

9 Q Have you read it now?

10 A Yes.

11 Q So would you agree with me that if you utilized the

12 statute it takes you to this application Attachment A where it

13 says owners, officers and board members, is that correct? Is

14 that correct?

15 A Yes.

16 Q If you use the regulation, it says 5 percent, is

17 that correct?

18 A Yes.

19 Q So then let's assume, since this doesn't say 5

20 percent, that you were trying to comply with the statute as

21 opposed to the regulation. Is that a fair assumption?

22 A Well, it says, "The persons who are proposed to be

23 owners, officers or board members of the proposed marijuana

24 establishment."

25 Q Which is weird to me because you really don't comply

1 with the statute or the regulations because proposed owners,
2 officers and directors -- I'm sorry, board members is not
3 mentioned in Attachment A, but nor is the 5 percent from the
4 Administrative Code. So do you know how Attachment A -- or
5 who decided the wording for Attachment A, since it doesn't
6 comply with the statute or the regulations?

7 A I don't think that was changed from the 2014
8 application process.

9 Q Despite the fact that diversity was added, is that
10 correct?

11 A Diversity was.

12 Q Which requires a certain level of vetting for
13 owners, officers and board members, is that correct?

14 A For diversity?

15 Q Yes.

16 A Can you repeat that question?

17 Q Yes. When diversity was added, it required that the
18 evaluators and the DOT vet or consider the diversity of the
19 owners, the officers and the board members, is that correct?

20 A Yes.

21 Q And to do so you actually have to list them, is that
22 correct?

23 A Yes, on Attachment C.

24 Q Right. And in Attachment A you're still required to
25 list owners, officers and board members, is that correct?

1 A Yes.

2 Q Not ones that are just 5 percent owners, but all of
3 them because it doesn't say in keeping with the regulation
4 only those with 5 percent or more, is that correct?

5 A It doesn't state 5 percent.

6 Q And it doesn't include prospective owners, which is
7 described by the statute, is that correct?

8 A Well, the prospective owners would be the ones
9 applying for the license.

10 Q It doesn't use the word prospective owners in
11 Attachment A?

12 A It does not.

13 Q All right. So would you agree with me that
14 Attachment A does not comply with the statute or the
15 regulation?

16 A I don't know if I can legally -- give that legal
17 opinion if it complies or not.

18 Q I'm going to help you out. I'm going to help you
19 out with that. I'm going to take back the word comply. Would
20 you agree that it does not match the wording of the of the
21 regulation or the statute?

22 A I would agree that it doesn't match the exact
23 language.

24 Q All right, good enough. Now, did you provide any
25 training to the evaluators on how to determine whether or not

1 someone is an owner, be it 5 percent, 2 percent, 1 percent,
2 anything like that?

3 A Again, they relied on the information that was
4 provided in the application and compared it to what the
5 Department had on record as the ownership structure.

6 Q That's fine. But did you provide any training to
7 the evaluators on how to determine if someone has actually
8 listed all of their owners and who would be an owner? Have
9 you provided that training or did you provide that training?

10 THE COURT: To the evaluators?

11 MR. PARKER: To the evaluators.

12 THE COURT: Okay. Because he said something about
13 an administrative assistant, so that's --

14 MR. PARKER: Right.

15 THE COURT: Okay.

16 MR. PARKER: And I was thinking he was considering
17 those for a different reason.

18 THE COURT: Just give him a question.

19 BY MR. PARKER:

20 Q So that's -- I want you to answer that question, my
21 question, which is did you train them on how to determine what
22 an owner is?

23 THE COURT: The evaluators?

24 MR. PARKER: The evaluators. Yes.

25 THE COURT: Thank you.

1 THE WITNESS: I specifically did not.
2 MR. PARKER: Thank you.
3 THE WITNESS: I can't speak for the other trainers.
4 BY MR. PARKER:
5 Q All right. So at this point in our discussions, you
6 didn't train on board members versus advisory board members,
7 is that true?
8 A I didn't specifically.
9 Q You did not train on how to determine whether or not
10 employees should qualify as an officer. You did not, is that
11 correct?
12 A Whether a shareholder or a major officer?
13 Q Whether or not an employee would classify as an
14 officer, you didn't provide that type of training, isn't that
15 correct?
16 A I did not.
17 Q And then finally, you did not provide any training
18 on how to determine whether or not someone was an owner or
19 not, isn't that right?
20 A They did -- no, I did not.
21 Q Thank you so much. All right, now we can move on to
22 something else.
23 THE COURT: Before you do that.
24 MR. PARKER: Yes.
25 THE COURT: Sir, you mentioned earlier that the

1 administrative assistant when the application came in would
2 check it and compare it to the Department's records.

3 THE WITNESS: Yes, that's correct.

4 THE COURT: That was before it was given to the
5 evaluators?

6 THE WITNESS: Yes.

7 THE COURT: Is that who reviewed the applications to
8 determine if they were complete, the administrative assistant?

9 THE WITNESS: Yes, those same individuals.

10 THE COURT: So who made the decision that it was
11 going to be the administrative assistants who were going to
12 check to make sure they were complete?

13 THE WITNESS: That was part of the checking process
14 that we had, so part of the training, the process that we went
15 through was for the administrative assistants to review that
16 application and within our evaluation sheets there is a check
17 off of what they were looking for.

18 THE COURT: And are these the administrative
19 assistants who are paid for by the State of Nevada and are in
20 PERS, or is this the administrative assistants you hired
21 through Manpower?

22 THE WITNESS: Hired through Manpower.

23 THE COURT: Okay.

24 BY MR. PARKER:

25 Q Did you train any of them?

1 THE COURT: Wait. I'm not done.

2 MR. PARKER: Oh, I'm sorry. I liked your questions,
3 I wanted to jump in.

4 THE COURT: No.

5 MR. PARKER: Okay.

6 THE COURT: So you were relying upon the Manpower
7 folks to make a determination as to whether the applications
8 were complete?

9 THE WITNESS: Complete as far as content?

10 THE COURT: Well, that's what the statute requires,
11 sir. You're supposed to determine if they're complete before
12 you evaluate them.

13 THE WITNESS: Yes.

14 THE COURT: So who -- that's Manpower, too?

15 THE WITNESS: Yes.

16 THE COURT: Did the actual employees that are paid
17 for by the State of Nevada and contribute in PERS, any single
18 one of them actually review the applications?

19 THE WITNESS: They reviewed the ownership piece of
20 it, the ownership structure.

21 THE COURT: We had State employees reviewing the
22 ownership structure?

23 THE WITNESS: Yes. Yes.

24 THE COURT: And when was that occurring in the
25 process?

1 THE WITNESS: At the very beginning.

2 THE COURT: So when the applications came in, who
3 did that review?

4 THE WITNESS: There was a Program Officer III in
5 that position.

6 THE COURT: I need a name.

7 THE WITNESS: Jeannine Sherrick-Warner.

8 THE COURT: And is she in Carson or here?

9 THE WITNESS: She's in Carson.

10 THE COURT: Okay. And so the applications would
11 come in. That individual, Jeanine, would check the
12 application and compare it to the records that were already in
13 the Department's database?

14 THE WITNESS: Yes, that's correct.

15 THE COURT: And if there was a deviation from what
16 was in the Department's database and what was in the
17 application, what happened?

18 THE WITNESS: We would look to see if there was a
19 transfer of ownership in the house. If there was, then we
20 would compare it to what they were requesting the transfer of
21 the ownership structure to be.

22 THE COURT: So that takes me to Exhibit 5025, which
23 was introduced yesterday. It had to do with the transfer of
24 ownership relating to GGB. Can you walk me through the
25 investigation that was done when a transfer of ownership form

1 is received, understanding there were significant delays
2 because of your staffing issues, can you just walk me through
3 that process separately?

4 THE WITNESS: Sure. Is there an exhibit?

5 THE COURT: There is an exhibit, 5025. I don't have
6 it. I wrote down the number yesterday with a note to ask you
7 the question about it, so now I'm here.

8 THE WITNESS: Okay.

9 THE COURT: Mr. Koch introduced it.

10 MR. PARKER: 5025.

11 MR. KOCH: Do you want me to go get it for him?

12 THE COURT: Anybody have it? Here it is.

13 MR. KOCH: No, that's -- I believe it's 5026,
14 actually. 5025 is the org. chart --

15 THE COURT: Okay.

16 MR. KOCH: -- and 26 is the transfer of interest.

17 THE COURT: All right. Let's go to 5026. So this
18 is 5026. Before this letter got sent, okay, you signed it;
19 right?

20 THE WITNESS: Uh-huh. I think so.

21 THE COURT: What did you do? What's the process
22 before that gets signed?

23 THE WITNESS: So staff have a -- they have a
24 checklist and a process that they follow. The requirements
25 for transfer of ownership are in the regulation. They make

1 sure all the information is complete, that it's there. They
2 vet all the owners, officers and board members that are listed
3 in the application for transfer.

4 THE COURT: And when you say vet, what do you mean?

5 THE WITNESS: For background checks.

6 THE COURT: Okay.

7 THE WITNESS: State and FBI. Make sure they have an
8 agent card if they fall in the category of needing an agent
9 card. There's some estoppel certificates, depending on the
10 percentage of transfer that's done. If it's 100 percent, an
11 estoppel certificate needs to be included.

12 THE COURT: Okay.

13 THE WITNESS: I'm trying to think through the
14 checklist. Agent cards, application, notarized signatures for
15 all the exiting owners as well as the entering owners. That's
16 pretty much it besides the paperwork.

17 THE COURT: So you said that you do vetting of the
18 new people.

19 THE WITNESS: Uh-huh.

20 THE COURT: In this case there's a publicly traded
21 entity. How did you vet the publicly traded entity?

22 THE WITNESS: We vetted the owners or the officers
23 that they provided in the application.

24 THE COURT: And how did you determine if the
25 information in the materials that were submitted requesting

1 approval of the transfer of ownership were accurate?

2 THE WITNESS: We rely on the information that's
3 provided by the applicant.

4 THE COURT: And did you receive any information
5 about ownership structure above 5 percent in accordance with
6 the Nevada Administrative Code?

7 THE WITNESS: I'm sorry, can you repeat that, Your
8 Honor?

9 THE COURT: So you said you looked at officers and
10 directors.

11 THE WITNESS: Uh-huh.

12 THE COURT: Did you look at the ownership over 5
13 percent?

14 THE WITNESS: We should have, yes.

15 THE COURT: Okay. Where?

16 MR. PARKER: I'm sorry, Your Honor. Did he say he
17 should have to your --

18 THE COURT: Yes. That's why I said where.

19 MR. PARKER: Oh, good.

20 THE WITNESS: Wait. Will you stop it?

21 MR. PARKER: I just liked the answer. I just want
22 to make sure I heard it right.

23 THE COURT: I have a question that I thought of
24 yesterday for him and I'm trying to --

25 MR. PARKER: No, that was a good answer. I just --

1 I wanted to be sure he said that.

2 THE COURT: Now, remember, this is just one question
3 I'm asking. It may sound like a lot of questions but it's
4 just one.

5 THE WITNESS: That would have been done through the
6 process of vetting. So when we vet individuals we look for
7 their ownership percentage and then we compare it to whether
8 they have a background check, need a background check or need
9 an agent card. So that's where we determine the percentage of
10 ownership.

11 THE COURT: Okay. Assume with me for a minute that
12 there's somebody who has a 30 percent stake in this publicly
13 traded company, because we heard some testimony about that
14 yesterday. How would you determine if you were accurately
15 provided with information about the ownership structure of
16 that publicly traded entity?

17 THE WITNESS: As far as the shareholders go?

18 THE COURT: Uh-huh.

19 THE WITNESS: If they didn't provide the
20 shareholders, we wouldn't know.

21 THE COURT: And you wouldn't do anything to check?

22 THE WITNESS: No. We don't check the shareholders.
23 We don't ask for the information on them.

24 THE COURT: So if you have a 30 percent owner who's
25 a member of the Mafia in Canada, there's no way you would

1 know?

2 THE WITNESS: Not if they didn't provide it to us.

3 THE COURT: Not if they don't tell you?

4 THE WITNESS: Right.

5 THE COURT: Okay, thanks.

6 Now, Mr. Parker, you may resume.

7 MR. PARKER: Thank you so much.

8 BY MR. PARKER:

9 Q In terms of the Program Manager III that you were
10 just discussing with the Court, who trained that Program
11 Manager III?

12 A A group of us, depending on -- she was doing
13 transfers of ownership. That was her job. So there's many
14 facets of that job.

15 Q Is it fair to say that she did not check the
16 Secretary of State's records in terms of Nevada Organic
17 Remedies relative to officers?

18 A I believe she did, yes. That's part of the
19 application.

20 Q If she did and she found that there were officers
21 listed by Nevada Organics that was not identified in the
22 Secretary of State's records, wouldn't that raise some type of
23 issue or concern?

24 A No, it wouldn't, because I think I said earlier that
25 we don't compare what's listed in the Secretary of State's

1 website versus what's in the application.

2 Q So even if you saw a difference, you don't compare
3 it?

4 A We look to see if they're registered with the
5 Secretary of State and I think that's what the requirement is
6 in the statute or the regs.

7 Q Okay, that brings it home. So you look just to see
8 if the company is registered with the Secretary of State, you
9 don't look at the list of officers or members or managers of
10 it?

11 A No.

12 Q So you didn't do any comparison?

13 A We do -- well, we look to see if that one
14 individual, one individual is there.

15 Q That's it?

16 A Yes.

17 Q All right. Okay.

18 THE COURT: Mr. Parker, I need to break because it's
19 two o'clock and I've got to go do part of my Mental Health
20 Court.

21 MR. PARKER: Oh, great.

22 THE COURT: This is not a requested break, so if you
23 need to speak to your counsel, sir, you're welcome to.

24 MR. PARKER: Thank you, Your Honor.

25 THE COURT: Anything else, guys? Hopefully it will

1 take me less than 15 minutes. I only have one determination.

2 (Court recessed from 1:59 p.m. until 2:10 p.m.)

3 THE COURT: All right. Mr. Parker, you may
4 continue.

5 MR. PARKER: Thank you.

6 THE COURT: Mr. Gilbert, I apologize again for
7 making you wait so long yesterday and this morning.

8 THE WITNESS: That's okay. Thank you, Your Honor.

9 MR. PARKER: No worries. So when I left off --

10 THE COURT: I didn't apologize to you. I was
11 apologizing to Mr. Gilbert.

12 MR. PARKER: I'm accepting it for the whole room,
13 Your Honor.

14 THE COURT: Oh, okay.

15 MR. PARKER: That's it. Mr. Gilbert included.

16 BY MR. PARKER:

17 Q Mr. Gilbert, when we left off I wanted to follow up
18 with some of the Court's questions, mainly who trained the
19 Program Manager III, because we went into who trained or did
20 not train the evaluators in certain areas, the owners,
21 officers and board members. Who trained Program Manager III
22 on vetting owners, officers and board members?

23 A That would have been myself, as well as other
24 individuals within the Department that had differing tasks
25 such as agent card approvals, background checks.

1 Q Good enough. So I believe your answers will be
2 similar, but I want to make sure. In terms of Program Manager
3 III's training relative to board members, did you give that
4 person a definition of the words, board members?

5 A Can I -- the position is a Program Officer III.

6 Q Not program manager?

7 A It's not a program manager.

8 Q Okay, I'm sorry. So Program Officer III?

9 A Yes.

10 Q Okay. Sorry about that. Thank you. So did you
11 train the Program Officer III on the definition of a board
12 member?

13 A Probably through discussions and reviewing of
14 applications she was trained.

15 Q Okay. Anything in written form?

16 A No.

17 Q Did you provide a definition?

18 A Possibly. Not that I can recall.

19 Q Would your answer be the same in terms of advisory
20 boards? Did you give her a definition of an advisory board?

21 A Yeah, we reviewed the same.

22 Q Okay. So you did not give her a definition of
23 advisory board?

24 A I don't think I've ever handed out definitions of
25 those categories.

1 Q All right. And that would mean you didn't give her
2 any training on how to determine whether or not to include an
3 advisory board member in a diversity calculation, is that
4 correct?

5 A Well, again, a lot of questions do arise during
6 transfers of ownerships and she may have been trained at that
7 point.

8 Q Okay. But I'm not asking about that, I'm asking
9 about your direct training of the Program Officer III in terms
10 of whether or not to include an advisory board member in a
11 diversity calculation. Did you provide any training in that
12 regard?

13 A No, because diversity -- she was just processing
14 transfers of ownerships where diversity isn't taken into
15 account.

16 Q Good enough. So that ends the board member
17 questioning. How about in terms of officers, would that also
18 mean that you didn't provide any training to the Program
19 Officer III relative to when an employee would be considered
20 an officer?

21 A It would be the same. However, it's the information
22 that they provided in their application.

23 Q Which also means you didn't provide any training in
24 determining whether or not an officer, be it an employee or a
25 non-employee officer, would be included in the diversity

1 calculation, is that correct?

2 A I don't remember those issues ever coming up, so
3 wouldn't have been trained.

4 Q Okay. So no training in that regard as well. How
5 about in terms of owners? The judge asked you some real
6 pointed questions regarding --

7 THE COURT: Hypothetical questions.

8 BY MR. PARKER:

9 Q Hypothetically-pointed questions whether or not an
10 owner would include a shareholder. Did you understand that
11 question before?

12 A I did. Yes.

13 Q All right. Did you provide the Program Officer III
14 with training on determining whether or not a shareholder
15 should be considered an owner for which you would require
16 disclosure in Attachment A?

17 A No specific training module, per se, but we didn't
18 require shareholders to be listed, so that was probably the
19 extent of the training.

20 Q Good enough. So there was never any training to the
21 administrators, the Program Officer III, which is an employee
22 of the State, or the evaluators on who should be included in
23 the owner's category under Attachment A, is that correct?

24 A I don't -- the administrators?

25 Q Yeah. There are two administrators for the

1 evaluators. I just wanted to make sure I included them in
2 this question.

3 A Okay. The administrative assistants?

4 Q Yes.

5 A Okay, thank you.

6 Q Isn't that a true statement, sir?

7 A Can you repeat it?

8 Q Yes. You didn't provide any training to the Program
9 Officer III, the six evaluators or the two administrators,
10 which are also a part of the Manpower group, on determining
11 whether or not shareholders should be included in the owners
12 disclosure?

13 A I think we did because shareholders were not
14 required in the application, so that was -- I don't know if I
15 was specifically asked that question --

16 Q Okay.

17 A -- but it never came up during the evaluation
18 process of where's the shareholders --

19 Q So is it --

20 A -- in this publicly traded company.

21 Q I'm sorry, I didn't mean to interrupt you. So is it
22 fair to say that no investigation was done by anyone, be it
23 State employee or non State employee into the shareholders of
24 any applicant?

25 A The Department did not vet shareholders of the

1 publicly traded companies. We didn't require that to be
2 submitted.

3 Q And you would agree with me that the application
4 does not exclude shareholders?

5 A It asks for officers.

6 Q Owners.

7 A And board members.

8 Q Right. It does not exclude shareholders, is that
9 correct?

10 A It doesn't exclude them. Right.

11 Q All right. And would you agree with me that the
12 Administrative Code by indicating 5 percent or greater would
13 include shareholders?

14 A I don't know if I'm the right person to ask that
15 legal question. It's the owners.

16 Q Right. So if you own 6 percent of a company, you
17 would be required pursuant to the regulations to be disclosed
18 by the applicant, isn't that correct?

19 A If they're an officer of the corporation, is what we
20 required in the application.

21 Q Okay. But it says owner comma officer comma board
22 member. It doesn't say owner or officer, or owner or board
23 member, it includes all three; right?

24 A We would expect that applicant to provide the
25 information of their owners, officers and board members.

1 Q Right. And so that's pursuant to the regulations,
2 but if you consider the statutory framework, 453D.210 (f)5,
3 that means even a 1 percent shareholder should be listed and
4 disclosed under the application, Attachment A, isn't that
5 correct?

6 A I don't know if that's my decision to make or my
7 interpretation of the statute, but you know, the Department at
8 some point in time decided not to require shareholders just
9 because of the extent of, you know, it changes daily, it
10 changes hourly.

11 Q Did you say that to anyone in this form? Does it
12 say in Attachment A anywhere that we're not going to require
13 you to comply with the statute or the regulations because we
14 don't have time to look into it? Does it say anything like
15 that? And I'm paraphrasing what you said, but I just want to
16 know, is there anywhere in this application where I could find
17 that type of language?

18 A Not that I'm aware of, no.

19 Q All right. Now, I want you to compare that
20 obligation in terms of disclosure to another obligation in the
21 application. The application requires you and it takes into
22 consideration the amount of taxes paid, is that correct?

23 A Yes.

24 Q Now, when it comes to taxes paid, would that be
25 taxes paid by the applicant into Nevada or all taxes paid?

1 A By the applicant.

2 Q Right. And is it all taxes paid only in Nevada or
3 taxes paid throughout the world?

4 A It says to the State of Nevada.

5 Q I'm sorry?

6 A It says to the State of Nevada.

7 Q All right. And would that include every owner,
8 potentially?

9 A The more information they provided us, the better
10 off they were in their application.

11 Q Well, doesn't that mean that owners perhaps not
12 identified on Attachment A would get the benefit of having
13 paid more money into Nevada but not be disclosed for purposes
14 of diversity?

15 A Sorry, can you repeat that?

16 Q Okay. Let me see if I can break it down for you. I
17 was struggling with this a little bit myself over the weekend.
18 Let's say that ABC Company, a very large company, pays a ton
19 of taxes into Nevada, okay, but in terms of Attachment A they
20 don't want to disclose all of the owners of the big company,
21 and because of what you just said the Department decided they
22 didn't need to list all of their shareholders. Understood?
23 But all of those shareholders and all of those owners are
24 getting credit for the amount of taxes they paid into Nevada
25 for purposes of scoring. Understood so far?

1 A I think so.

2 Q Wouldn't it be the right thing to do that if they're
3 getting credit for taxes paid that they should also -- they
4 should also be identified in accordance with Attachment A?

5 A I would think that they would be.

6 Q That's right. And if they weren't, then the State
7 is not -- is giving them credit for taxes but not requiring
8 them to be disclosed in one of the other attachments like
9 Attachment A, is that correct?

10 A Well, I'm not -- I don't know if this -- it might
11 be a hypothetical. I don't know. I'd have to look at
12 applications and see if that was actually a fact.

13 Q And the same could be true in terms of diversity.
14 If you're taking all of the owners who were making whatever
15 amount of money and contributing to our tax base, but not
16 identify them for purposes of diversity, then -- in terms of
17 the diversity calculation, then they're getting a benefit
18 without and finding a way to gain the diversity portion of the
19 application because if they were to list everybody then they
20 would dilute the denominator for the diversity calculation?
21 Do you understand the question?

22 A No. Can you repeat it?

23 Q So if you have 100 owners contributing 10 million
24 dollars of taxes a year to Nevada but you only identified 5
25 because you know if you identify the other 95 your diversity

1 calculation you would lose points. Do you understand that?

2 A Uh-huh.

3 Q Is that a yes?

4 A I do. Yes.

5 Q Okay, good. So if you're going to get credit for or
6 try to get credit for a higher diversity level without naming
7 all of your owners, aren't you gaming the application process
8 by not identifying them for purposes of ownership?

9 MS. SHELL: Objection. Argumentative.

10 THE COURT: And by gaming you mean manipulating?

11 MR. PARKER: Exactly, Your Honor.

12 THE COURT: All right. I'm just checking.

13 MR. PARKER: No, that's exactly right.

14 THE COURT: There was an objection.

15 MS. SHELL: Yeah. Argumentative, Your Honor.

16 THE COURT: Overruled.

17 MS. SHELL: [Inaudible].

18 BY MR. PARKER:

19 Q Isn't that true, sir?

20 A Well, I mean, the information that they provided in
21 the application, I'd have to look at specific applications to
22 see what the evaluators -- how they evaluated it. I don't
23 know if that is the case.

24 Q But based upon what I just told you, that could
25 happen. That could be used -- that's a form of manipulating

1 the application process?

2 A Well, the evaluators looked at the org. chart,
3 Attachment A, Attachment C and compared that to see what the
4 -- I guess the denominator should have been or should be.

5 Q Right.

6 A And then whatever is listed on Attachment C was used
7 for the calculation of diversity.

8 Q Right. But, for example, you used Nevada Organics
9 as an example and they didn't list all of their owners, all of
10 their shareholders. There could have been thousands. But
11 they got -- was it 8 or 14 points? They got 18 diversity
12 points --

13 MR. KOCH: Eight.

14 MR. PARKER: Eight?

15 BY MR. PARKER:

16 Q They got 8 diversity points because if they had
17 listed all of those owners then the comparison between diverse
18 and non-diverse would then reduce their points under
19 diversity. Do you understand?

20 A I do understand.

21 Q Right. And that's a way of manipulating the scoring
22 under the application process if you don't require them to
23 identify all of the owners. Isn't that true?

24 A The Department didn't require --

25 Q I didn't say the Department.

1 A -- shareholders. I guess in the mathematical scheme
2 of things it's true.

3 Q That's right. That is right. A company or an
4 applicant like Nevada Organics can manipulate the system or
5 the application process by not disclosing the number of owners
6 for purposes of diversity, Attachment A, but then use the
7 benefit of all those owners for purposes of the tax portion of
8 the application, isn't that correct?

9 MR. KOCH: Objection. Misstates facts in evidence.

10 THE COURT: Overruled.

11 BY MR. PARKER:

12 Q Isn't that correct, sir?

13 A I'd have to look at the application. What I've seen
14 of it was just what I saw --

15 Q But could that be done, sir?

16 A I don't know. I'd have to look at the application.
17 I mean, if they bounce up that denominator, yes.

18 Q Thank you. Now, did you train the either the
19 Program Officer or the evaluators to compare tax bases for
20 those who are contributing to the taxes versus diversity or
21 the disclosure under Attachment A?

22 A I did not. That would have been done by one of the
23 trainers.

24 Q Okay. So you didn't do that?

25 A No.

1 Q Okay. So if you look at Exhibit 5, page 25, which
2 is MMLF36, this is the diversity section. And I wanted to --
3 do you see the large boxes in the middle?

4 A Yes.

5 Q It says, "Describe the individual's title, role in
6 the organization and the responsibilities of the position of
7 the individual." Do you see that?

8 A Uh-huh. I do.

9 Q You do? Now, was it your responsibility or not your
10 responsibility to train the evaluators on determining when an
11 employee would be included in a diversity calculation?

12 A The application, Attachment C, requires the
13 applicant to put their information there which was used for
14 the diversity, which is in the application instructions. So
15 when we went through the application originally --

16 Q Yes, sir.

17 A -- and compared it to the evaluation sheets, they
18 were trained at that point.

19 Q All right. So take a look -- let's go back for one
20 second to page 18 of 34, which is MMLF29. So if you look
21 under 6.2, the last sentence of 6.2 -- if we could blow that
22 up -- it says, "Ranking will be based on compliance with the
23 provisions of R092-17, Section 80, Chapter 453D of NRS and on
24 the content of the applications relating to." And then 6.2.2
25 says, "Diversity of owners, officers and board members." Do

1 you see that?

2 A Yes.

3 Q So it requires, the application requires compliance
4 with the statute, not the regulation; right? Or do you
5 consider the regulation and the statute having to be required
6 -- of being complied with?

7 A Well, the regulations were written based on the
8 statute.

9 Q Okay.

10 A And that's where we pulled the criteria for the
11 evaluation from the regulations.

12 Q All right. But you've already told me -- I want to
13 make sure I'm clear on this -- in terms of the statute it does
14 not indicate how the scoring was to be done, it just simply
15 said diversity; right?

16 A I'd have to go back and look.

17 Q Okay. All right. You have it in front of you,
18 don't you?

19 A I do.

20 Q So take a look.

21 MR. PARKER: May I approach, Your Honor?

22 THE COURT: You may. It's that Exhibit 5 we're
23 looking at?

24 MR. PARKER: No. This is the actual statute.

25 THE COURT: Okay. 453D.

1 While Mr. Parker is looking at it, I only got two
2 briefs on my convenient word. I got one from Mr. Gentile and
3 one from the State. Anybody else sending me one?

4 MR. HONE: Your Honor, we'll be filing ours this
5 afternoon.

6 THE COURT: Okay. Thank you.

7 MR. PARKER: Your Honor, that's actually in the reg,
8 in the Administrative Code.

9 THE COURT: Okay. So do we need to go to the
10 Administrative Code for the witness?

11 MR. PARKER: We will, Your Honor, but let me see if
12 I can avoid it for one second.

13 THE COURT: Thank you.

14 BY MR. PARKER:

15 Q The application at 6.2.2 says, "Diversity of owners,
16 officers and board members." Do you see that?

17 A Yes.

18 Q All right. So in terms of the training that we were
19 discussing a little while ago, I wanted to know if it's not in
20 the statute and it's in the reg but there's no scoring that's
21 included in the reg or the statute, I think you told me that
22 Mr. Pupo came up with the scoring method, is that correct?

23 A Yeah. I mean, ultimately yes, but it was talked
24 about through the evaluation or the application or the
25 evaluation sheets.

1 Q Do you believe that the scoring is consistent with
2 either the Administrative Code, the regulations, or the
3 statute?

4 A Can you be more specific?

5 Q Yeah, this is my point. The sentence says that it's
6 compliant with the statute an the reg, but we know that the
7 reg nor the statute has a scoring methodology included. So
8 how would an applicant know how the scoring would be done and
9 whether or not it would be consistent with either the statute
10 or the reg? Did you provide any information with regards to
11 that either in the Listserv or anywhere?

12 A Well, it says ranking will be scored. And I don't
13 recall -- I don't recall if we did it on Listserv or not. I'd
14 have to go back and look.

15 Q Okay. You didn't -- you don't recall doing it
16 yourself?

17 A I don't do Listservs.

18 Q Okay. No, no. Do you recall providing that
19 information on how the scoring would be done to anyone?

20 A I don't. No.

21 Q Okay. And you agree with me in terms of this
22 document if someone was simply relegated to the statute or the
23 regulation, the scoring methodology wouldn't be there, you
24 couldn't find it there?

25 A Well, the score methodology should be kept at the

1 Department, confidential in the Department. Otherwise
2 everybody would know how to get 250 points.

3 Q So in terms of if you're not training the Program
4 Officer or the evaluators on how to include or whether to
5 include advisory board members or employees, how would they
6 know what to do for scoring?

7 A Well, the scoring criteria breaks it down for the
8 percentages, like we've been talking about. And whatever they
9 provide on Attachment C is the information that was used to
10 score diversity.

11 Q But doesn't that also mean that the evaluators were
12 not actually complying with the statute or the regulation when
13 they did their scoring because it's not found in any of these
14 -- in either -- the scoring methodology is not found in the
15 statute and it's not found in the regulation. So if the
16 scorers were not trained and you've told me now already they
17 weren't trained on how to discern an advisory board member
18 from a regular board member, how to classify an employee
19 versus an officer, how would they be able to do the scoring
20 without that training?

21 A Well, they were able to discern. I mean, these were
22 -- these were experienced professionals that have pretty good
23 background. They're able to look at the org. chart, look at
24 the percentages of ownership, look at the positions and then
25 apply it to Attachment C and Attachment A.

1 Q Without any training?

2 A Well, they were trained on, you know, owners,
3 officers and board members as they should appear in Attachment
4 C.

5 Q And yet despite all that, we've now learned that
6 advisory board members were used in diversity calculations,
7 isn't that correct?

8 A I'd have to look at the application. I'm not sure.

9 Q We've learned that purchasing directors have been
10 used in diversity calculations, isn't that correct?

11 A Again, I'd have to look at the application. I
12 wasn't able to see it.

13 Q Good enough. Okay. I want to skip over to discuss
14 some of the training, okay, and your -- in particular your
15 role in this training that was done. You indicated that you
16 trained the evaluators but you had help from other members of
17 your team, is that correct?

18 A Yes, that's correct.

19 Q And every team member had a certain responsibility.
20 Is that correct or incorrect?

21 A That's correct.

22 Q So if we could look at -- I believe it's Exhibit 205
23 and I'd like to look at page DOT17.

24 MR. PARKER: Is 205 stipulated to?

25 MR. SHEVORSKI: Yes. It's my document.

1 MR. PARKER: Thank you. If we could look at DOT 17.

2 BY MR. PARKER:

3 Q Now, this is a reminder about confidentiality, but
4 it identifies you as a Program Manager, is that correct?

5 A Yes, that's correct.

6 Q And that's the position you held while you were
7 training the evaluators for purposes of the 2018 application
8 process?

9 A Yeah. Technically it's Health Program Manager.

10 Q Okay. Is there a difference between a program
11 manager and a health program manager?

12 A Health would be more health related. Program --

13 Q Don't say more program related. Please don't say
14 that.

15 A I don't know if there is any program manager
16 positions, not at the Department of Taxation.

17 Q Okay. So what I want you to take a look at now,
18 then, is DOT23 because I believe these are your primary
19 responsibilities. Is this a fair representation of your
20 responsibilities?

21 A Yes, it is.

22 Q The second big heading says, "Primary instructor for
23 application evaluation." Is that correct?

24 A Somewhat. My main goal or my main duty was to make
25 sure that the training took place, it was coordinated, people

1 were there, people had the information that they needed. Ky
2 Plaskon took the lead role on facilitating the training. And
3 then we brought in the staff that had experience in the proper
4 areas.

5 Q But it says, "Primary instructor for application
6 evaluation." Did you or did you not fulfill that
7 responsibility?

8 A I probably -- I probably did not.

9 Q You did not?

10 A Because we relied on the other -- the other staff
11 that have more experience than I do in their specialties.

12 Q Okay.

13 A I'm more of a general administrative position
14 person, whereas like Kara Cronkhite, she's a registered
15 environmental health specialist. Damon Hernandez, he has an
16 MBA, a lot of financial and auditing background. Ky Plaskon,
17 who you met the other day, is obviously a pretty good teacher.
18 I think he probably brought that across, I don't know. So we
19 relied on -- we relied on other staff to fulfill, because I'm
20 definitely not -- you know, I'm not a registered environmental
21 health specialist like Kara. She went to school for that and
22 has been registered and certified.

23 Q All right. So I will tell you I'm surprised that
24 you are now saying that you're not the primary instructor
25 because I thought that this document would give me an

1 understanding as to what your role was in this process. Do
2 you have -- let me ask you a few questions, then. Who would
3 be considered the primary instructor? Would it be Ms.
4 Cronkhite, Mr. Hernandez, Mr. Plaskon?

5 A You know, I think it depends on the module that was
6 being trained on. So, for example, my primary portion would
7 be the history of the program, the history of the medical
8 marijuana program, the application, how the process was done
9 in 2014. The application -- well, I went through the
10 application line by line and then we went through the
11 evaluation criteria together. And then we brought in the
12 other primary instructors, I guess you could call them, would
13 be Kara Cronkhite. She went over more of the nonidentified
14 section. That's the floor plan layout, the health and safety
15 of the product, care, quality and safekeeping. And then Damon
16 Hernandez, who has a history with taxation, a history with
17 auditing, like I said, an MBA, he was brought in to do the
18 identified section.

19 Q The identified section?

20 A Yeah.

21 Q All right. It says also, "Oversees all evaluators."
22 Did you do that or not?

23 A Yeah, and then we kind of devolved into a pattern
24 of, you know, Ky Plaskon being the go-to guy for information
25 and stuff. I mean, I got really busy. So, like check-ins,

1 check-outs during the day, we had another Program Officer III,
2 Diane O'Connor, who also helped, you know, approve time sheets
3 and that kind of stuff.

4 Q And Ms. O'Connor, is she an employee of DOT?

5 A Yes, she is.

6 Q All right. How about quality assurance, did you
7 perform any of that?

8 A I did. Not on the application evaluations, but on
9 the final product when the score and rankings were provided to
10 management.

11 Q So we heard by Mr. Plaskon that the evaluators
12 served as their own quality control. Do you recall hearing
13 that?

14 A I wasn't --

15 Q You weren't here when he said that?

16 A I wasn't here.

17 Q Is that truly your -- do you recall that being the
18 case as well?

19 A Quality assurance, I don't -- I didn't know what the
20 question was.

21 Q Okay. Do you recall whether or not the evaluators
22 were tasked with evaluating or providing quality control over
23 their evaluations?

24 A Yes, they were. They were left to be independent.

25 Q Okay. Were there any DOT employees that provided

1 quality control or quality assurance with regards to the
2 evaluations?

3 A Can I get possibly a definition of quality
4 assurance?

5 Q Certainly. Quality control typically means you're
6 looking at an individual scoring to see if there's a
7 relationship between the scoring and the information there.
8 Quality assurance is the process of doing it. So were there
9 any DOT employees that went over, took a sample application,
10 went through the information provided and the scoring to see
11 if it made sense what the evaluators came up with?

12 A That was just done during the mock application
13 training period, which lasted about five, six days. That's
14 it.

15 Q So nothing after the fact?

16 A No, because then we'd be evaluating the application
17 a second time.

18 Q Which means that when your application said in the
19 beginning that State employees and/or officers would be
20 involved in the evaluation process, that was not a true
21 statement on the back end in terms of scoring, is that
22 correct?

23 A State employees did not evaluate any applications.

24 Q They did not perform any quality control or quality
25 assurance?

1 A As far as the evaluators, checking or questioning
2 their quality --

3 Q Exactly.

4 A -- of work through their -- No, that was not done.

5 Q Thank you so much. So in terms of you being the
6 Program Manager and actually doing quality assurance, you
7 didn't do that in terms of the scoring, is that correct?

8 A Well, my quality assurance was -- no, I would never
9 second guess an evaluator's score.

10 Q All right. Thank you. Now let me have you take a
11 look at DOT24. This is Mr. Plaskon's role and responsibility.
12 It said that he would do the room preparation coordination.
13 See that?

14 A Uh-huh.

15 Q Is that a yes?

16 A Yes.

17 Q All right. I'm not trying to be a stickler, but we
18 have to get an affirmative yes or no on the record --

19 A I understand.

20 Q -- as opposed uh-huh.

21 But I thought that's what you said you did. Thought
22 you were doing the room preparations. Were not? Or were you
23 both doing it?

24 A My role is to work with the executive level at
25 Department of Taxation, make sure we had the room available.

1 We all worked together to set up the IT stuff. Yeah, I mean,
2 I worked with the director and administrative services officer
3 to make sure that we had a space for the applicants -- or for
4 the evaluators.

5 Q You mean evaluators.

6 A Yeah.

7 Q Okay. You indicated just a moment ago that you were
8 the one adapting the 2014 to the 2018 application. It says
9 here that Mr. Plaskon was doing it.

10 A He was part of that group.

11 Q Okay. All right. DOT25 is the Program Officer III.
12 That's Diane O'Connor; is that correct?

13 A Yes.

14 Q All right. And then if you go DOT26, this is the
15 person you mentioned earlier when you were speaking to the
16 Court regarding Jeannine Sherrick-Warner; is that correct?

17 A Yes, that's correct.

18 Q All right. And she was tasked with ownership
19 verification; is that correct?

20 A Yes.

21 Q Now, was this ownership verification done prior to
22 giving the applications to the evaluators?

23 A Yes, it was.

24 Q And was this the ownership verification that only
25 includes looking at what the DOT had within its own data

1 files?

2 A Yeah. We compared it to what was on record with the
3 Department.

4 Q There was no other ownership verification measures
5 taken; is that correct?

6 A Not at this point, no.

7 Q At any point. Is that correct?

8 A I guess that's an accurate statement.

9 Q Thank you.

10 THE COURT: And, sir, that's the person you
11 identified for me?

12 THE WITNESS: Yes, it is, Your Honor.

13 THE COURT: Thank you.

14 BY MR. PARKER:

15 Q Now, it says, "Location review assistants." What
16 does that mean?

17 A I've got be honest. I don't know.

18 Q I appreciate an honest answer.

19 A It was in the PowerPoint. I don't -- you know,
20 there could be typos in this PowerPoint.

21 Q Well, the words spell -- all spell correctly.

22 A Yeah, I know. Yeah.

23 Q For some reason when I read this I thought it meant
24 that there would be some exercise involving determining
25 whether or not locations utilized by applicants would be

1 reviewed. That's what I took it to mean.

2 A Not --

3 Q You don't have that understanding?

4 A I don't.

5 Q Do you know if that was done?

6 A Location reviews? That wasn't required in the

7 application, so we didn't review the locations.

8 Q You know, I've heard that more than once today. But

9 the application actually has a spot for locations; isn't that

10 correct?

11 A I'd have to look at what you're referring to.

12 Q All right. So you had not seen the -- you're not

13 familiar enough with the application to know that the

14 application requires or actually has a location block or spot

15 for you to put the location of your intended establishment?

16 A If I recall correctly, there is a box that says, if

17 you have a location put it here.

18 Q Okay. So if we were to take a look at the locations

19 provided by Nevada Organics --

20 MR. PARKER: Your Honor, have we utilized D4 yet?

21 THE COURT: D4?

22 MR. PARKER: D, as in David, 4.

23 THE COURT: Yes.

24 THE CLERK: Well, this was the one that Mr.

25 Cristalli --

1 THE COURT: We used certain pages of D4, didn't we?

2 THE CLERK: Yesterday. It was on his laptop, but I
3 have a paper copy.

4 THE COURT: He gave us paper copies this morning, so
5 we have it.

6 MR. PARKER: Perfect.

7 (Pause in the proceedings)

8 BY MR. PARKER:

9 Q All right. So Mr. Cristalli here has given me
10 DOT041840.

11 THE COURT: All right. We're going to give the
12 witness a copy.

13 MR. PARKER: Yes.

14 (Pause in the proceedings)

15 BY MR. PARKER:

16 Q So looking at -- do you have DOT041840 in front of
17 you?

18 A Yes.

19 Q Okay. And if you look at RD316 and RD329, I want
20 you to compare those locations and tell me if they're the same
21 locations. Tell me if you can -- if you recognize that those
22 are both the same documents -- same addresses. I'm sorry.

23 A It looks like there's different suites.

24 Q Okay. Same address, different suite numbers?

25 A Yeah.

1 Q Okay. Would you agree with me that the suite
2 numbers start at the same, it says 215, and then one says -
3 147, the other one says 215-155.

4 A Yes.

5 Q All right. So --

6 (Pause in the proceedings)

7 MR. HYMANSON: No objection, Your Honor.

8 THE COURT: Be admitted. What's the number?

9 MR. PARKER: This I guess will be the next in order,
10 but it's --

11 What is the exhibit number to this, Mr. Shevorski?
12 Do you know?

13 MR. SHEVORSKI: I don't know that it has an exhibit
14 number.

15 MR. PARKER: I've got a Bate number, Your Honor. We
16 could do it next in order.

17 THE COURT: Has it been marked as an exhibit yet?

18 MR. SHEVORSKI: I don't believe so, Your Honor.

19 THE COURT: So why don't you mark it next in order,
20 Mr. Parker.

21 MR. PARKER: I will do just that.

22 And what would that be, Madam Clerk.

23 THE COURT: She wants you to bring it up here so she
24 can figure it out and put a stamp on it.

25 MR. PARKER: I will bring it to her.

1 THE CLERK: We don't have a range for you yet, so
2 you'll be 300. 301.

3 MR. PARKER: I like 301.

4 (Plaintiffs' Exhibit 301 admitted)

5 THE COURT: Mr. Hymanson, do you need to approach,
6 too?

7 MR. PARKER: I'm only going to use the first page,
8 Your Honor. I'm keeping the stack the way it is.

9 (Pause in the proceedings)

10 THE COURT: Page 1.

11 (Pause in the proceedings)

12 MR. PARKER: So 302 is the Essence. Anybody have an
13 issue with that?

14 MR. KOCH: I don't have -- yeah. I mean, just as
15 long as I get a copy.

16 THE COURT: 301 is only one page, though.

17 MR. PARKER: That's only one page, which is Thrive.

18 THE COURT: And, Dulce, you have 301 as a single-
19 page document. I know. That's what I'm saying. It's a
20 single page.

21 Who has the one with the sticker?

22 MR. PARKER: I've got them both.

23 THE COURT: Give the one to Dulce, because you've
24 got to only have one page. You said it was a single page
25 pursuant to your agreement with Mr. Hymanson.

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 23 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |

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| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 45 | CORRECTED FIRST AMENDED COMPLAINT. | 34 | 7/11/2019 | 003950-003967 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |
| 50 | ANSWER TO CORRECTED FIRST AMENDED COMPLAINT | 37 | 7/15/2019 | 004414-004425 |
| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |

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| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAINST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |

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| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
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| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

1 Look, I'm an applicant, I'm not the State, okay. I
2 followed the rules. It was clear as day to me which
3 application to use. There was not one moment of confusion
4 among my team, myself, our in-house counsel, our outside
5 counsel, anyone on our team. So if some groups used the wrong
6 version of the form despite the updates that were sent out by
7 the State, you know, I can't explain that. But -- nor is it
8 my job. I can just tell you from my experience it was -- it
9 was common sense, it was not a point of confusion. And if it
10 was some widespread pandemonium, I would have heard about it
11 as the president of the NDA. And I didn't hear about it. The
12 conversation that I heard and that I was involved in was,
13 again, actually the opposite. It was, who, we are very happy
14 that the State isn't requiring a location this go around. So
15 it's quite the opposite of the picture you're trying to paint.

16 BY MR. CRISTALLI:

17 Q Okay. And that's because the people that you were
18 dealing with, your consultants -- you testified you had
19 consultants; correct?

20 A Yeah. But that's not who I was referring to in my
21 previous statement.

22 Q Did you have consultants?

23 A Yes.

24 Q Okay. Who were they?

25 A Amanda Connor is our legal counsel. We had a

1 technical writer that we consulted with who helped review the
2 content that we were writing and provide feedback, we had
3 architect who would help with plans and some other things
4 regarding the building. I'm trying to think what other
5 consultants we may have had. Probably the big ones. But, you
6 know, most of the work we did ourselves internally working
7 with our counsel.

8 Q And the information that you were receiving with
9 regard to your requirement to just put an address in for your
10 jurisdictions that you were applying to came from your legal
11 counsel?

12 A It was a combination of our legal counsel and our
13 own internal team's interpretation of the rules and of the
14 application.

15 Q Well, it was your team getting information from the
16 Department of Taxation with regard to what was required in the
17 applications?

18 A Yes, that's correct.

19 Q Okay. So the Department of Taxation didn't
20 necessarily communicate the same information you were getting
21 to all the applicants.

22 A Oh. No. I'm sorry. Let me clarify that. We were
23 receiving Listservs. For example, if I remember correctly, I
24 could be wrong in this, but I believe there was an email that
25 the Department sent out clarifying the changes that had been

1 made to the application form. I would have to go back and,
2 you know, kind of refresh my memory, but I believe that that
3 was clearly articulated, including the change to the address
4 and some other changes to application form.

5 Q Okay. Now --

6 THE COURT: Mr. Cristalli, is this a lovely place to
7 take a short afternoon break?

8 MR. CRISTALLI: Yes, Your Honor. Thank you.

9 THE COURT: All right. We're going to take 10
10 minutes.

11 (Court recessed at 3:43 p.m., until 3:50 p.m.)

12 THE COURT: Let's see if we can power through, guys.
13 We've got another 45 minutes, 50 minutes.

14 Mr. Cristalli.

15 MR. KEMP: Judge, as a procedural thing we talked to
16 the State, okay, and we have our findings of fact done, but
17 they're a real mess. Could we have a couple more days to
18 clean up the mess?

19 THE COURT: I asked my staff when I got here this
20 morning, I said, did we anything from those guys; no.

21 MR. CRISTALLI: They're due today.

22 MR. KOCH: I've got a set we'll send to you, a draft
23 set.

24 THE COURT: I would prefer them to be cleaned up.

25 MR. KEMP: How about Friday at 5:00, Your Honor?

1 THE COURT: How about Thursday.

2 MR. KEMP: Thursday's fine.

3 THE COURT: Because if you give them to me Friday at
4 5:00 I won't get to see them, because by the time people get
5 them put in the system and everything it will be too late for
6 them to get them to me.

7 MR. SHEVORSKI: Real quick on the pocket brief, Your
8 Honor. Do you want that publicly filed, do you want it email
9 with everyone cc-ed? How do you want it?

10 THE COURT: It's usually publicly filed,
11 distributed, and I would love a copy sent to my law clerk.

12 MR. SHEVORSKI: Absolutely.

13 THE COURT: And remember your phrase you're looking
14 for; right? Do you know the phrase you're looking for? You
15 are looking for the one that is green on my notes, "necessary
16 or convenient" is the phrase.

17 MR. SHEVORSKI: I do know the phrase, Your Honor.

18 MR. GENTILE: Your Honor, we I believe have filed
19 ours.

20 THE COURT: When?

21 MR. GENTILE: Hour or two ago, according to my
22 office.

23 THE COURT: Okay. Because I haven't seen it. I've
24 been asking.

25 MR. GENTILE: It is not what you would call a pocket

1 brief, however.

2 THE COURT: So it's not less than five pages?

3 MR. GENTILE: Maybe a pocketbook brief.

4 MR. KOCH: The entire bookcase, Your Honor.

5 MR. SHEVORSKI: I think it was like 150.

6 THE COURT: I don't know that it's carry-on size.

7 MR. GENTILE: It really couldn't be done -- to my

8 way of thinking, and I wrote it, it really couldn't be done as

9 a pocket brief.

10 THE COURT: Mr. Gentile, I don't care how long it

11 is.

12 MR. GENTILE: Okay. Good.

13 THE COURT: I used the term "pocket brief" because

14 that's when I was a young lawyer what they called those things

15 you pulled out in the middle of trial sort of like the ambush.

16 MR. GENTILE: Right.

17 THE COURT: Because it didn't used to have to be

18 served back then.

19 MR. SHEVORSKI: We followed the Byron White method,

20 Your Honor, under 10 pages.

21 THE COURT: Okay. Mr. Cristalli, can you finish

22 now.

23 MR. CRISTALLI: Yes, Your Honor.

24 THE COURT: That'd be lovely.

25 //

1 BY MR. CRISTALLI:

2 Q Okay. Mr. Jolley, just to kind of summarize where
3 we were, it's your testimony that based on your information
4 you obtained through your representative, specifically Amanda
5 Connor, that you weren't required to submit letters of intent
6 or purchase agreements with regard to jurisdictions; correct?

7 A That's not what I --

8 MR. KOCH: Objection. Attorney-client
9 communication.

10 THE COURT: Overruled.

11 THE WITNESS: That's not what I said.

12 THE COURT: He's been talking about it all
13 afternoon.

14 MR. KOCH: About the whole team, but --

15 BY MR. CRISTALLI:

16 Q Well, based on information from your team you didn't
17 have to secure letters of intent or real property; correct?

18 A I would say that based on information from the
19 Department itself my team and I and our counsel concluded that
20 we did not need to secure locations for our application.

21 Q And that was based on information received from the
22 Department of Taxation; correct?

23 A Yes.

24 Q And you talked a little bit about Listserv; right?

25 A Yes.

1 Q A Listserv where information went out to marijuana
2 establishment licensees; correct?

3 A Among others.

4 Q Okay. You're aware, sir, are you not, that there
5 were five different Listservs with regard to communications of
6 Department of Taxation to marijuana establishment licensees?

7 A I'm generally familiar that there are multiple
8 different Listservs. I'm not -- I was not aware of number.
9 But, yes, I am aware that they're different.

10 Q And that there were significant issues with regard
11 to confusion amongst the marijuana establishment licensees
12 with regard to communications they were or were not receiving
13 from the Department of Taxation?

14 A During my three years as president of the NDA and
15 previous to that a board member I never heard that.

16 Q Okay. And you were previously in real estate?

17 A Still am, yes.

18 Q Okay. And what do you do in real estate?

19 A Own, manage, and develop commercial real estate
20 properties.

21 Q Have you ever been involved in a bidding process
22 with regard to real estate, real property?

23 A Bidding process?

24 Q Yeah. Competitive --

25 A Like a foreclosure auction or something?

1 Q Yes. Sure.

2 A Yes.

3 Q And you rely on information in order to be
4 competitive in that bidding process, I would assume. Correct?

5 A Yes. We would conduct due diligence and determine
6 what we think is the, you know, if you want to call it the
7 fair market value, and then what we're willing to bid,
8 something like that.

9 Q And sometimes the only due diligence you could do is
10 with regard to the information you were receiving from the
11 Department of -- for example, from whatever -- strike that.

12 Going back to the issue of the Department of
13 Taxation, in order to do your due diligence, get information
14 as an applicant you would have to rely on the information that
15 you obtained from the Department of Taxation; correct?

16 A I think the information that comes from the
17 Department is very important to take into consideration when
18 applying, yeah.

19 Q So to that point, if your team didn't receive the
20 information with regard to location, for example, or maybe
21 other criteria, like diversity, as Mr. Kemp had referenced
22 when he was talking to you, that applicant would be at a
23 disadvantage compared to an applicant who had that
24 information. Would you agree with me?

25 A Well, I mean, you had to get the application

1 somehow, so the claim that you received the first draft of the
2 application but not the second would raise a number of
3 questions in my mind, much more likely to be kind of
4 recreating history, rather than being included in one Listserv
5 and excluded from another. To me the much more likely
6 scenario is a post facto reconstruction of the facts to create
7 the appearance of ignorance --

8 Q Well --

9 A -- when in likelihood in my experience the
10 communication was free flowing from the Department regarding
11 the application process. I did not hear any, you know,
12 widespread confusion about people not receiving the
13 communications. And, granted, this was at a time when
14 everybody knew the applications were coming. So we were all
15 ready to start and to get this information. And so to say
16 that, oh, we didn't get it, or, we got the wrong one, to me
17 would indicate, you know, that that individual may not really
18 be as involved in the industry as you might think.

19 Q So it's your testimony, then, if a applicant
20 submitted an application that required a letter of intent or a
21 purchase agreement that that particular applicant was
22 ignorant? That's your testimony?

23 A I can speculate as to why they did not receive the
24 real application. All I can do to try to answer your question
25 is to come up with rationale for why perhaps they were

1 confused. But, as I said earlier, I wasn't confused, our team
2 wasn't confused, our attorneys weren't confused. It seemed
3 very clear the correct way to submit applications, and that's
4 what we did.

5 Q And you weren't confused because you received
6 information from the Department of Taxation as it related to
7 what you needed to include in the application regarding
8 locations and jurisdictions; correct?

9 A Yes. Combined with our own kind of knowledge of,
10 you know, the process and so forth, yes.

11 Q Okay. But if one did not receive that information
12 from the Department of Taxation and was relying on the
13 statute, was relying on the regulation, relying on the
14 substance of the application, and used the application that
15 was on the Department of Taxation Website that in fact
16 required location -- letters of intent or real property, then
17 that person would be ignorant. Is that what you're saying?

18 A I just find it very hard to kind of come up with
19 this hypothetical scenario that you're trying to paint. I
20 mean, for people who are in the industry and involved in the
21 operations and know what's going on I just find it hard to
22 believe that they went through this enormous, I mean,
23 hundreds, or thousands in our case, of hours, hundreds of
24 thousands of dollars using the wrong form. That to me seems
25 very, very unlikely given what was at stake at the time and

1 how important these applications were.

2 Q Okay. You keep referencing it as the wrong form,
3 sir; is that correct?

4 A Yes.

5 Q Is that what the Department of Taxation told you,
6 that it was the wrong form?

7 A No, they did not. That's my term. I believe
8 that --

9 Q So that's your interpretation of it.

10 A Look, the day the application period opened there
11 was one form that was the form. Not previous drafts.

12 Q So how do you know that? How do you know that the
13 other application was not on the Department of Taxation
14 Website? How do you know that other applicants weren't using
15 a different application form?

16 A I don't know that other people were not using
17 another form. But there was zero confusion on our team, and I
18 heard nothing from anyone else in the industry to indicate
19 that there was confusion. So, you know, I just don't see how
20 that could have -- this widespread confusion would have taken
21 place without me knowing about it.

22 MR. CRISTALLI: Okay. Shane, could you pull up
23 Exhibit 220. Specifically RD215.

24 BY MR. CRISTALLI:

25 Q Mr. Jolley, can you identify RD215 through 222 as

1 Nevada Organic Remedies' criteria sheet?

2 A I believe so. I'd have to reference the earlier
3 exhibits, but I think that rings a bell.

4 THE COURT: What is the exhibit number?

5 MR. CRISTALLI: 220, Your Honor.

6 THE CLERK: Is that Serenity 44 through 367?

7 MR. CRISTALLI: Yes, it is.

8 BY MR. CRISTALLI:

9 Q Do you have that in front of you?

10 A What are you referring to? I'm sorry.

11 Q Criteria -- sorry, "Tally Sheet Criteria 3." It's
12 the identified portion of your application RD215 through 222.

13 A Okay.

14 Q In that --

15 MR. KOCH: Are you asking for the identified or the
16 non-identified?

17 MR. CRISTALLI: This is the identified.

18 MR. KOCH: So I think we've got the wrong document
19 up.

20 MR. CRISTALLI: I'm sorry. It is 221.

21 THE CLERK: Proposed.

22 THE COURT: Is it only proposed?

23 MR. CRISTALLI: Any objection?

24 MR. KOCH: No, none.

25 MR. CRISTALLI: Move for admission, Your Honor.

1 THE COURT: Be admitted.

2 (Plaintiffs' Exhibit 221 admitted)

3 BY MR. CRISTALLI:

4 Q You talked on direct examination -- I'm sorry, on
5 cross-examination with Mr. Kemp that the application -- well,
6 first of all, your application was approximately a thousand
7 pages. Is that what you testified to?

8 A I believe I said in excess of thousand.

9 Q In excess of a thousand pages. And you testified
10 that it was important from the Department of Taxation's
11 perspective that it was a blind point scoring; correct?

12 A I think I commented about the fact that it was set
13 up that way to have a certain portion of the application that
14 was non-identified, just like the medical applications in
15 2014.

16 Q Okay. And as it relates to the identified portion
17 of the application you submitted one application to the
18 Department of Taxation?

19 A That's correct.

20 Q Okay. And in this particular Tally Sheet Criteria 3
21 under the identified portion it talks about organizational
22 structure; correct?

23 A Yes.

24 Q It talks about financials; right?

25 A Yes.

1 Q And taxes and other beneficial contributions;
2 correct?
3 A Yes.
4 Q Okay. And in that scoring all the evaluators,
5 Evaluator 1, Evaluator 2, and Evaluator 3, all scored the same
6 scores for each of the criteria in that tally sheet; correct?
7 MR. KOCH: It was zoomed in on time, rather than
8 scores.
9 THE COURT: Better.
10 THE WITNESS: Can you please restate the question.
11 BY MR. CRISTALLI:
12 Q Okay. So, for example, if you go up to
13 Organizational Structure, where it says 60 points, under
14 Element 1, organizational chart points possible there were
15 15 points possible, and each evaluator allocated your company
16 15 points for that particular criteria; correct?
17 A I believe so. This is the first time I'm seeing
18 this. But --
19 Q That's what it says; right?
20 A -- that looks like it's -- they're all the same,
21 yeah.
22 Q Okay. So if you go to Element 2, which is previous
23 business experience, possible points 10, each evaluator
24 awarded your company 10 points; correct?
25 A Yes.

1 Q Element 3, each evaluator out of a possible 5 points
2 allocated 4 points to your company; correct?

3 A Yes.

4 Q And going down the remaining portion of that tally
5 sheet it appears that each evaluator gave the same score,
6 except for one variation that appears under Element 5,
7 diversity, where Evaluator 1 allocated -- I'm sorry.

8 Under Experience with MJ Nevada Evaluator 1
9 allocated 8 points, versus 7 points with regard to Evaluator 2
10 and 3; correct?

11 A Yes.

12 Q So essentially each one of these evaluators gave the
13 same score for this criteria sheet; correct?

14 A No.

15 Q Okay. Am I missing some of your numbers?

16 A Yeah. You just said it. One of them --

17 Q I said --

18 A -- got a different score than the other --

19 Q Okay. Excluding that.

20 A Excluding that?

21 Q 1 point difference.

22 A So one of the three evaluators gave a different
23 score than the other two.

24 Q For one of the criteria, specifically Element 4,
25 Experience With MJ in Nevada is the only deviation from all of

1 the other criteria in that particular score sheet. Would you
2 agree with me there, sir?

3 A I mean, I'm just looking at this for the first time,
4 so at face value, yes, it appears to be the case. But I --

5 Q Well, there's not too many numbers on that sheet. I
6 mean, you could take a minute to look at it, if you want. And
7 if you -- the question is, except, excluding that particular
8 difference, which is 1 point, all of the other scores are the
9 same, exact same; correct?

10 MR. KOCH: The document speaks for itself. Asked
11 and answered.

12 MR. CRISTALLI: I don't think he did, actually.

13 THE COURT: Overruled.

14 THE WITNESS: So there's three main sections here,
15 organizational structure, financial, and taxes and other
16 beneficial contributions. We maxed out on financial and
17 taxes. We got -- is that correct?

18 BY MR. CRISTALLI:

19 Q Let me --

20 THE COURT: You've got to let him finish his answer.

21 MR. CRISTALLI: Okay.

22 THE COURT: Were you finished, sir?

23 THE WITNESS: No. You know, I just wanted to point
24 out that it appears -- and, again, I'm just looking at this --
25 that we maxed out two of the three sections. So, yeah. One

1 of evaluators gave a different score on Section 4 or
2 organizational structure, yeah.

3 BY MR. CRISTALLI:

4 Q Can you find any other -- any other score except for
5 that where there's a difference in scoring on that criteria
6 sheet?

7 A Looking at this kind of spur of the moment, I
8 cannot.

9 Q Okay. And you agreed with me when you said that
10 blind scoring was important for the evaluating process;
11 correct?

12 A Well, that -- I believe that's the State's
13 intention, was to piggyback off of what was done in '14 by
14 having a significant portion of the application be non-
15 identified, not included, you know, names and other
16 identifiable information.

17 Q Well, sir, by having Evaluator 1, Evaluator 2, and
18 Evaluator 3, wouldn't you agree with me that the purpose of
19 having that is so that you can have a blind process or an
20 independent process with regard to reviewing applications?

21 MR. KOCH: Objection. Compound.

22 THE COURT: Overruled.

23 THE WITNESS: Yeah. I mean, so I guess, you know,
24 this is the identified portion; is that correct?

25 //

1 BY MR. CRISTALLI:

2 Q Yes. Correct.

3 A So, you know, seeing this for the first time, seems
4 like they had multiple scorers to ensure that there were not,
5 you know, major abnormalities and swings in the subjectiveness
6 of the scoring that was happening. So in that regard, again,
7 just looking at it for the first time, it appears that we're
8 very consistent in our scoring with these various evaluators.

9 Q Yeah. And the evaluators are very consistent, as
10 well, to being identical, aren't they?

11 A All I can go off of is the same numbers you're
12 looking at. I can't really draw inferences into how similar
13 these evaluators are. I can see that score appears to be
14 fairly consistent, yes.

15 Q Now, Mr. Kemp talked to you a little bit compliance
16 and the issue you had with regard to your company selling to a
17 minor. Remember that?

18 A Well, by -- "minor" is I think a legal term; right?

19 Q Okay. Well, do you remember the conversation that
20 you just had moments ago with Mr. Kemp with regard to that
21 issue?

22 A Yes. But I just want to clarify that I don't it was
23 a minor. I think it was someone who was less than 21, but
24 older than 18.

25 Q Okay. For the purposes of selling marijuana to

1 individuals in the state of Nevada an individual has to be
2 21 years or older; correct?

3 A Yes.

4 Q Okay. And --

5 A Unless they're a medical card patient -- holder.

6 Q Now, you are aware of the different categories of
7 violations with the Department of Taxation when there's an
8 investigation; correct?

9 A Generally.

10 Q Okay. There's a Category 1 violation; right?

11 A Uh-huh.

12 Q Correct?

13 A I believe so. I don't remember the exact
14 nomenclature, but that sounds familiar.

15 Q So you are aware that there's three different
16 categories of violations; correct?

17 A Generally, yes.

18 Q All right. Category 1 violation would or could
19 result in revocation of a license. Are you aware of that?

20 A I'd have to go back and refresh my memory.

21 Q In fact, sale to a minor could be considered a
22 Category 1 violation, which would result in a revocation of a
23 license.

24 A Yeah. I would assume that if someone was
25 intentionally selling to minors I could see that being

1 something that would be worthy of revocation. In our case it
2 was an accident, we discovered it, and we terminated the
3 employee who allowed it to happen, and formally disciplined
4 two others. So we take and took that extremely seriously and
5 did the best we could given the circumstances to ensure that
6 proper action was taken, it was properly and immediately
7 divulged to the State, and that we put in safeguards to
8 prevent that from happening in the future.

9 For example, the software that we use for our point
10 of sale software unfortunately doesn't allow for automatic
11 detection of under 21. And this was also at a point in time
12 where the current ID scanners that we use were not in effect.
13 So we've seen taken steps to ensure that that would not happen
14 again.

15 Q That was negligent, wasn't it?

16 MR. KOCH: Objection. Legal conclusion.

17 THE COURT: Overruled.

18 THE WITNESS: Yeah. I don't really know what you
19 mean by negligent. I mean, it was -- it was --

20 BY MR. CRISTALLI:

21 Q Well, you said it was accidental.

22 A I'm still speaking.

23 It was unfortunate, it was serious in terms of
24 something that we took very seriously. I was very alarmed
25 when I learned about this incident. It's definitely something

1 that is not consistent with who we are as a company. And
2 that's why we immediately performed an investigation, took
3 necessary action, and notified the State.

4 But, again, I have to remind you we're talking about
5 -- we're not talking about the party to this case here.
6 You're talking about a completely different entity. So I'm
7 not really sure where you're going with this.

8 Q Well, compliance -- in terms of a marijuana
9 establishment and compliance and what the State does in terms
10 of its regulation, none of that information was provided to
11 the Department of Taxation and the reviewers of the
12 application considering whether or not an applicant should be
13 approved or not; correct?

14 A As I said earlier, we're talking about a separate
15 entity, first and foremost.

16 Secondly, the Department has all of the compliance
17 history for the companies that I'm involved with. And so it
18 was unnecessary for me to provide something that they already
19 had.

20 And thirdly, it wasn't called for in the
21 application, so I'm not really sure what your point is.

22 Q Well, that is my point. It wasn't called for in the
23 application, was it?

24 A To my knowledge, no.

25 MR. CRISTALLI: Court's indulgence.

1 THE COURT: Mr. Bult, do you have any questions for
2 this witness?

3 MR. BULT: I don't, Your Honor.

4 THE COURT: Mr. Parker?

5 MR. PARKER: I do, Your Honor.

6 MR. CRISTALLI: I'll just follow up, Your Honor.

7 BY MR. CRISTALLI:

8 Q I had discussed with you the fact that MM had
9 provided information with regard to a specific location for
10 its application. I think I misspoke. Instead, it's Livfree.
11 Are you familiar with the fact that Livfree in fact provided
12 information specific to a location regarding a letter of
13 intent or purchase agreement in regard to its understanding of
14 the requirements about locations in a particular jurisdiction?

15 A I'm not familiar with their application.

16 MR. CRISTALLI: Court's indulgence.

17 No further questions, Your Honor.

18 THE COURT: Mr. Parker.

19 CROSS-EXAMINATION

20 BY MR. PARKER:

21 Q Good afternoon, Mr. Jolley.

22 A Good afternoon.

23 Q You mentioned several times the Listserv,
24 information on Listserv. Do you recall that?

25 A Yes.

1 Q All right. Is that a list that the DOT has that it
2 provides information to people in the industry maybe or people
3 wanting to get into the industry?

4 A I believe so, yes.

5 Q Did you receive information through this Listserv by
6 email, by letter, by telephone call, by text? How did you
7 receive information from the Listserv?

8 A Well, I think the Listserv by definition is an email
9 distribution system.

10 Q Did you keep all of those emails that you received
11 through Listserv?

12 A I don't recall offhand.

13 Q Do you know if that would be something that your
14 company keeps as a part of its document retention policy?

15 A I don't believe those informational types of emails
16 would be included in our document retention policy, but I'd
17 have to double check that.

18 Q Do you recall destroying or deleting any of those
19 emails?

20 A Not that I can recall off the top of my head. It
21 was a while back.

22 Q Have you produced any of those emails to your
23 counsel?

24 A I don't recall.

25 Q Has your -- has anyone else in your office, to your

1 knowledge, provided any Listserv information on your behalf to
2 your counsel?

3 A I am unaware of that.

4 (Pause in the proceedings)

5 MR. PARKER: Your Honor, I think we got an agreement
6 from the State that they'll get the Listserv information for
7 us.

8 THE COURT: Uh-huh. I heard that. Aren't they
9 cooperative with you, Mr. Parker.

10 MR. PARKER: You know, I really appreciate that.

11 THE COURT: Effusive, being very nice, polite.

12 MR. PARKER: Well, I'm in the same box, I think,
13 Your Honor.

14 BY MR. PARKER:

15 Q So do you recall or did you ever take a notice of
16 the industry folks on the Listserv publications or disclosures
17 or dissemination of information?

18 A Are you asking am I familiar with who was on the
19 Listserv?

20 Q Yes.

21 A Who was on the distribution list?

22 Q Yes.

23 A No. I don't believe that's public information. I
24 think that -- I think that, you know, the points of contact
25 for marijuana establishments are included, and then people can

1 voluntarily sign up for updates with the Department, as well.

2 Q So when you receive something through this Listserv
3 you don't by chance of a list of all the other recipients
4 receiving the information?

5 A I don't believe so. I think generally you just see
6 that it's from, you know, the Department, from the Listserv.
7 You don't see all the other recipients of the email. I think
8 that -- yeah.

9 Q So earlier today when you were speaking generally of
10 how this consensus among the applicants knowing this
11 information or that information it wasn't based upon your
12 review of the Listserv, because you don't know what applicants
13 or potential applicants received that Listserv information; is
14 that correct?

15 A Yeah. It was more to do with my involvement in the
16 industry, holding monthly meetings for the Nevada Dispensary
17 Association that, as I said earlier, represents a vast
18 majority of the owners, and my day-to-day involvement in the
19 industry.

20 Q So, for example, you never spoke with Mr. Hawkins
21 about information you received from Listserv?

22 A I don't recall speaking with Mr. Hawkins about that.

23 Q You don't recall speaking to Mr. Dave Thomas about
24 information received from the Listserv?

25 A No, not specifically.

1 Q Or Mr. Steve Menzie?

2 A Not specifically, no.

3 Q Or anyone affiliated with MM?

4 A No.

5 Q So the broad statements, the broad brush you were
6 painting with regarding there was no confusion in this
7 process, it was not based upon your review of the Listserv
8 information, because you don't know who or what companies
9 actually received the Listserv information; is that correct?

10 A I don't think anyone in the private sector, you
11 know, outside the Department itself, has access to the
12 recipients of the Listserv. I think that might be, you know,
13 a violation of the Department's policies. I would certainly
14 hope they wouldn't divulge my email address to the public.

15 But, as I said earlier, it was my job to stay up to
16 date with what was happening in the industry. I think I did a
17 very good job in our efforts to help further the industry and
18 help it operate successfully.

19 And so my statement was that if there was a general
20 confusion and all of these people were without communication
21 from the Department, I think I would have known about it. And
22 I simply don't recall anyone bringing up an issue with the
23 Listserv or not getting emails from the department.

24 Q Did you ask any questions of the DOT during the time
25 leading up to the submission of applications?

1 A I didn't have direct, you know, one-on-one
2 communication with them about the application. But, as I said
3 earlier, I was certainly involved with some of the -- well,
4 involved meaning attended some of the hearings that took place
5 and some of the discussions that were happening leading up to
6 the application process.

7 Q You said you had no direct communications.

8 A Well, meaning --

9 Q Did you have some indirect?

10 A Meaning one on one. So there were occasions where I
11 would ask either members of my team or our legal counsel for
12 their opinion or clarification on certain issues. But did
13 not, at least to the best of my knowledge, go back and, you
14 know, call up the Department and ask them, you know, specific
15 questions about the application.

16 Q Were you finished?

17 A Yeah, I was. Thank you.

18 Q Did anyone on behalf of your company, either Nevada
19 Organics or Henderson Organics, call and speak to anyone at
20 the DOT?

21 A They may have. I'm not -- I'm not sure.

22 Q Did you see any information come back in the form of
23 a Listserv promulgation or publication or disclosure answering
24 a question you may have had regarding the application process?

25 A That I may have had? Not that I can recall. There

1 may have been general communications where they had FAQs that
2 other -- you know, in cases where other people asked
3 questions, and they publish those. I know that they've done
4 that in the past.

5 Q So to the best of your knowledge you don't recall
6 any of the questions that you may have had or people within
7 your group may have had that were answered through a Listserv
8 dissemination?

9 A It may have occurred, but I can't recall any off the
10 top of my head.

11 Q Okay. Did you actually download or in some way pick
12 up the application that was used on behalf of Nevada Organics?

13 A I believe I did, yes.

14 Q And can you tell me how obtained that application.

15 A I don't recall. It may have been in an email
16 attachment.

17 Q All right. In an email attachment from whom?

18 A I don't know. It could have been the Listserv, it
19 could have been our attorney. I'm not -- I'm not sure exactly
20 how I received it.

21 Q You indicated that it was either ignorance or just
22 not being familiar with the application that someone could
23 have used an application different from the application Nevada
24 Organics used. Do you recall that general testimony?

25 A I don't think I used those specific words, but I can

1 certainly recall discussing it a few minutes ago, yes.

2 Q All right. Wouldn't you agree with me that if there
3 were more than one application that application would have
4 been created by the DOT?

5 A Yes.

6 Q All right. So to the extent there was any
7 confusion, the confusion was created by having more than one
8 application available for the applicants; is that correct?

9 A Well, look, I mean, you know, what if they had a
10 previous --

11 Q Let me -- let me stop you for a second, only because
12 I am very patient, I don't interrupt people. If I do, I
13 apologize.

14 A You just did.

15 THE COURT: Wait.

16 BY MR. PARKER:

17 Q But I interrupt you only because I didn't hear a yes
18 or no.

19 THE COURT: It's 4:25. I've got 20 minutes before
20 I'm breaking for the day. If you're not done, we return at
21 9:15 in the morning.

22 Mr. Parker, did you want to continue?

23 BY MR. PARKER:

24 Q That is a cue to me to let you answer regardless of
25 what you're about to say. Go right ahead.

1 MR. PARKER: Understood, Your Honor.

2 THE WITNESS: Please restate your question.

3 BY MR. PARKER:

4 Q The question is if there was confusion regarding the
5 application, that confusion was created by having more than
6 one available application for applicants to use. Isn't that
7 true, sir?

8 A I don't -- I don't know that I can say that
9 conclusively. What if someone was, you know, not paying
10 attention? What if they downloaded the wrong form even though
11 the headings could have been correct. There's any number of
12 hypothetical circumstances that could lead someone to, you
13 know, use the wrong application. So it's not, you know -- I
14 don't think that that was a common thing at the time in my
15 experience.

16 Q Well, you really don't have any foundation for the
17 opinion that it wasn't common, because you've never done a
18 survey or asked or performed a census to determine how many
19 people used one application versus another. Is that true?

20 A I personally conducted monthly NDA meetings with
21 owners and managers of the majority of dispensary owners in
22 the state every month before, during, and after the
23 application process. And I think if there was a general
24 confusion about which form of application to use, I would have
25 heard about it. And I didn't. And so that's what I'm --

1 that's the experience that I'm using when I say that I was
2 unaware of any mass confusion. There could have been isolated
3 instances in which somebody, you know, perhaps mistakenly used
4 the wrong one, forgot to download the new one, looked at an
5 old email, didn't check their email. I don't know. There's
6 any number of situations that could have caused that. But I
7 don't think it was a widespread issue.

8 Q Okay. That's fine. Let's not talk about widespread
9 or not widespread. The question is, which I believe is fairly
10 focused, if there was more than one application available for
11 applicants, would you agree with me that that confusion in
12 terms of which one was available or having two available would
13 have been created by the DOT?

14 A Not necessarily.

15 Q All right. So do you believe that there should have
16 been two applications available for applicants to use?

17 A No.

18 Q Or just one?

19 A One.

20 Q Good enough. And if there were two, who would have
21 created those two?

22 A If there were multiple drafts like, for example, an
23 old draft and a new draft --

24 Q No. Just two.

25 A -- they would have come -- both would have come from

1 the DOT.

2 Q Thank you.

3 You indicated during your examination by Mr. Kemp
4 that it was your understanding that you did not have to secure
5 -- and I tried to take verbatim notes -- did not need to
6 secure a location. Did you learn that through the application
7 process, or did you learn that through some type of
8 communication with the DOT?

9 A I learned that from the application itself and
10 through speaking with our internal team and our counsel about
11 that specific issue.

12 Q Now, why did you need to speak with your team if it
13 was clear on the application?

14 A Because I believe there was discussion earlier in
15 the process of making the location a requirement. That's
16 something that I led when we applied in 2014, and so I knew
17 that it would be a significant undertaking to secure
18 locations, and so it was an issue that I was very much
19 interested in. And it became obvious that that was not going
20 to be a requirement. And I believe it was clearly
21 communicated in an email from the Department, if I'm not
22 mistaken, going off of memory a couple years ago. But I
23 believe that was the case. Or a year ago.

24 Q So let me make sure we're clear. Email as a part of
25 a Listserv or a separate email to your company based upon that

1 question?

2 A No, not specific to our company. It would have been
3 an email, general, you know, broadcast Listserv-type email.

4 Q And you recall that being generated by the
5 Department of Taxation?

6 A It would have been, yes.

7 Q Do you recall the time period?

8 A No. And, again, I'm going off of my memory from a
9 year ago. But I certainly recall receiving the news that that
10 was not a requirement.

11 Q It was so clear in the application that they had to
12 send out an email to make it clearer. Is that what happened?

13 A Again, I'm going off of memory here, but I believe
14 that there was an email clarification sent out by the
15 Department clearly articulating certain changes that had been
16 made from the first draft to the second draft of the
17 application form, if I'm not -- if I'm not mistaken. And if I
18 recall, that was one of them, that the location issue was one
19 of the changes that was made explained in the email.

20 Q Do you recall who offered that document?

21 A No.

22 Q And do you remember the year?

23 A It would have been 2018.

24 Q Okay. Do you remember was it sometime between
25 September 8th and September 20th, or before September 8th?

1 A It would have been before September.

2 Q Do you remember specifically if it was part of a
3 Listserv dissemination?

4 A No. I would -- I would say that it probably was,
5 but I'd have to go back and, you know, refresh my memory.

6 Q Do you know if that email was in some way attended
7 to or attached or disseminated along with the application
8 sometime between September 8th and September 20th?

9 A I don't recall what date it was, to be honest.

10 Q If it was not a part of a Listserv, how would the
11 general public become aware of it?

12 A I stated that I believe it was part of the Listserv.

13 Q Okay. And let's ask it this way, then. If the
14 general public was not a part of the Listserv, how would the
15 general public receive it?

16 A You'd have to ask the Department. I don't know all
17 of the mechanisms they use to disseminate that information.

18 Q Did you prepare the applications, you personally
19 prepare the applications for the eight licenses that Nevada
20 Organics was attempting to obtain?

21 A I oversaw the process and wrote much of the content
22 myself and was intimately involved in every step, yes.

23 Q Do you remember how many Post Office boxes you used
24 for the eight -- out of the eight licenses?

25 A I don't think we used any Post Office boxes.

1 Q Do you fill out the annual list of members and
2 managers for your LLC?

3 A Personally, no.

4 Q Do you know who does?

5 A I don't.

6 Q Do you know if any of your -- and you said this two
7 different ways. Originally when Mr. Kemp asked you about your
8 human resource director and your purchasing director you
9 called them directors. Later on in his conversation you
10 changed them from directors to officers after we took a
11 restroom break or whatever we took. Do you know why you
12 changed the description from director to officer?

13 A Their title is -- for example, Kim Lester, her title
14 is director of Human Resources, okay. But if you look at our
15 application, which was an exhibit that we all looked at
16 earlier, we checked the box "officer." So I apologize if I
17 wasn't clear in how that was communicated. But we consider
18 her to be an officer of the company because she signs
19 contracts, she hires and fires, she has a tremendous amount of
20 authority within the company. And her title is director of
21 HR, okay. But, you know, she's not a board member, right, so,
22 you know --

23 Q Right.

24 A Sorry if I'm not explaining that, you know,
25 correctly. I'm not a legal expert on corporate law, but

1 that's my understanding.

2 Q Yeah. Those remarks are helpful.

3 So the statute calls for owners, officers, and board
4 members; is that correct?

5 A I believe so.

6 Q You understood that the statute didn't call for
7 directors; is that correct?

8 A I'm not sure that I recall that it specifically did
9 not call for that. You know, going off of memory here, but,
10 you know, it was our understanding that all owners, officers,
11 board members, et cetera, would need to be disclosed, and we
12 wanted to be very forthright about who is involved in the
13 company and how the company operates.

14 Q You would agree with me, however, that your director
15 of Human Resources and your director of Purchasing was not an
16 identified category under the application or the statute? The
17 statute doesn't say "director." Is that a fair statement?

18 A My interpretation of that form that says "officer"
19 to me connotes people who have tremendous authority to bind
20 the company in contract, that kind of thing. So that was our
21 intention in putting those folks on there.

22 Q And thank you for explaining your intention. I just
23 want to make sure that were on the same page. The word
24 "director" is not used in that part of the statute nor the
25 application. It says owners, officers, and board members. Is

1 that correct?

2 A I'd have to go back and read it, but --

3 MR. PARKER: Shane, can you put that back up. I
4 need 453D.218. Yeah. We can use Exhibit 5, I believe, or we
5 can use --

6 Can you pull up 127, page 12 and 13. I guess that's
7 the quickest way to get to it right now.

8 BY MR. PARKER:

9 Q So you see the top?

10 A Yes.

11 MR. PARKER: Can you highlight it for me, Shane.

12 BY MR. PARKER:

13 Q And I believe that's taken directly from Assembly
14 Bill 422, which says the same, "owners, officers, board
15 members." Do you see that?

16 A Yes.

17 Q All right. So there is no place for directors. So
18 the director of Human Resources wouldn't have a place in that
19 list, nor would the director of purchasing have a place in
20 that list; is that correct?

21 A We considered Courtney Barker to be an officer.

22 Q Let me ask it one more time. The word "director" is
23 not included here; is that correct?

24 A I don't see it.

25 Q All right. So you were simply inserting names based

1 upon the description you gave them at your office, which is
2 director of Human Resources, without some interpretation gave
3 me earlier. You would agree with me that your director of
4 Human Resources and your director of Purchasing wouldn't fit
5 under that -- either of those three categories?

6 MR. KOCH: Objection. Argumentative.

7 THE COURT: Overruled.

8 THE WITNESS: Yeah. We discussed this with our team
9 and our legal counsel and felt that we were doing -- we were
10 complying with the rules of the application to the best of our
11 ability.

12 BY MR. PARKER:

13 Q And that's fine. I'm not asking, you know,
14 necessarily what you discussed with your team. I'm simply
15 asking what we see on the board and the positions they held at
16 your office. They were not -- they were directors. Based on
17 your earlier testimony today they were not board members, they
18 were not officers, and they were not [unintelligible]; isn't
19 that correct? Without interpretation and discussion.

20 A They're officers, yeah.

21 Q That's your belief?

22 A Yep.

23 Q Now, when you -- you said you never did your annual
24 list?

25 A No.

1 Q Do you know what an annual list is?

2 A Generally.

3 Q Tell me what it is in your -- based upon your

4 understanding.

5 A It's a list of, you know, members of an LLC or

6 managers of an LLC that's filed with the Secretary of State.

7 Q Do you have any female owners -- I'm sorry, members

8 or managers? Not owners, but members or managers?

9 A Yes.

10 Q Who would be a female member?

11 A Liesl Sicz.

12 Q And who -- do you have any female managers?

13 A Managers of the LLC?

14 Q Yes.

15 A No. The managers I believe are Steve Byrne and

16 myself.

17 Q Do you have titles like president, vice president,

18 treasurer as a part of your LLC?

19 A We use, you know, CEO and director titles in our

20 company.

21 Q Okay. Who's the CEO?

22 A I am.'

23 Q Is there a deputy CEO or anyone -- who's next in

24 charge under the CEO?

25 A Director of operations.

1 Q Is that also a member?

2 A No.

3 Q Who is that?

4 A He's not an owner. Well, he's a shareholder. His
5 name is Brandon Wygand.

6 Q Did you list that person as a part of the ownership
7 of Nevada Organics?

8 A He's not an owner.

9 Q You said he's a shareholder.

10 A Well -- so he holds shares of what is now called
11 Green Growth Brands, GGB, previously Xanthic. And so in a
12 sense he, you know, owns shares of the company. But we
13 discussed that --

14 THE COURT: Sir, are shares equity?'

15 MR. PARKER: Good question. Very good question. I
16 was going there next.

17 THE COURT: Because I know the answer.

18 THE WITNESS: I believe so. So --

19 THE COURT: Okay.

20 THE WITNESS: -- my understanding is that, you know,
21 that's how the Department has chosen to handle disclosures of
22 publicly traded companies.

23 BY MR. PARKER:

24 Q So did you list -- strike that, because I want to
25 make sure we're on the same page here.

1 How many other shareholders did you have of Nevada
2 Organics prior to your submission of your application sometime
3 before September 20th of 2018?

4 A So GGB Nevada owned 95 percent prior to submission.
5 GGB Nevada was wholly owned by Xanthic Biopharma. Xanthic
6 Biopharma is a publicly traded company.

7 In addition to GGB Nevada the other owners of Nevada
8 Organic Remedies were myself, Steve Byrne, Darren Peterson,
9 Pat Byrne, and Liesl Sicz through her entity Harvest.

10 Q Okay. And did you list all of them?

11 A Yes.

12 Q All right. And you list their percentages?

13 A Yes.

14 Q All right. In terms of GGB did you list all of
15 their owners?

16 A The rule for publicly traded companies is to list
17 their board members and officers. Which we did. And we fully
18 disclosed that.

19 Q Where did that rule come from?

20 A That's always been my understanding how the
21 Department has operated, and I believe that's in the
22 application itself.

23 Q No, no. Tell me where -- if you can recall, where
24 in the application did that come from? We've looked at this
25 application now for many more days than any of us thought we'd

1 be here. So tell me where in the application you recall
2 seeing that.

3 THE COURT: And if you need us to bring the up to
4 refresh your memory, please let us know, and they will put it
5 up on the screen for you.

6 BY MR. PARKER:

7 Q Do you know where it is?

8 A Yeah. There's a portion that talks about board
9 members and officers.

10 MR. PARKER: So, Your Honor, can I give him --

11 THE COURT: Why don't you give him Exhibit 5.

12 MR. PARKER: I will get it for him.

13 THE COURT: Maybe 5A. I don't know which one's the
14 right one.

15 MR. SHEVORSKI: I think I know.

16 BY MR. PARKER:

17 Q Start 5 or 5A. And let me know when you get to the
18 point that you believe the rule is there, and I'll ask you
19 some questions on it.

20 THE COURT: You've got three minutes left, Mr.
21 Parker.

22 MR. PARKER: It may take him longer than that, Your
23 Honor.

24 THE COURT: It may. I'm just making sure everybody
25 understands.

1 MR. PARKER: And I appreciate what you said to me
2 earlier about --

3 THE COURT: You weren't the only one.

4 MR. PARKER: -- letting him answer.

5 THE COURT: You weren't the only one I said it to,
6 Mr. Parker.

7 MR. PARKER: That's right. You've also said, give a
8 person enough rope.

9 THE WITNESS: Okay.

10 BY MR. PARKER:

11 Q All right. Read it to me, please.

12 A Well, if you look at Attachment A, it discusses the
13 owners, officers, and board members of the marijuana
14 establishment. I don't see a -- well --

15 Q Tell me what page you're on.

16 A 22.

17 MR. PARKER: Page 22. Can you put that on the
18 screen for us all, Shane.

19 THE COURT: Is that the page you're on that's on the
20 monitor, sir?

21 THE WITNESS: Yeah.

22 THE COURT: Okay.

23 BY MR. PARKER:

24 Q Now, I don't see any exclusions here for owner.
25 It's shareholders and owners. Don't you have that

1 understanding?

2 A In the traditional sense I think when these rules
3 were put in place I don't think the Department contemplated
4 the logistical implications of publicly traded companies. MM
5 Development, for example, is a publicly traded company, a
6 plaintiff in this lawsuit. I could go on right now and buy
7 shares of their company; right? So it's impractical to
8 require someone who owns one share of MM to be listed here.
9 So my understanding -- and, you know, maybe it's been, you
10 know, so long that it's just become, you know, part of my
11 understanding, I can't tell you exactly right here as I sit
12 today where it came from. But the rule has always been as far
13 back as I can recall that for publicly traded companies, you
14 know, there's a certain threshold before having to be listed
15 or something like that.

16 THE COURT: So, we're going to break. It's 4:45.
17 I'll see you guys at 9:15.

18 MR. PARKER: Thank you so much, Your Honor.

19 (Court recessed at 4:45 p.m., until the following day,
20 Tuesday, June 11, 2019, at 9:15 a.m.)

21 * * * * *

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PLAINTIFFS' WITNESSES

| | | | | |
|---------------|---|---|---|---|
| Steve Gilbert | 5 | - | - | - |
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* * *

DEFENDANTS' WITNESSES

| | | | | |
|---------------|----|------------|---|---|
| Andrew Jolley | 16 | 54/158/201 | - | - |
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EXHIBITS

| <u>DESCRIPTION</u> | <u>ADMITTED</u> |
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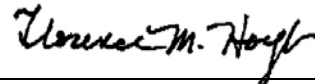
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

6/14/19

DATE

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

PLAINTIFFS' JOINT APPENDIX

VOLUME 22 OF 343

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¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |

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| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 306 | BENCH TRIAL - DAY 4 | 287 thru 288 | 7/22/2020 | 041364-041703 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 309 | BENCH TRIAL - DAY 5 | 290 thru 291 | 7/23/2020 | 041736-042068 |
| 310 | CIRCLE S FARMS LLC'S JOINDER TO CLEAR RIVER, LLC AND DEPARTMENT OF TAXATION'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINIST | 292 | 7/24/2020 | 042069-042071 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION | 292 | 7/24/2020 | 042072-042074 |

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| | TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | | | |
| 312 | BENCH TRIAL - DAY 6 | 293 thru 294 | 7/24/2020 | 042075-042381 |
| 313 | BENCH TRIAL - DAY 7 | 295 thru 296 | 7/27/2020 | 042382-042639 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 315 | BENCH TRIAL - DAY 8 | 298 thru 299 | 7/28/2020 | 042671-042934 |
| 316 | BENCH TRIAL - DAY 9 VOLUME I | 300 thru 301 | 7/29/2020 | 042935-043186 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 320 | BENCH TRIAL - DAY 10 | 303 thru 304 | 7/30/2020 | 043210-043450 |

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| 321 | BENCH TRIAL - DAY 11 | 305 | 7/31/2020 | 043451-043567 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 324 | BENCH TRIAL - DAY 12 | 307 thru 308 | 8/3/2020 | 043709-043965 |
| 325 | BENCH TRIAL - DAY 13 | 309 thru 310 | 8/4/2020 | 043966-044315 |
| 326 | BENCH TRIAL - DAY 14 | 311 thru 313 | 8/5/2020 | 044316-044687 |
| 327 | BENCH TRIAL - DAY 15 | 314 thru 316 | 8/6/2020 | 044688-045065 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 329 | BENCH TRIAL - DAY 16 | 318 thru 319 | 8/10/2020 | 045085-045316 |
| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITIES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 331 | BENCH TRIAL - DAY 17 | 321 thru 323 | 8/11/2020 | 045333-045697 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAINST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 333 | BENCH TRIAL - DAY 18 | 325 | 8/12/2020 | 045712-045877 |

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| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 342 | BENCH TRIAL - DAY 19 | 327 thru 328 | 8/17/2020 | 045940-046223 |

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| 343 | BENCH TRIAL - DAY 20 | 329 | 8/18/2020 | 046224-046355 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
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| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
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| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
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| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
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| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
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| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
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| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

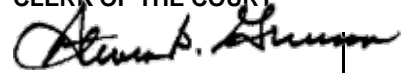
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND/OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

SERENITY WELLNESS CENTER LLC, .
et al. .

Plaintiffs .

CASE NO. A-19-786962-B

vs. .

STATE OF NEVADA DEPARTMENT OF .
TAXATION .

DEPT. NO. XI

Defendant .

**Transcript of
Proceedings**

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BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

EVIDENTIARY HEARING - DAY 6

MONDAY, JUNE 10, 2019

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFFS:

DOMINIC P. GENTILE, ESQ.
MICHAEL CRISTALLI, ESQ.
ROSS MILLER, ESQ.
WILLIAM KEMP, ESQ.
ADAM BULT, ESQ.
MAXIMILIEN FETAZ, ESQ.
THEODORE PARKER, ESQ.

FOR THE DEFENDANTS:

KETAN BHIRUD, ESQ.
STEVE SHEVORSKI, ESQ.
THERESA HAAR, ESQ.
RUSTY GRAF ESQ.
BRIGID HIGGINS, ESQ.
ERIC HONE, ESQ.
DAVID KOCH, ESQ.
ALINA SHELL, ESQ.
JARED KAHN, ESQ.
PHILIP HYMANSON, ESQ.
JOSEPH GUTIERREZ, ESQ.

1 LAS VEGAS, NEVADA, MONDAY, JUNE 10, 2019, 10:35 A.M.

2 (Court was called to order)

3 THE COURT: So, counsel, I have one housekeeping
4 matter. I was out of town last week speaking at the
5 Conference of the National Association of Certified Valuers
6 and Appraisers and received information that some flowers had
7 been delivered to my office.

8 MR. GENTILE: What?

9 THE COURT: Wait. I'm not done. Let me make my
10 disclosure. As you guys were leaving the other day I thanked
11 Mr. DiBella because I had been a client of his for his shop
12 for -- since 1986. So I was surprised that I received some
13 beautiful flowers, but I wasn't here to enjoy them. I have
14 marked the note that appears to be handwritten from the
15 DiBella folks. My staff, who enjoyed the flowers, will be
16 sending a thank you note to DiBella Florists.

17 MR. KOCH: The same flower that smiles today
18 tomorrow will be dying, Your Honor.

19 THE COURT: Well, you know, that's the problem with
20 flowers. But they look lovely. But I've made my disclosure.
21 They don't [unintelligible]. My staff loved them, so you guys
22 may get special treatment today, Mr. Gentile, from Dulce.
23 They're beautiful flowers. They did a great job, which is why
24 I've gone there for 30 years.

25 THE CLERK: Is this a Court exhibit?

1 THE COURT: Court Exhibit 1, Court's disclosure.
2 [Unintelligible] on something.
3 MR. SHEVORSKI: Yeah. Your Honor, may I please,
4 real quick?
5 THE COURT: You may.
6 MR. SHEVORSKI: So the parties have agreed to finish
7 the plaintiffs' side. I believe Mr. Parker has some questions
8 for Mr. Gilbert, and then we're going to go to Mr. Jolley to
9 accommodate his schedule, and then restart with State's
10 questioning, cross of Mr. Gilbert.
11 THE COURT: Everybody agree to that process?
12 MR. KEMP: Your Honor, I had three to five more
13 minutes of questions for Mr. Gilbert, and I told Mr. Parker
14 about that.
15 MR. PARKER: No, I have no objection.
16 THE COURT: Okay. So we're going to get Mr. Gilbert
17 up, ask him a few questions on the plaintiffs' side, finish up
18 with the plaintiffs' side. Before anybody else begins their
19 examination we're going to go to Mr. Jolley, finish Mr. Jolley
20 up, and then go back to Mr. Gilbert. So Mr. Gilbert can walk
21 to Starbucks or wherever he wants after we finish this first
22 group, if he's willing to go in and out of security again.
23 All right. Sir, come on back up. Since it's a new
24 day, we're going to swear you in.
25 //

1 STEVE GILBERT, PLAINTIFFS' WITNESS, SWORN

2 THE COURT: Guys, I need you to not talk, because
3 you screw up my record.

4 THE CLERK: Sir, please state --

5 THE COURT: Sorry. Some of you would want the
6 record in a few weeks when you go someplace else.

7 THE COURT: Sir, please state and spell your name
8 for the record.

9 THE WITNESS: Steve Gilbert, S-T-E-V-E
10 G-I-L-B-E-R-T.

11 DIRECT EXAMINATION (Continued)

12 BY MR. KEMP:

13 Q Good morning, Mr. Gilbert. One subject we didn't
14 talk about us distance separation. Is there a requirement
15 that dispensaries be a certain distance between certain types
16 of schools and community facilities?

17 A Yes, there is in the regulations.

18 Q Okay. In other words, they have to be a thousand
19 feet away from say a public school and 300 feet away from a
20 community facility like a church?

21 A Yes. I think that's correct.

22 Q Now -- and then to quote 453D.210(5)(c), quote, "The
23 property is not located within 1,000 feet of public school;"
24 and then (2) 300 feet of community facility." That's your
25 understanding of the law; right?

1 A Yes, it is.

2 Q Okay. Now, in a situation where you had an
3 application which didn't have a specific address, like a Post
4 Office box or a UPS box situation, how was it that the
5 Department could enforce that particular requirement?

6 A That requirement wasn't asked for or scored or
7 evaluated within the application during the criteria. So that
8 would be part of the conditional approval process within the
9 12 months after receiving the conditional.

10 Q So, in other words, you gave people the conditional
11 licenses on say December 6th; right?

12 A December 5th.

13 Q December 5th. And so sometime after that the State
14 would come in and make sure that the separation requirements
15 were met?

16 A Yeah, that's -- that's somewhat correct. So within
17 the 12 months each conditional licensee holder has a certain
18 number of steps to complete before they become operational,
19 and then they would come to us for a final inspection and show
20 us those licensings and zoning.

21 Q Okay. So let's say you get to the point of a final
22 inspection and you find out that someone has built a
23 dispensary, fully built it out within 300 feet of a school.
24 They don't get a license; right?

25 A In that case probably not.

1 Q In that location I mean.

2 A In that location if it's in violation of the zoning.

3 Q Okay. Even if they've spent tens of thousands or
4 even hundreds of thousands of dollars, if they're within
5 300 feet of a school, they don't get a license.

6 A And, again --

7 Q Excuse me. I said school. I meant 300 feet from a
8 church, 1,000 feet from a school.

9 A So in the situation like that upon the final
10 inspection through that 12-month process we would hope that
11 the applicant or the conditional licensee would be working
12 with us, we'd be able to consult him on it. But if we did run
13 into a situation like that, that would be something that would
14 be evaluated by my superiors before something would be revoked
15 or --

16 Q Well, there's nothing to evaluate, is there? It's
17 state law they have to be 300 feet away from a church and a
18 thousand feet -- there's nothing to evaluate.

19 A That's correct. Right.

20 Q Either they're within the 300 feet or a thousand
21 feet or they're not.

22 A But we would look at the situation, yes. But it is
23 -- that's what the law states.

24 Q Well, you say, we would look at it. You're implying
25 there's some discretion that you could give them a license

1 even if they were within 300 feet of a church? You could let
2 them move; right?

3 A Yes, we could let them move.

4 Q But you couldn't give them a license in a restricted
5 area?

6 A If they're in violation of regulations or the
7 statute, no.

8 Q Okay. Because that's a mandate from state law.
9 It's not optional.

10 A That's correct.

11 Q Okay. Now, as I understand, this is from the
12 legislature. Quote, "The distance must be measured from the
13 front door of the proposed marijuana establishment to the
14 closest point of the property line of a school, community
15 facility," and then it goes on, okay, unquote. Is that your
16 understanding?

17 A Yes, it is.

18 Q So if we have a school or a church, we take the
19 property it's on and we find the closest point to the
20 marijuana facility will measure 300 feet. If it's a church,
21 300 feet; right?

22 A Yes.

23 Q And there's nothing new about this 300 foot. It's
24 been in the statute for years; right?

25 A Yeah. Through the medical days.

1 Q Okay. So let me see if I -- if I see exactly how
2 this works, okay. Let's see if we can make so everyone can
3 see it. Okay.

4 Now, I'm assuming that we have a building here --

5 THE COURT: So where is this information from?

6 MR. KEMP: This is just a drawing to illustrate --

7 THE COURT: This is your hypothetical situation?

8 MR. KEMP: Yes, Your Honor, this is hypothetical.

9 THE COURT: Okay. Just making sure.

10 MR. KEMP: I'll probably mark this for the record
11 when we're done.

12 THE COURT: Lovely.

13 BY MR. KEMP:

14 Q Okay. So let's assume we have three parcels ont
15 other side of the street. Are you with me so far, Mr.
16 Gilbert.

17 A Okay.

18 Q Then we have the street, and then -- I'm just trying
19 to figure out where the forbidden area is, all right. So
20 Parcel Number 3 in Building 3 we have a community facility
21 like a daycare or church, okay. Okay? You got me so far?

22 A Yes.

23 Q And so we would go to the corner of the property
24 line and we would measure 300 feet radius, right --

25 A Yes, sir.

1 Q -- and if the building -- or, excuse me, the front
2 door I think is what the statute says. If the front door is
3 within that 300-foot radius, you can't have a dispensary
4 there; right?

5 A That's correct.

6 Q And in this case Building Number 2 in my example is
7 all within the 300-foot radius; right?

8 A Looks to be in the hypothetical, yes.

9 Q But we could have a dispensary in Building Number 1,
10 because that's over 300 feet in this example; right?

11 A Is that the same parcel of land, just two buildings
12 on the parcels?

13 Q Well, it doesn't really matter if it's the same
14 parcel, because for the dispensary you measure from the front
15 door. You don't measure from the parcel.

16 A That'd be great.

17 Q So Building 1 is okay, but Building Number 2 is
18 illegal; right?

19 A Yeah, based on the drawing that would be correct.

20 Q Okay. Now, I don't know if you're familiar with
21 what they do with taverns, but when someone applies for a
22 tavern there's a distance separation requirement from other
23 taverns. Are you familiar with that in general?

24 A No, I'm not.

25 Q Okay. When they apply for taverns they have

1 professional surveyors fill out portions of the application,
2 like Horizon Surveyor, and they have to certify that this
3 proposed tavern location is X number of feet away from any
4 existing tavern. Are you kind of familiar with that?

5 A Yes.

6 Q Okay. Is there any type of requirement that the DOT
7 has that an applicant has to prove that a dispensary is over a
8 thousand feet from a public school and 300 feet from the
9 property line of a church?

10 A Yes, there is. Part of conditional steps that they
11 need to complete within the 12 months is to supply the
12 professional zoning, a zoning approval from the local
13 jurisdiction.

14 Q Okay. Well, you're not relying on the City of
15 Pahrump and Nye County and places like that to enforce the
16 State's separation requirement, are you?

17 A No, we're not. We will look at the separation
18 requirements and compare them to ours.

19 Q You look at it independently, the DOT does?

20 A Yes.

21 Q So, for example, if the City of Las Vegas just
22 didn't pick up on the fact that they were within 300 feet of a
23 church, that doesn't matter, because they're still in
24 violation of state law; right?

25 A That's correct.

1 Q So if we had a hypothetical case like I'm talking
2 about right here, where say the City of Las Vegas approved
3 this, if the DOT finds that you're within 300 feet of the
4 property line of Parcel 3, the building's within 300 feet,
5 that's it, illegal dispensary; right?

6 A Potentially, yes. Yes.

7 Q Well, you keep saying potentially. I mean, this is
8 pretty black and white, isn't it?

9 A If it is in violation of the statute, we would -- or
10 the regulation, we would investigate and see the
11 circumstances.

12 Q Okay. And how is that usually brought to the DOT's
13 attention? Does the church complain about it, does someone in
14 the community complain about it?

15 A I don't recall in my experience getting a complaint
16 for that. Maybe years ago in the medical days it might have
17 been questioned. But I don't recall getting a complaint in
18 the most recent years.

19 Q Okay. I'm glad you brought that up. This
20 separation is both for medical and recreational; right?

21 A Yes, it is.

22 MR. KEMP: Okay. Thank you.

23 THE COURT: Mr. Parker.

24 And then were going to suspend this witness and go
25 to Mr. Jolley; correct?

1 (Pause in the proceedings)

2 MR. PARKER: Your Honor, the --

3 MR. KOCH: I think Mr. Bult had questions after Mr.

4 Parker, but I may be -- I don't want to cut him off.

5 THE COURT: Did you?

6 MR. BULT: No. I think he may cover them. If I

7 have one or two, it's fine.

8 THE COURT: So you'll wave at me if you'd like to

9 ask questions? Because looking over there I didn't see you

10 getting up. Sorry.

11 MR. BULT: No. It's fine.

12 MR. PARKER: Your Honor, I'm going to be here for a

13 little while with Mr. Gilbert. I don't know what Mr. Jolley's

14 time constraints are.

15 MR. KOCH: Yeah. I thought you said a few questions

16 based on last Friday, but --

17 MR. PARKER: No, no. I --

18 THE COURT: So if Mr. Parker's not a few

19 questions --

20 MR. PARKER: I had the whole week and a weekend to

21 be able to prepare for this gentleman, so --

22 THE COURT: All right. Mr. Parker, sit down.

23 Sir, I'm going to let you go get some coffee or

24 something.

25 How long the Mr. Jolley so I can tell Mr. Gilbert

1 when to come back?

2 MR. KOCH: I think my direct will be less than an
3 hour for sure, and then depending upon cross.

4 THE COURT: So hour and a half or so. Go visits
5 Starbucks, walk around. I wouldn't go back to the Washington
6 -- the office.

7 THE WITNESS: Okay.

8 THE COURT: You'll never get back here.

9 THE WITNESS: Yes, Your Honor.

10 THE COURT: All right. So we're going to suspend
11 Mr. Gilbert while we do Mr. Jolley, and then resume. Because
12 Mr. --

13 MR. KEMP: Your Honor, I forgot to mark the exhibit.

14 THE COURT: Would you like to mark it as
15 Demonstrative next in order?

16 MR. KEMP: I would, Your Honor.

17 THE CLERK: That'll be D3. D, demonstrative. It's
18 my codes so that I know what it is. The Ds don't go back to
19 the jury.

20 MR. PARKER: Your Honor, while he's doing that I
21 have I have been able to avoid the 17th, so if the Court wants
22 to use the 17th, I'm available on the 17th.

23 THE COURT: Okay. So far it's booked today and
24 tomorrow.

25 MR. SHEVORSKI: 17 is fine with the State, Your

1 Honor.

2 THE COURT: Dan was talking about booking something
3 when you guys hadn't. So let's see what he booked. He booked
4 a settlement conference all day on the 17th. But I have time
5 later in that week.

6 MR. KOCH: I think we talked the 18th and 19th for
7 our case, Your Honor. Can I call Mr. Jolley now?

8 THE COURT: Yes, you may.

9 So do you want me to book the 18th and 19th before
10 Dan gives them away to somebody else? Everybody okay coming
11 on the 18th and 19th? Anybody have a problem with the 18th or
12 19th?

13 MR. SHEVORSKI: It's fine with the State, Your
14 Honor.

15 MR. GENTILE: I have one, but I also have other
16 lawyers that are here, so I could -- we'll deal with it.

17 THE COURT: So we're going to book the 18th and
18 19th. Don't let Dan set anything else.

19 ANDREW JOLLEY, DEFENDANTS' WITNESS, SWORN

20 THE CLERK: Thank you. Please be seated. Could you
21 please state and spell your name for the record.

22 THE WITNESS: Andrew Jolley, A-N-D-R-E-W
23 J-O-L-L-E-Y.

24 THE COURT: Sir, there's a pitcher of water there,
25 there's M&Ms in the dispenser, then there's a ton of exhibits

1 counsel may refer you to.

2 MR. KOCH: Just a couple, hopefully.

3 DIRECT EXAMINATION

4 BY MR. KOCH:

5 Q Mr. Jolley, are you involved in the business of
6 marijuana?

7 A Yes.

8 Q When did you first become involved?

9 A Started looking at it in 2013, applied for licenses
10 in '14, opened in '15.

11 Q And prior to that time frame what line of work were
12 you in?

13 A Commercial real estate investments mostly.

14 Q And tell us what -- how you first became involved.
15 How'd you learn of it, and what was the steps that were made
16 to become involved in the business of marijuana?

17 A Believed in the medical benefits of marijuana for
18 quite some time, and also believed that it should be
19 legalized, but I didn't really consider getting into the
20 industry until Nevada passed its laws in the summer of 2013
21 allowing the industry to be commercialized and to issue
22 licenses. I felt that myself and business partner and others
23 would be compelling applicants, and so we applied in 2014 for
24 medical licenses.

25 Q What was the entity that applied for that license?

1 A Nevada Organic Remedies and Henderson Organic
2 Remedies.

3 Q All right. And so you submitted an application in
4 2014. Were you successful in obtaining a license?

5 A Yes.

6 Q And how many licenses were obtained?

7 A We were awarded a production license for Nevada
8 Organic Remedies cultivation and dispensary, and we were also
9 separately awarded a dispensary license for Henderson Organic
10 Remedies, another entity that I am the owner of.

11 Q All right. And after award of that license did you
12 -- did Nevada Organic Remedies move forward and actually open
13 a location?

14 A Yes.

15 Q When did that location open?

16 A Our cultivation opened in October of '15, our
17 production in December of '15, and our dispensary opened on
18 December 10th of 2015.

19 Q What was your role with respect to the operation of
20 those establishments?

21 A Owner and CEO.

22 Q Okay. Were you familiar with the processes and
23 regulations that apply to those establishments?

24 A Yes.

25 Q And other than your direct involvement with your

1 specific dispensaries or cultivation locations were you
2 involved personally in the industry itself outside of your
3 business?

4 A Yes. I was involved in the industry in a number of
5 different ways. I was one of the founding members of the
6 Nevada Dispensary Association. I was a board member, and then
7 I became the president of the NDA, a position that I held for
8 three years. I also helped out in the Question 2 campaign and
9 a couple of other panels and boards that I've been a part of.

10 Q Nevada Dispensary Association. That's been
11 mentioned a few times during the course of this hearing. Can
12 you tell us a little bit more about that organization. What
13 was its purpose?

14 A Sure. The Nevada Dispensary Association was formed
15 actually after Clark County held its special use permit
16 hearings and business license hearings in early 2014. We were
17 a part of that. And then that organization ultimately became
18 the preeminent industry association for the state of Nevada.
19 We during my tenure as president represented well over
20 90 percent of dispensary owners in the state and were involved
21 in, you know, a lot of different regulatory discussions,
22 community involvement, you know, a lot of different facets of
23 representing the best interests of the community and the
24 industry.

25 Q When you say the NDA represented 90 percent or more

1 of dispensaries what does that mean exactly? Do they have to
2 join, or did you force them to join?

3 A No. So that means that they voluntarily joined the
4 organization, signed our bylaws, and paid dues.

5 Q Were any of the -- you looked at plaintiff parties
6 that are part of this case here?

7 A Yes.

8 Q Were any of those entities part of the NDA during
9 your time that you were on the board?

10 A I believe all or the majority of them were, yes.

11 Q And you served as a board member and as president of
12 that organization?

13 A Initially as a board member, and then became
14 president when that seat was vacated.

15 Q Okay. When did you become president, if you recall?

16 A I believe it was early 2016. There was a president
17 who served for a short term, and then when he left I was asked
18 to run for president by several members of the Association.

19 Q Yeah. And you ran and you apparently were elected
20 as president? Was there actually an election?

21 A Very prestigious, a very tight race. No. I --
22 yeah, several members approached me, including the former
23 president -- two former presidents, and asked me to run, and I
24 reluctantly did that because I felt like I could add some
25 value.

1 Q Okay. Who were the former presidents that asked you
2 to run?

3 A Neil Tomlinson was the first president, an attorney
4 here in town, and he stepped down, and Shane Terry was the
5 president for just a couple of months, and he ended up leaving
6 the company that he was leading, and so when he stepped down
7 from his position with that company he also stepped down from
8 the president of the NDA.

9 Q All right. You said you became president in 2016.
10 During the time you were president did the NDA work on the
11 initiative Question 2 that you referenced?

12 A The NDA didn't get involved directly, but because of
13 my involvement in the industry generally I was asked to be a
14 part of the Question 2 team, if you will. And I cared about
15 it a lot, and so I ended up becoming very involved in the
16 campaign.

17 Q Okay. And so you were aware of what Question 2 was
18 proposing?

19 A Yes. Generally, yes.

20 Q Okay. What did you understand the purpose of that
21 initiative to be?

22 A Question 2 was a ballot initiative proposing to make
23 marijuana recreationally available in the state of Nevada for
24 adults. It provided provisions that would essentially double
25 the number of dispensary licenses in the state. Where there

1 were 60-something, 63, 64 medical only dispensaries, Question
2 2 allowed for essentially a doubling of those licenses
3 allocated by population to various jurisdictions throughout
4 the state. It allowed for adults over the age of 21 to
5 purchase limited quantities of marijuana and marijuana
6 products from licensed dispensaries throughout the state. And
7 several other provisions. But that's generally what the
8 purpose was.

9 Q All right. Question 2 passed, we know. After
10 Question 2 passed were you involved personally with any
11 further steps to sort of implement Question 2?

12 A So the Nevada Dispensary Association has been and
13 was asked to be involved before, during, and after the passage
14 of Question 2 intimately, worked very closely with the State
15 and, of course, with owners and other stakeholders in the
16 community, law enforcement, et cetera, to be very thoughtful
17 and careful about how Question 2 was implemented, the
18 regulations surrounding Question 2. In addition to that I was
19 asked to be on a couple of different panels, one for Clark
20 County, the Green Ribbon Panel, and I was asked to be on a
21 working group for the Governor's Task Force for the
22 implementation of Question 2, the recreational program.

23 Q All right. That Task Force, we've heard some
24 testimony about that previously. What was your specific role?
25 You were on the working group. What did you do?

1 A I was on the working group for the retail
2 subcommittee, so the committee that I was on, I don't remember
3 exactly how many members there were, eight or twelve, in that
4 range. We were tasked with coming up with recommendations for
5 the regulations regarding dispensaries under the recreational
6 program. So everything from, you know, application to
7 operation to marketing to, you know, inventory controls and
8 other operational issues.

9 Q Okay. Let's have you turn -- we're looking for
10 Exhibit 2009, find the binder.

11 MR. KOCH: If I could approach, Your Honor.

12 THE COURT: You may.

13 (Pause in the proceedings)

14 BY MR. KOCH:

15 Q Exhibit 2009 has been identified previously as the
16 Task Force report that was prepared, final report May 2017.
17 Have you seen this report before?

18 A Yes.

19 Q All right. Ask you just about a couple of the
20 recommendations that were there. If you could turn to page
21 2515, Bates Number 2515.

22 A Okay.

23 Q And that should be titled Application Licensing
24 Requirements. You see that?

25 A Yes.]

1 Q Going to ask you about the recommendation under the
2 Application Process section, which says, "The Task Force
3 recommends that the qualifications for licensure of a
4 marijuana establishment in the impartial numerically scored
5 bidding process for retail marijuana stores be maintained as
6 in the medical marijuana program."

7 First let's stop there. Was there some carryover
8 from medical marijuana with respect to the application process
9 for recreation that you're aware?

10 A Yes. There's quite a bit of overlap.

11 Q Okay. And then it goes on to say, "Except for a
12 change in how local jurisdictions participate in the selection
13 of locations, the Department of Taxation should rank the
14 applicants based on applicants' qualifications without respect
15 to the planned location of their business. The local
16 government should be responsible for working with the rank
17 list of applicants prepared by the Department of Taxation to
18 determine acceptable locations based on requirements within
19 the respective jurisdiction."

20 Were you aware of that recommendation?

21 A Yes.

22 Q Was that something that was discussed among Task
23 Force members?

24 A Yes.

25 Q What was the purpose of that recommendation as you

1 understood it?

2 A It was to improve upon the previous process, which
3 was very problematic with respect to location selection. So
4 back in 2014 on the medical program there was a requirement to
5 have the location identified and secured, owned or leased, in
6 order to submit an application. Not only that, but certain
7 jurisdictions, like Clark County, for example, actually issued
8 special use permits to applicants prior to when the State went
9 through its competitive application scoring process which
10 occurred -- came out in November of '14.

11 So that created a lot of confusion in the community.
12 There were something like 500 applications in 2014 for 60-
13 something licenses, and so the requirement to have an
14 applicant secure a location prior to applying created a lot of
15 collateral damage in the community. As you can imagine, you
16 had almost 80 or 90 percent of the locations that were secured
17 went unused, essentially. And so in order to avoid that same
18 problem there was a recommendation made here and ultimately
19 carried out by the Department not to make a location selection
20 a requirement to apply. It's simply inefficient, it was
21 problematic, and created a lot of headaches for people.

22 Now, being in the real estate industry, it was an
23 advantage to me, because we own shopping centers and we were
24 able to secure locations. But if you look at totality of what
25 happened in 2014, there was a lot of problems with requiring

1 applicants to secure a location prior to applying. You had so
2 many people go out and sign a lease or in some cases even buy
3 buildings, and those applicants ultimately didn't -- many of
4 them did not get a license from the State, and so it led to a
5 lot of inefficiency problems, even lawsuits and other issues
6 with that.

7 So this, in my opinion, was an effort to learn from
8 that past mistake in 2014 and improve upon it and essentially
9 allow the State to decide who gets the license and for the
10 local jurisdictions to decide where those licenses would go.
11 Which is how it's done for many other industries and other
12 examples.

13 Q And let me ask. Was this issue or this change, was
14 this known in the industry, to the extent you know?

15 A Everyone that I talked to, and keep in mind, I
16 talked to a lot of people, was aware of this and supported it.

17 MR. CRISTALLI: Objection. Calls for speculation.

18 THE COURT: Overruled.

19 THE WITNESS: In my experience everyone that I
20 talked to knew about it and, not only that, was in favor of
21 it, because of the past problems that were encountered in
22 2014.

23 BY MR. KOCH:

24 Q I read the regulations more generally. Did you
25 participate at all with respect to the Department and its

1 process for drafting and adopting regulations?

2 A Well, I was certainly aware of the process and kept
3 close tabs on the process and attended many hearings. And so
4 in that respect I was certainly aware of the regulatory
5 process.

6 Q What type of hearings were held on the regulations?

7 A Well, any time there are new regulations adopted
8 there's a requirement to have public hearings and take public
9 comment. But not only that, stepping back even before the
10 regulations were adopted the Task Force met under a public --
11 open meeting rules, and so there was public comment during
12 each of the Task Force meetings. There was, you know, public
13 comment regarding temporary regulations. There was public
14 comment on hearings regarding the permanent regulations. So
15 there were several steps along the way in which people could
16 have voiced their concerns or opinions about the regulations
17 and more specifically, the application process itself.

18 Q All right. And if someone had an objection to a
19 proposed regulation brought up to Task Force, would that
20 objection would be considered by the Task Force?

21 A Well, I guess it would depend on what you mean by
22 considered. But, yeah, there were certainly many
23 opportunities for industry people, owners, operators, and the
24 public to comment on the proposed recommendations from the
25 Task Force, but also the actual regulations that were

1 ultimately promulgated.

2 Q And you said you attended some of the public
3 hearings on the regulations?

4 A Yes.

5 Q You said temporary regulations. Were there
6 temporary regulations that were adopted at some point?

7 A So Question 2 passed in November of 2016. It called
8 for the recreational program, if I remember correctly, to be
9 operational by 2018. But piggybacking off of what other
10 states had done, Nevada decided to actually start allowing
11 recreational sales in advance of that deadline, and that was
12 through a program called Early Start. And I believe in order
13 to get the Early Start Program up and running, which allowed
14 for recreational sales to take place essentially under the
15 medical regime starting in July 1st of 2017, I believe that
16 there were some temporary regulations that were put in place
17 to support that effort.

18 Q Did NOR or Nevada Organic Remedies -- did it apply
19 to open under the Early Start Program?

20 A Yes.

21 Q In most of the industry, as far as you're aware of,
22 apply to be open under the Early Start Program?

23 A Most dispensaries applied and pursued -- applied for
24 and pursued the Early Start Program. Not all either qualified
25 or could get their affairs in order to actually do that, but

1 as far as I can recall, the vast majority did apply for that.

2 Q So not everyone that applied actually got a license
3 under Early Start?

4 A Well, there were certain conditions that had to be
5 met. And, you know, looking back there were at least one
6 dispensary that I'm familiar with, possibly multiple who
7 simply were not in a position to comply with all the
8 requirements to be open on July 1 for the Early Start Program.

9 Q And then let's move forward to the -- closer to the
10 time frame we're talking about specifically here in the 2018
11 application process. Were you aware that final regulations
12 were adopted by the Department of Taxation at some point?

13 A Yes.

14 Q And do you know when those were adopted?

15 A I believe final regulations were adopted in early
16 2018, maybe July of '18.

17 Q Were those regulations promulgated to the industry?

18 A Absolutely. Everyone was made aware of them through
19 various means, the lists are through public publication, et
20 cetera.

21 Q Ask about that for a second. The Listserv you've
22 mentioned, what is that?

23 A Starting back in 2014 the Department at that time
24 DPBH, The Department of Public and Behavioral Health, who
25 administered the medical marijuana program, started the

1 Listserv, which has continued ever since that time, which is
2 essentially a email distribution list to keep industry folks,
3 as well as anyone who wants to, up to speed on what is
4 happening with the medical and now recreational programs. The
5 State also requires each medical and recreational marijuana
6 licensee to have a designated point of contact, which includes
7 an email address specifically so the Department can keep
8 abreast of what's going on.

9 Q All right. And did NOR receive communications
10 through that Listserv?

11 A Yeah. We have many people in our company who are on
12 that Listserv distribution list.

13 Q And were there communications in 2018 to that
14 Listserv about the application process for recreational
15 marijuana licenses?

16 A There were several communications, emails regarding
17 the application process, not only in '18, but starting in '17.

18 Q Okay. So did you feel like you were aware of the
19 process and how it would be carried out?

20 A Yes, I believe anyone and everyone who is part of
21 the industry was aware of the process and what was going on,
22 and I certainly was.

23 Q Were you aware that applications would be sought or
24 received by the Department to open -- to receive an additional
25 recreational marijuana license?

1 A Yes.

2 Q Okay. And did NOR start working on applications to
3 submit for that process?

4 A We started months and months in advance, yes.

5 Q How far in advance of when the applications were due
6 did NOR start?

7 A I guess in a way we started preparing our
8 application after Question 2 was passed. I mean, we -- you
9 know, based on the language and the ballot initiative we knew
10 it would be a competitive application process, and we made
11 certain assumptions about the types of information the
12 Department would seek in evaluating applications. And so we
13 spoke with legal counsel and met internally very early on,
14 meaning, you know, end of '16 through '17 and into '18.
15 Started laying the groundwork for a compelling application and
16 spent significant amount of time and energy putting the pieces
17 in place to be a good applicant, a good applicant meaning an
18 applicant that we thought would be compelling for the State
19 and its review of what we knew would be hundreds and hundreds
20 of applications.

21 Q Did you ever consider just resubmitting your medical
22 application that you filed in 2014?

23 A I never considered that. We had people that, you
24 know, brought that up, you know, can we leverage the hundreds
25 and hundreds of pages of documents that we wrote and put

1 together from 2014, but I knew that wouldn't be enough. The
2 industry had changed, the world had changed from 2014 to 2018.
3 In 2014 no one in Nevada had experienced running a regulated
4 marijuana company. By 2018 it was already a very competitive
5 industry. And I take nothing for granted, and so we made a
6 concerted effort as early as possible to start laying the
7 groundwork for a compelling application.

8 Q How many people did NOR have work on its
9 applications?

10 A I was primarily responsible for it, beginning to
11 end. But we had dozens of people inside and outside the
12 company working on various aspects of the application. So we
13 hired counsel who has a team of people to help with that, but
14 we also enlisted the help of several people inside the company
15 and a few consultants, as well, to help us prepare the
16 application.

17 Q Do you have an estimate of how much actual time, how
18 many hours were spent to prepare those applications?

19 A So we started doing meetings and conference calls
20 probably in the summer of 2017. And so between the time we
21 started actively having meetings and working on aspects of the
22 application until it was submitted in September of '18, I
23 would only guess that there were thousands of man hours spent
24 and, you know, considerable financial investment, as well,
25 preparing an application that we were proud of and that we

1 felt represented our collective efforts as a company.

2 Q How long was the application that NOR submitted, how
3 many pages?

4 A I don't remember the exact number of pages, but it
5 was in the thousands, you know, it was well over 1200 pages.

6 Q One of the issues in this case is the question of
7 whether multiple applications would be submitted or whether
8 one application would be submitted for multiple jurisdictions.
9 What did NOR do with respect to preparation of one or more
10 applications?

11 A Well, that was a good question, because we didn't
12 know how the State would accept applications. We didn't know
13 early, early on whether or not you had to submit a separate
14 application for each jurisdiction for which you were applying
15 or if there would be one application that could be submitted
16 for multiple jurisdictions. It ended up being the case that
17 the State decided that only one application was required, and
18 then you would essentially check the boxes for the various
19 jurisdictions that you wanted to apply for. And the fees
20 would then be adjusted according to the number of
21 jurisdictions for which you're applying.

22 Q And so it sounds like NOR did not actually prepare
23 from start to finish a separate application for each
24 jurisdiction, is that right?

25 A No, we did not. We prepared a single application

1 that we felt would meet the requirements for the State and
2 apply in all those various jurisdictions and then essentially
3 selected the various jurisdictions that we wanted to apply in
4 which I believe were eight.

5 Q Does it surprise you that NOR received essentially
6 the same score in each of the jurisdictions for which an
7 application was submitted?

8 A No, because it was the same application. Everyone
9 knew that, and it shouldn't be a surprise to anybody. But I
10 believe our scores did vary slightly if I'm not mistaking.

11 Q How slightly, do you know?

12 A I don't remember, but it was a very small amount.
13 And when I inquired about that and discussed it with our team
14 and with our counsel I think we ultimately theorized that it
15 had to do with how the size of the proposed marijuana facility
16 might meet the needs of the community, because the size of a
17 community and the needs of the community may be different for
18 the different jurisdictions for which we are applying. And so
19 we theorized that that could have had an impact on the slight
20 variance in our score. But essentially we received the same
21 score.

22 MR. CRISTALLI: Objection. That calls for
23 speculation.

24 THE COURT: Overruled.

25 //

1 BY MR. KOCH:

2 Q And you've actually reviewed the scores that NOR
3 received for each jurisdiction?

4 A Yes.

5 Q Those scores, are they all within a point or so of
6 each other?

7 A I believe so, yes.

8 Q So when we say a slight variance, less than a point?

9 A I actually don't remember, but it's very minimal.

10 Q And did NOR submit its application in a timely
11 fashion?

12 A Yes.

13 Q There's been some question in this case regarding
14 the disclosure of ownership as part of the application. And
15 currently are there other owners than you and the original
16 owners of NOR?

17 A Yes.

18 MR. KOCH: Exhibit 5026. If I can approach, again.

19 THE CLERK: That's proposed.

20 THE WITNESS: Proposed?

21 THE COURT: So can we take it down. Is there a
22 stipulation of 5026?

23 MR. CRISTALLI: Haven't seen it.

24 MR. KOCH: It's the transcript letter.

25 THE COURT: Hold on a second, sir.

1 MR. KOCH: All right. No objection. Move to admit
2 5026, and also 5025 while we're at it.

3 THE COURT: Any objection to 5025, 5026?

4 MR. KEMP: No, Your Honor.

5 THE COURT: They'll be admitted.

6 (Defendants' Exhibits 5025 and 5026 admitted)

7 MR. CRISTALLI: No, Your Honor.

8 THE COURT: Okay. Now you can display it. Thank
9 you.

10 BY MR. KOCH:

11 Q All right. It's the last one in there. And, Mr.
12 Jolley, Exhibit 5026, can you tell us what this is.

13 A This is a letter from the Department of Taxation
14 dated August 20th, 2018, to Amanda Connor on behalf of Nevada
15 Organic Remedies.

16 Q And Amanda Connor, what was her role with respect to
17 Nevada Organic Remedies?

18 A Legal counsel.

19 Q Okay. And the subject is MME Ownership Change. Was
20 Nevada Organic Remedies going through an ownership change at
21 that point in time?

22 A Yes.

23 Q And can you describe for us what you understood this
24 letter to be.

25 A Sure. Earlier in the year we had decided to sell a

1 portion of the company to a group called Green Growth Brands,
2 GGB. And so this letter is confirming that the State had
3 reviewed and approved that ownership change and lists the
4 entities and individuals related to each entity that
5 constitute the owners of Nevada Organic Remedies.

6 Q Okay. There's an entity named GGB Nevada LLC, and
7 then below that, Xanthic Biopharma Inc. What are those
8 entities and their relationship to Nevada Organic Remedies?

9 A So GGB Nevada LLC was acquiring a 95 percent
10 ownership of Nevada Organic Remedies. GGB Nevada LLC is
11 wholly owned by Xanthic Biopharma Inc., which has board
12 members and officers listed below that.

13 Q Okay. And we turn to the next page. There are
14 other individuals listed there, yourself, Stephen Byrne,
15 Patrick Byrne, Harvest Dispensaries and Liesl Sicz and Darren
16 Peterson. What was their role with respect to Nevada Organic
17 Remedies?

18 A These five individuals were the original owners of
19 Nevada Organic Remedies who were in place in 2014. And it was
20 these five individuals who were selling a portion of the
21 company to Green Growth Brands, to GGB Nevada.

22 Q And that letter, as of the time it was written, did
23 that accurately depict the ownership structure of Nevada
24 Organic Remedies?

25 A Yes.

1 Q Let's turn to the prior exhibit, 5025. Can you tell
2 us what this document is, it's -- well, go ahead and tell us
3 what you understand this to be.

4 A So 5025 is a section of the application submitted in
5 September of 2018, 5.2.10.1, organizational charts, which is
6 responsive to part of the application regarding owners,
7 officers, board members, et cetera of the company.

8 Q Let's turn to the second page of that document,
9 which is Bates Number 1427. And there's a chart up there. If
10 you could tell us what this chart depicts, please.

11 A Sure. This is a chart that describes the owners of
12 Nevada Organic Remedies, their respective ownership
13 percentages and the case of Xanthic Biopharma, a publicly
14 traded company, the board members and officers of that
15 company.

16 Q And then down below it says, "Nevada Organic
17 Remedies LLC officers." Who are they?

18 A So these are the people that -- the executives that
19 actually run Nevada Organic Remedies. So we felt that it was
20 important to provide thorough and accurate representation of
21 the applicant, Nevada Organic Remedies and who owns and runs
22 the company.

23 Q So was it disclosed to the Department of Taxation as
24 part of NOR's application, the owners, officers, and board
25 members of the entity?

1 A Yes, it's throughout the entire application. I
2 think there's -- I counted at least four cases of this
3 disclosure just in this section alone.

4 Q And to the individuals listed there, did they obtain
5 agent cards?

6 A The individuals, yes.

7 Q And what's the purpose of an agent card as you
8 understand it?

9 A Both the medical and recreational programs require
10 that owners and officers and employees of a medical marijuana
11 or a recreational marijuana facility obtain an agent card
12 before -- as part of its approval process. And that is a way
13 for the State to essentially monitor who is involved in the
14 industry, make sure they can pass a background check. And
15 it's part of the regulatory regime for overseeing the program.

16 Q All right. Let me have you turn to -- a few more
17 pages in, Bates Number 1435. Can you tell us what this part
18 of the document depicts.

19 A So we wanted to provide some detail as to who the
20 owners of the company are. And so we included, you know,
21 small pictures, head shots, name, title and role briefly
22 describing who all of the individuals are affiliated with the
23 company.

24 Q And did NOR list every shareholder? Xanthic was a
25 public company -- NOR list every shareholder of Xanthic?

1 A No, I don't believe that was a requirement.

2 Q Let's look at, same binder, should be Exhibit 5023.
3 And Exhibit 5023 is titled "Licensed entity, owners, officers,
4 board members as of May 1st, 2019." Do you know if the
5 Department kept a list of owners, officer, and board members
6 of each licensed entity?

7 A Yes, I believe it does.

8 Q And if we look in this document there aren't Bates
9 numbers, but we're going to look alphabetically to find Nevada
10 Organic Remedies, which is about halfway through. Let me know
11 when you get there.

12 A Yep, I've found it.

13 Q All right. So the first indication that I see of
14 Nevada Organic Remedies --

15 MR. KOCH: Actually, Brian, if you could go up one.
16 Yeah, there we go.

17 BY MR. KOCH:

18 Q It's right under Nevada Natural Medicines, and it
19 says, "T56" to the left of that. Do you know what that
20 indicates, the T56?

21 A That could be our application number. It just says,
22 "ID" at the top of the column.

23 Q Okay. And listed here, it says, "Distributor for
24 the license type." Did NOR have a distributor license?

25 A Yes.

1 Q Okay. And it lists a number of individuals there in
2 the T56 as owners, officers, and board members; is that right?

3 A Yes.

4 Q Did NOR try to keep the Department up to date with
5 respect to who was an owner, officer, or board member of the
6 company?

7 A Yes, we're required to. And we have made every
8 effort to do that, yes.

9 Q If that changed, would NOR update the Department?

10 A Absolutely.

11 Q Okay. Let's turn a couple more pages in. We're
12 going to go to the ID that appear to be associated with the
13 application in this case, [unintelligible] RD215. Let me know
14 when you're there.

15 A Okay.

16 Q All right. So we have RD215 -- actually let me --
17 if I could first point you down to the bottom of that page
18 216. Do you see that?

19 A Yes.

20 Q And on 216 you're listed first as an owner/officer.
21 Do you see that?

22 A Yes.

23 Q Was that accurate that you were an owner/officer of
24 Nevada Organic Remedies for the retail dispensary license in
25 Las Vegas?

1 A Yes.

2 Q And it continues on to the next page. There's a
3 number of individuals on RD216 including Patrick Byrne and
4 Stephen Byrne at the top of that page. Do you see that?

5 A Yes.

6 Q And those, also, were owners and officers with
7 respect to 216?

8 A Yes, that's correct.

9 Q Okay. One of the questions that I had is on -- if
10 we go back to 215, right above that, there's a number of
11 individuals listed again for Unincorporated Clark County.
12 Patrick Byrne is the first one listed there, and I didn't see
13 your name or Steve Byrne. Do you know why you're not on
14 there?

15 A I'm not sure. This is -- I didn't prepare this
16 list. I believe this is the State's list that they publish.
17 But I don't know why we wouldn't be. I think we were listed
18 on all the other Nevada Organic Remedies sections.

19 Q And you and Steve Byrne were listed on the
20 application for all the licenses, all the applications that
21 were submitted to the Department; is that right?

22 A The ownership was the same for every application
23 that we applied for. I don't know why -- if we were excluded,
24 I don't know why that would have been the case. It may have
25 been a clerical error, I'm not sure.

1 Q If fact if we go look at RD217 on the following
2 page, again. You're listed there as an owner/officer for
3 North Las Vegas; is that right?

4 A RD217?

5 Q Right. On the following page.

6 A Yes.

7 Q And RD218, also? Next page.

8 A Yes, that's correct. Yeah.

9 Q So as far as you're aware, you did provide that list
10 of names of owners and officers to the State; is that right?

11 A Yes. We provided a complete and accurate list of
12 all owners of Nevada Organic Remedies.

13 Q And the LLC itself, who are the managers of Nevada
14 Organic Remedies LLC listed with the Secretary of State?

15 A I believe myself and Steve Byrne.

16 Q Why didn't you just list yourself and Steve Byrne in
17 the application?

18 A I don't think that was what the application was
19 calling for. I believe the application was asking just like
20 in our ownership transfer letter that we had received from the
21 State a full and accurate listing of all owners and board
22 members and officers, as well.

23 Q All right. After NOR submitted its application to
24 the Department what happened between then and December of
25 2018, as far as your application, any communication, what was

1 that period of time like for NOR?

2 A Well, it was business as usual for us. We were just
3 operating the business. There was nothing to do regarding the
4 applications themselves. We didn't have any direct
5 communication with anyone that was, you know, scoring the
6 applications or reviewing them as far as I know.

7 Q Did you call -- did you know who the evaluators were
8 that were hired by the Department?

9 A No.

10 Q Did you talk to any of the evaluators during that
11 period of time?

12 A No.

13 Q Did you speak to any of the Department employees
14 with respect to the status of NOR's application during that
15 period of time?

16 A No.

17 MR. PARKER: I'm sorry. What period of time was
18 that again?

19 MR. KOCH: The time the application was submitted
20 until the awards or decisions were made in December of 2018.

21 MR. PARKER: Thank you very much.

22 BY MR. KOCH:

23 Q One of the issues that's been raised as part of a
24 motion in this case is compliance. What does compliance mean
25 to you in the context of this industry?

1 A We have about 256 pages of regulations that we are
2 required to comply with. And so we're a highly regulated
3 industry. And so, you know, a big part of running a marijuana
4 company here in the State of Nevada is understanding and
5 complying with those regulations, something we take very
6 seriously.

7 Q And when Mr. Ritter was here he testified about what
8 he called a deficiency. What's a deficiency in this industry?

9 A Deficiency is when the Department finds that a
10 licensee is not in compliance with certain aspects of the
11 regulations, and they issue a formal letter stating what those
12 deficiencies are.

13 Q Has NOR ever received a deficiency letter?

14 A Yes, I believe everyone in the industry has received
15 deficiencies.

16 Q And when NOR receives a deficiency letter does it
17 take steps to respond to it?

18 A Absolutely. So we're required to respond to a
19 letter of deficiency within a certain number of days, I
20 believe it's 10 days. And, yes, we've always done that and
21 always sought to comply with all regulations.

22 Q There's been one allegation made in this case about
23 NOR making a sale of marijuana to an individual who was
24 underage. Are you aware of that allegation?

25 A Yes. But I believe it was actually Henderson

1 Organic Remedies, not Nevada Organic Remedies, a sister
2 company, if you will. Another entity that I'm also an owner
3 of.

4 Q Okay. Was there an issue with a sale of marijuana
5 to an individual who was underage that you're aware of?

6 A Yes.

7 Q Okay. And what happened after that issue? Well,
8 how did NOR -- HOR become aware of that issue?

9 A So there was an incident where we were conducting an
10 internal audit to make sure we were following all of the
11 regulations, and we discovered that we had made a sale to
12 someone who I believe may have been 19 or 20 years of age, so
13 not the 21 years required. Under the medical program, you
14 know, you can have a medical card if you're under that age,
15 but under the recreational program you're required to be 21
16 years or older to purchase.

17 We uncovered that one of our employees had
18 accidentally checked in someone who was under the age of 21.
19 We caught that, we found it out, we did an internal
20 investigation to understand why that happened. And then we
21 disclosed that voluntarily to the State letting them know what
22 our course of correction was. In this specific case I believe
23 we terminated the employee who accidentally allowed that
24 person who was under the age of 21 to purchase products. And
25 we reprimanded -- officially reprimanded, you know, through

1 written sanctioned two other employees that were involved in
2 the transaction.

3 Q And so you self reported that transaction; is that
4 right?

5 A Yes, we self reported it.

6 Q And did the Department respond to your self report?

7 A Yes, they did.

8 Q And do you know how they responded?

9 A I don't remember exactly, but I think that they
10 acknowledged the plan of correction that we submitted along
11 with the self reporting of the incident.

12 Q And is this the only time that you've had a
13 discussion or communication with the Department about
14 correcting an incident and a plan of correction?

15 A No, that's part of any deficiency. In this case we
16 weren't issued a deficiency because we discovered the issue
17 before the State did. But in a normal situation, let's say
18 the State came in and performed an audit and found, for
19 example, a box sitting on the floor when it should be elevated
20 off the floor a certain number of inches, you know, in those
21 cases we have always responded within the designated required
22 time frame with a plan of correction.

23 Q All right. And are you aware of any of the
24 companies either that are parties to this case or that operate
25 in the industry who have operated since 2014 without a

1 deficiency?

2 A I'm not aware of a single company that has operated
3 without a deficiency.

4 MR. CRISTALLI: Objection. Calls for speculation.

5 THE COURT: Overruled.

6 BY MR. KOCH:

7 Q Let's pick your knowledge about the process the
8 Department used. You were generally aware of the process the
9 Department used to receive and score the applications?

10 A Yes. We knew that was forthcoming after Question 2
11 passed and the State made certain announcements along the way
12 leading up to the application process itself. But, yes, I was
13 aware of that.

14 Q Were there any improprieties or anything that you
15 believe was done wrong by the Department through the course of
16 that process?

17 A Not that I'm aware of.

18 MR. CRISTALLI: Objection. Speculation.

19 THE COURT: Overruled.

20 BY MR. KOCH:

21 Q Anything you might have done differently if you were
22 running the process?

23 A Well, I think it's easy to Monday morning
24 quarterback lots of things, especially when you look at the
25 context, right, you have a State that had only a couple years

1 previously implemented what is not almost a billion-dollar
2 industry from nothing, right. And these were not folks who
3 had experience regulating marijuana programs before. First it
4 was the Department of Health, and then later the Department of
5 Taxation.

6 So, yeah, I think we can all sit back and nitpick
7 certain things that could have been approved upon. But
8 overall I think the Department did a phenomenal job of
9 communicating its intentions following the ballot initiative,
10 implementing regulations that are responsive to the directives
11 and the ballot initiative. They provided ample opportunities
12 for public comment and feedback from the industry itself. I
13 don't recall a single individual in this room or among the
14 plaintiffs who stood up at any of the hearings and criticized
15 this application process or called into question or who made
16 significant criticisms of the application process.

17 Everyone knew that it would be essentially a blind
18 point score, and those who scored the highest would get the
19 highest number of licenses. We could have argued at that time
20 if that was the fair thing to do or a way to maximize the
21 distribution of licensees, but that's not what happened.
22 Everyone, the State, the public, and the industry itself was
23 aware of how these licenses would be allocated, and I don't
24 recall any significant debate about that leading up to the
25 application process itself.

1 Q One of the issues specifically talked about quite a
2 bit here is the diversity component of the scoring. Were you
3 aware the diversity to be one of the issues that were -- one
4 of the items that was part of the grading process?

5 A Yes.

6 Q All right. Did anyone at those public hearings
7 otherwise object to diversity being part of the process?

8 A There was some discussion about diversity.
9 Diversity was not a requirement in the original medical
10 program. And several legislators in the state wanted to
11 include diversity going forward, and so I believe that was
12 added to the medical program as a criteria for the allocation
13 of future applications under the medical program. And so,
14 yes, there was some discussion during -- that would have been
15 the 2015 I believe legislative session about diversity and
16 maybe even the '17, as well.

17 But I don't recall any significant debate in the
18 promulgation of the regulations about diversity with the
19 industry, and I don't recall any significant debate, at all
20 really, when the application itself came out. No one stood
21 up, as far as I can recall, and said, hey, this is a problem
22 or this scoring rubric is messed up or I have an issue with
23 this. I just don't remember any of that.

24 Q One of the other criticisms that's been levied, is
25 it certain of the criteria on that directly demonstratively

1 related to the operation of the marijuana establishment. Did
2 anyone object that a certain criteria was listed was not
3 directly and demonstratively related to the operation of the
4 marijuana establishment?

5 A Well, I think it was clear that the State was
6 looking for people who had experience running a marijuana
7 establishment. In fact, the only people who could apply for
8 the recreational licenses were people who had already had a
9 medical license. And so it was clearly understood in my
10 opinion that the State was looking for experienced operators.
11 But I do not recall anyone standing up and saying that -- or
12 complaining that the application did not specifically call for
13 experience, I mean I think it was understood. I know in our
14 case we made every effort to leverage and to taunt and to, you
15 know, use our significant experience as an operator here in
16 the state throughout all aspects of the application.

17 Q All right. You said, "taunt." Did you mean to say
18 taut?

19 A Taut. Thank you very much.

20 Q Okay. If there's any taunting going on I was --

21 THE COURT: I was wondering, the way they were
22 talking it's like a sports game.

23 THE WITNESS: Maybe that's some foreshadowing of the
24 next people who are going to ask me questions. No, I'm just
25 kidding. Yeah, thank you for correcting that.

1 BY MR. KOCH:

2 Q All right. Let's just talk for a moment about what
3 happens if an injunction were granted here. What's your
4 understanding as far as NOR's obligation to open an
5 establishment with its conditional license?

6 A So we applied for eight licenses and we were awarded
7 seven. Part of the requirement is that we have one year from
8 the time the licenses were -- the provisional licenses were
9 awarded to get open. And so we're halfway through that right
10 now, right. And I think the plaintiffs in this case know
11 that, and I think their tactics to delay and --

12 MR. CRISTALLI: Objection.

13 THE COURT: Overruled.

14 THE WITNESS: -- stall that are apparent. So we are
15 under a tight time frame to get these new locations open. And
16 so we would absolutely incur a tremendous amount of harm if we
17 are further delayed in getting them open. And unfortunately,
18 local jurisdictions throughout the state are looking at this
19 case, and they are -- they have decided to delay processing
20 zoning applications and other necessary steps to get these
21 facilities open because of the wild speculation that has been
22 spread through these proceedings and the people involved.

23 BY MR. KOCH:

24 Q There's let's say an exception or maybe a carve-out
25 within that time period and the problems promulgated saying if

1 there are extenuating circumstances that time period may be
2 extended. Have you had any discussions with the Department or
3 anyone else about extending that period for extenuating
4 circumstances?

5 A I haven't personally had any discussions with the
6 Department about that issue. My hope is that they consider
7 this case and what the local municipalities have done in
8 extenuating circumstance, but to date there's nothing that I'm
9 aware of that's in writing guaranteeing that. So as far as I
10 am concerned, in the way that we're running our business,
11 we're not taking anything for granted. We're assuming that
12 the State's deadline still stands.

13 Q What needs to happen between now and December 4th,
14 2019, in order to get a final approval and inspection to be
15 able to open those establishments?

16 A Well, you would have to secure a location that met
17 all of the separation requirements that were discussed
18 previously. You'd have to go through local zoning approval.
19 You'd have to get a local business license. You's have to get
20 the facility built out and inspected by the Department in
21 order to begin operations.

22 Q So within the next six months you'd have to do all
23 of those things?

24 A Correct.

25 MR. KOCH: No further questions.

1 THE COURT: So, sir, before I turn you over to the
2 plaintiffs, the transaction between you and your original
3 founding parties with GGB Nevada, was that an all-cash
4 transaction?

5 THE WITNESS: No.

6 THE COURT: How much stock did you get as a result
7 of that transaction?

8 THE WITNESS: The transaction was 95 percent cash
9 and 5 percent stock.

10 THE COURT: So how many shares, or if it's easier,
11 what percentage of shares do you own in Xanthic Biopharma?

12 THE WITNESS: The short answer is I don't know. The
13 more lengthy explanation is that I'm a significant shareholder
14 of Xanthic/GGB. They changed their name from Xanthic to GGB,
15 Green Growth Brands. So I may refer to those interchangeably.
16 We are in the process of selling our Henderson license to the
17 same entity, and that's set to close at the end of this month.
18 When that closes I know that I will be one of the largest
19 shareholders in the company.

20 THE COURT: And when you say significant, and I'm
21 not talking about the future closing, only the one right now,
22 what is your percentage of the publicly traded entity?

23 THE WITNESS: I would guess around 1 percent, but I
24 could be off a little bit on that.

25 THE COURT: So you think you only own 1 percent of

1 the publicly traded entity?

2 THE WITNESS: Uh-huh.

3 THE COURT: Who owns the majority interest of that?

4 THE WITNESS: Who does?

5 THE COURT: Yep.

6 THE WITNESS: The largest shareholder I believe is

7 the Schottenstein family.

8 THE COURT: And how much do they own percentage

9 wise?

10 THE WITNESS: I believe it's around 30 percent.

11 THE COURT: Okay. Thank you.

12 THE WITNESS: You're welcome.

13 THE COURT: We have about 15 minutes, Mr. Kemp. If

14 you'd like to start.

15 MR. KEMP: We might as well get started, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. KEMP:

18 Q Good morning, Mr. Jolley.

19 A Good morning.

20 Q Now when I say NOR, will you understand that to be

21 Nevada Organic Remedies?

22 A Yes.

23 Q And rather than say HOR for Henderson Organic

24 Remedies, I think I'll just say it out in full, okay?

25 A I know where you're going with that, and that's --

1 Q Yeah, you've had that problem before?

2 A That's fine with me, although I've used both --

3 Q Okay.

4 A -- terms.

5 Q Now basically Nevada Organic Remedies got an 8 for

6 its diverse grading; right?

7 A As far as I recall.

8 Q Eight out of 20, which means in the eyes of the

9 graders you were 40 percent diverse?

10 A I'm not sure I can answer that.

11 Q Okay. And as the Judge mentioned, Xanthic's, a big

12 public Canadian public company?

13 A I don't know what you mean by big.

14 Q Well, it's over a billion-dollar company; right?

15 A I'm not sure if that's true.

16 Q Okay. Does it strike you as odd that a billion-

17 dollar Canadian public company wind up with an 8 or 40 percent

18 diversity rating?

19 A Well, A, you're using the word "big" again, and I

20 don't know what that really means. I don't think they're a

21 billion-dollar company. And, B, no, I don't personally find

22 that odd.

23 Q You don't find that offensive that a big Canadian

24 public company got a relatively high diversity rating of 8?

25 MR. KOCH: Objection. Argumentative.

1 THE COURT: Overruled.

2 THE WITNESS: Offensive?

3 BY MR. KEMP:

4 Q Yeah, offensive to minorities and women. You don't
5 find that offensive?

6 A We put together a very compelling application, and
7 I'm proud of the score that we received. We put -- with
8 respect to diversity, we were as accurate and thorough and
9 complete as possible in our application, and we didn't know --

10 Q If you were so --

11 THE COURT: Wait. You've got to let him finish, Mr.
12 Kemp.

13 BY MR. KEMP:

14 Q Go ahead.

15 A We did not know precisely that would be scored. We
16 didn't know the rubric, we didn't know exactly -- so how it
17 would turn out, we just put down on paper, you know, our best
18 effort that accurately represented the owners, board members,
19 and officers of the company, and that's where it shook out.

20 Q Well, actually what you did is you put the director
21 of human resources on your application as an owner, officer,
22 and board member; didn't you, a woman?

23 A Nope. I don't think that's correct.

24 Q Okay. Are you aware that she was rated for
25 diversity, she was part of your diversity rating? Are you

1 aware of that?

2 A Who are you talking about?

3 Q Okay. Why don't we get to it, and I'll show you
4 your exact diversity rating and what people were included and
5 not included, okay? And you tell me if you think someone
6 shouldn't have been included or if someone should have been
7 included, all right? First though, would you agree with me in
8 general that NOR's an LLC; right?

9 A That's correct.

10 Q Would you agree with me in general that the DOT
11 should have treated all the LLC applicants the same with
12 regards to how they graded diversity?

13 MR. KOCH: Objection. Legal conclusion,
14 speculation.

15 THE COURT: Overruled.

16 THE WITNESS: You're asking me to speculate on how
17 the Department graded applications, and I'm not --
18 BY MR. KEMP:

19 Q I'm not asking you how they graded --

20 A -- in a position to do that.

21 Q -- it.

22 THE COURT: Wait.

23 THE WITNESS: I'm still answering your question.

24 THE COURT: Guys, one at a time. Mr. Kemp, you've
25 got to let him finish.

1 MR. KEMP: Okay.

2 THE COURT: Sir, could you finish your answer. The
3 question was, should they have treated all LLCs the same?

4 THE WITNESS: You're asking me a technical question
5 about how the Department graded applications, and I don't
6 think I'm in a position to do that.

7 BY MR. KEMP

8 Q So you think it would be fair that they would give
9 you some special treatment that they didn't give to other
10 applicants, that's what you think --

11 MR. KOCH: Objection. Lacks --

12 THE COURT: Overruled.

13 THE WITNESS: Special treatment.

14 BY MR. KEMP:

15 Q Right.

16 A I don't know where that is coming from, but I don't
17 believe that we were deserving of any special treatment. I
18 believe that we put our best foot forward following the
19 guidelines of the application. We put together a thorough,
20 honest, complete and accurate application and we got the score
21 that we got.

22 Q Well, it's not fair to grade one LLC one way and
23 grade another LLC that's similarly situated another way;
24 right? That wouldn't be fair; would it?

25 A You are asking me to speculate about other

1 applications that I have no knowledge of. That's a ridiculous
2 question --

3 Q Oh, I'm going to show you some, sir.

4 A I'm still answering your question. I think it's
5 ridiculous for you to ask me a hypothetical to compare our
6 application with others when I haven't reviewed anyone else's
7 application.

8 Q I'm asking you --

9 A Nor was I in the position to be the one grading
10 those applications.

11 Q I'm asking --

12 A We put forth our most accurate, complete application
13 and we got the score that we got.

14 Q Did you expect that the Department of Transportation
15 would --

16 THE COURT: Taxation.

17 BY MR. KEMP:

18 Q Taxation would grade LLCs in the same fashion with
19 regards to diversity as opposed to grading some one way and
20 some the other way. Did you expect that?

21 MR. KOCH: Objection. Speculation.

22 THE COURT: Overruled.

23 THE WITNESS: The Department put forth an
24 application with a scoring rubric with certain requirements,
25 and it was my expectation that the Department would grade

1 those fairly across the board. And not only that, but a large
2 portion of the application itself was non-identified. So to
3 me that signified the Department's commitment to grading and
4 scoring these applications in an unbiased fair manner. And I
5 now know that they hired independent consultants to help do
6 that, to minimize the impact of having the regulators who
7 oversee the program, who have interaction with the applicants,
8 to minimize any potential bias there.

9 So from what I could tell, the Department absolutely
10 intended to be impartial in their evaluation of these
11 applications, and from where I sit today it seems like they
12 did a reasonable job of doing that.

13 THE COURT: Sir, can I ask the question slightly
14 different. Did you expect that they would apply consistent
15 standards in their grading to all LLCs?

16 THE WITNESS: Yes.

17 THE COURT: Okay. Thank you.

18 THE WITNESS: You're welcome.

19 BY MR. KEMP:

20 Q And that includes LLCs that were owned by public
21 companies. You expected them to provide the same standards?

22 A I guess I can repeat myself over and over and over
23 again, but I just --

24 Q Why don't you repeat the answer you gave to the
25 Judge, the yes or no answer.

1 A I'm going to give the answer that I am comfortable
2 with.

3 Q Well, no, you're actually required --

4 THE COURT: Mr. Kemp. Mr. Kemp, let him finish. I
5 want to give everybody in this courtroom as much time as they
6 need, under reasonable circumstances, to answer the questions.
7 And if it's not yes or no and he needs to explain, that's
8 great, we'll sit here and wait.

9 MR. KEMP: I'm fine with that, Your Honor.

10 THE COURT: But I just want one person talking at a
11 time, so later my record's going to be okay for whoever's
12 going to review this.

13 MR. KEMP: Okay. I'm not taking responsibility
14 though if he goes longer than today.

15 THE COURT: I know. I understand.

16 MR. KEMP: Okay.

17 THE COURT: Okay.

18 BY MR. KEMP:

19 Q Go ahead. The question was whether or not you
20 expected the Department to grade diversity the same for LLCs
21 with parent corporations? Yes, you did, no, you didn't, or
22 you can give your explanation or both. Go ahead.

23 A I expected the Department to be impartial and fair
24 for all applicants.

25 Q So that's a yes answer to my question?

1 A Would you like me to repeat what I just said?

2 Q No. I'd like you to tell me if that's a yes answer
3 to my question.

4 A You keep, you know --

5 Q I keep asking --

6 A -- asking questions in such a way that is forcing me
7 to agree with what you -- with the conclusion you'd like me to
8 come to, but I'm expressing my answer in a way that I'm
9 comfortable with.

10 Q That's what I'm supposed to do, Mr. Jolley. I'm
11 supposed to ask the question that way.

12 A Fair enough.

13 Q Okay.

14 A Well, good luck with that.

15 Q Let's try one more time. Would you agree with me
16 that you expected that the Department would grade LLCs equally
17 on the diversity portion with regards to public ownership?

18 A I expected the Department to evaluate all applicants
19 equally and with the same standards and rules.

20 Q Okay. Let me give you a hypothetical. Let's assume
21 that a company known as GreenMart, NLB LLC, was owned by CSX
22 and CSX was owned by a Canadian public company known as MPX.
23 You've heard of MPX; right?

24 A Yes.

25 Q Big player in the cannabis industry?

1 A You like using the word "big." I don't know what
2 you mean by that.

3 Q They have a lot of assets.

4 A What do you mean by a lot? I don't know, it's all
5 relative.

6 Q They're worth over \$200 million.

7 A I don't know.

8 Q Okay. All right. Would you agree with me that the
9 Department should have used the same approach to grading
10 diversity given that MPX was an owner of GreenMart LLC as they
11 did for NOR and Xanthic, should have done the same approach?

12 A I'm not familiar with their application. I'm not
13 familiar with their corporate structure, but I would expect
14 the Department to apply the rules consistently among
15 applicants.

16 Q Okay. And let me show you who GreenMart put in as
17 owners, officers, and directors.

18 MR. KEMP: Can I have my first slide, Shane.

19 BY MR. KEMP:

20 Q We've seen this before. I don't know if you've seen
21 it before, but they put in Elizabeth Stavola. You know her;
22 right?

23 A Yes.

24 Q She's a pretty, I won't use the word big,
25 significant player in the cannabis industry?

1 A I would say that.

2 Q Okay. And the gentleman under her, that's Mr.
3 Boyes?

4 A Is that a question?

5 Q Do you see Mr. Boyes there?

6 A Yes.

7 Q Again, he's also a significant player in the
8 cannabis industry?

9 A I'm not as familiar with Mr. Boyes.

10 Q Okay. So GreenMart and then these other eight
11 people, these are an advisory board that the LLC formed. We
12 had had one of them testify. I just want you to assume that
13 it's an advisory board, okay, of the LLC. Assuming for the
14 sake of argument that the Department graded just these people
15 for diversity for GreenMart and did not grade the owners,
16 officers, and board members of MPX, they would have been doing
17 something different than what was done in your case; right?

18 MR. KOCH: Objection. Speculation.

19 THE COURT: Overruled.

20 THE WITNESS: I'm not sure.

21 BY MR. KEMP:

22 Q Okay. Well, you would agree me that it should be
23 the same one way or the other, either they should grade all
24 the parent companies, officers, directors, and owners for
25 diversity for all applicants or they should not do it for all

1 applicants. Should be the same one way or the other; right?

2 A Again, you're asking me to comment on --

3 Q I'm asking you to -- go ahead.

4 A -- comment on the content of one's application. You
5 could have similar corporate structures among applicants, but
6 if you, you know, one applicant may present the information
7 differently, and so I can't speculate on what they did on
8 their application. I don't know. All I can say, like I said
9 many times already, is that I would expect the Department to
10 be fair in how it applies its rules.

11 Q Okay. So if GreenMart was owned by MPX, to do it
12 the same way you did it the applicants should have disclosed
13 the officers and directors of the public company, to do it the
14 way you did it?

15 A I think every applicant should be thorough and
16 accurate in its disclosures in its application.

17 Q Okay. And by that you mean that GreenMart should
18 have disclosed the owners and directors of the public
19 corporation, like you did, in their application. That should
20 have been done; right?

21 A I think each applicant had the responsibility to
22 provide thorough and accurate information on their
23 application.

24 Q Well, why did you include --

25 THE COURT: Mr. Graf, did you have an objection or

1 are you hanging out to kibitz?

2 MR. GRAF: Your Honor, I do have an objection. I
3 object to the silhouette of Shelby Brown as being the way that
4 it's indicated. That is a man. It's clearly not indicated as
5 a man, and I find it offensive.

6 THE COURT: Okay.

7 MR. GRAF: And I want to make sure the record's
8 clear that I objected to it.

9 THE COURT: And that was to the demonstrative slide
10 that --

11 MR. GRAF: Yep.

12 THE COURT: -- is on the viewer. Okay.

13 MR. GRAF: Thank you, Your Honor.

14 THE COURT: All right. You can continue. But we're
15 going to break after this next answer.

16 BY MR. KEMP:

17 Q Okay. Back to the question. The reason that you
18 included the officers and directors of the public company
19 Xanthic, that owned NOR, is because you understood that was
20 required; correct?

21 A We made every effort to be honest and accurate and
22 complete in our application.

23 Q You thought it was required in the application;
24 right?

25 A We made every effort to be thorough and accurate and

1 complete in our application and follow the rules in the
2 application.

3 THE COURT: All right. So we're going to take our
4 break now for lunch. This is not a requested recess.

5 MR. KEMP: Thank you, Your Honor.

6 THE COURT: So my question is do you need the
7 morning of June 12th. Yes, no, maybe?

8 MR. GENTILE: Your Honor, I'm in the Supreme Court
9 that morning.

10 THE COURT: Okay. So I will not book you the
11 morning of June 12th. I have currently reserved June 18th
12 through 20th. Assume with me for a minute that we have two
13 days this week, three days next week, is that enough?

14 MR. KOCH: Better be. Hope so.

15 MR. SCHEVORSKI: It's fine as far as the State's
16 concerned, Your Honor.

17 THE COURT: I have frequently told witnesses that
18 when they give answers that aren't yes and no sometimes it
19 takes longer and they miss flights. So if we have a situation
20 where that happens with this witness, what's the plan?

21 MR. GENTILE: I'll have to look at the flight
22 schedule.

23 MR. KOCH: Well, we'll continue these. He's doing
24 -- you know, he's doing a great job, so I want let him make
25 sure he testifies fully and accurately and truthfully.

1 THE COURT: No, no. I appreciate that. It's just
2 if I get to 4:45 and we're not done. I've got a problem.

3 MR. KOCH: I understand.

4 THE COURT: Okay.

5 MR. KOCH: I'll talk to Mr. Jolley about that --

6 THE COURT: It's not a requested break. You can
7 talk to him about that.

8 MR. KOCH: Yeah.

9 THE COURT: Any other stuff before I have a
10 conference call at 1:00 o'clock with somebody who wants me to
11 find time to finish their trial that didn't finish last -- was
12 it Thursday -- Thursday, Thursday morning.

13 MR. CRISTALLI: Your Honor --

14 THE COURT: Mr. Cristalli.

15 MR. CRISTALLI: Thank you, Your Honor. I believe
16 there is a motion scheduled for Wednesday --

17 THE COURT: There is.

18 MR. CRISTALLI: Yes. So that is -- Your Honor,
19 we'll hear that motion on Wednesday?

20 THE COURT: That was the plan.

21 MR. CRISTALLI: Okay. Wanted to make sure.

22 THE COURT: If you wanted me to, you know, hear it
23 another time, I will. I don't usually set those kind of
24 motions on short time, but --

25 MR. PARKER: Can we hear it on the 17th? I have to

1 fly out on Wednesday morning. I can take my by phone.

2 THE COURT: Do you all want to move it to the 17th?

3 I'm okay with that.

4 MR. GUTIERREZ: It's our motion. I think we'd

5 rather keep it on Wednesday. We filed an order shortening

6 time. So if we could keep it Wednesday at 12:00, that's good

7 for us.

8 THE COURT: You want to move it to Tuesday afternoon

9 since you've --

10 MR. PARKER: Tomorrow afternoon would be great for

11 me.

12 THE COURT: Can we do it Tuesday afternoon?

13 MR. GUTIERREZ: I'm in another court tomorrow

14 afternoon, a settlement conference in front of Judge Weiss.

15 MR. KEMP: What about Thursday afternoon?

16 MR. GUTIERREZ: Thursday could work.

17 MR. KEMP: Is that good for you?

18 MR. PARKER: I can do it on the phone on Thursday.

19 THE COURT: Okay. So we'll move it to Thursday.

20 What time?

21 MR. GUTIERREZ: Whatever time works. I'm available

22 all day. 1:30?

23 MR. PARKER: No. Let's do it in the morning,

24 Your Honor. My flight coming back is in the afternoon, so

25 that's --

1 THE COURT: Can we do it Thursday morning at 11:30?
2 And if more than one person wants to attend --

3 MR. PARKER: Your Honor, 11:30 here is three hours
4 later. So can we do it like 9:00 o'clock in the morning or 9:30
5 in the morning?

6 THE COURT: Hold on, Mr. Parker.

7 MR. PARKER: I'll be on Eastern Time next week.

8 THE COURT: Mr. Parker, you are a lot of work.

9 THE COURT: So you're going to South Carolina, huh?

10 MR. PARKER: I will be in South Carolina. I leave
11 on Wednesday morning.

12 THE COURT: Hold on a second. Let me look. I have
13 an 8:30 session that day, I have five things at 9:00 o'clock,
14 one of which is complicated. What time is your plane Eastern
15 Time?

16 MR. PARKER: It's normally an 11:20 flight. That's
17 the flight I intend to take coming back. So that's 8:20 your
18 time.

19 THE COURT: That's at 8:20 a.m. I'm not doing it at
20 8:20.

21 MR. PARKER: I know. But I land in Atlanta an hour
22 later. So typically I have about an hour-and-a-half window
23 there. That's the window I try and take advantage of.

24 THE COURT: And what time does your flight usually
25 leave Atlanta to come to Las Vegas?

1 MR. PARKER: Normally around 1:50, I believe.

2 THE COURT: Eastern Time. Which is 10:50, which
3 means if I try and do you on my 9:00 o'clock calendar I will
4 put you on hold and then when everybody's here and before you
5 have to board your next flight I will do your hearing.

6 MR. PARKER: Perfect.

7 THE COURT: Does that work?

8 MR. PARKER: That sounds great, Your Honor.

9 THE COURT: So for those of you listening at home,
10 that's 9:00 o'clock Thursday. The motion's that Wednesday is
11 being moved to 9:00 o'clock Thursday.

12 And if more than one person is appearing by phone,
13 Mr. Parker, you will have to set up a call-in number.

14 MR. PARKER: All right. No problem. Thank you,
15 Your Honor.

16 THE COURT: Anything else? See you guys at 1:15. I
17 do have a 1:00 o'clock conference call.

18 (Court recessed at 12:02 p.m., until 1:15 p.m.)

19 THE COURT: Are we all ready?

20 THE MARSHAL: Ready to go?

21 THE COURT: They're not all there.

22 (Pause in the proceedings)

23 THE COURT: Mr. Jolley, I'd like to remind you
24 you're still under oath. Okay. And as soon as we find the
25 rest of the lawyers, we'll start. I have a bad habit of

1 starting early and they haven't figured it out yet. Today I
2 was just on time, though.

3 (Pause in the proceedings)

4 THE COURT: Okay.

5 MR. KEMP: Okay.

6 THE COURT: We are now up to a quota, so you may
7 continue.

8 MR. KEMP: Okay.

9 CROSS-EXAMINATION (Continued)

10 BY MR. KEMP:

11 Q Mr. Jolley, I understand you have to be somewhere
12 tonight. Is that why we're trying to get you done?

13 A Yes.

14 Q Is it San Francisco you're going to?

15 A No.

16 Q Okay. All right, back to where we were and I think
17 we were at the GreenMart officers and directors. And my
18 question was if you did it one way, in other words, listing
19 the officers and directors of Xanthic and GreenMart did it
20 another way, not listing officers and directors their entity,
21 which would be MPX again, what was your expectation? Was it
22 your expectation that everyone would do it the same way?

23 A I can't speak to GreenMart, but what we did is we
24 thoroughly reviewed the application and tried to be as
25 responsive and thorough and accurate as we could be.

1 Q Well, did the DOT or the State give you any
2 instruction as to how public corporations that were applicants
3 or applicants that were owned by public corporations, did the
4 State give you any instruction as to what you were supposed to
5 do?

6 A For the most part I believe the application was
7 self-explanatory.

8 Q So you understood the application to instruct to
9 include officers and directors of parent corporations, is that
10 right?

11 A We disclosed everything we thought we should
12 disclose and we did disclose officers and board members.

13 Q So you thought you were required to disclose the
14 officers and directors of the parent; correct?

15 A Well, when it comes down to judgment calls, we erred
16 on the side of -- you know, more disclosure we thought was
17 appropriate.

18 Q Okay. So you think it would have been appropriate
19 for an applicant to disclose the officers and directors of a
20 parent?

21 A Again, you're asking me to kind of in a way tacitly,
22 you know, second-guess another person's application that I
23 have no knowledge of, but I believe each applicant has to use
24 their own discretion and judgment to decide what's appropriate
25 to disclose. We did the best we could.

1 Q Well, you don't think the diversity scoring should
2 have been up to different applicants' discretion; right?

3 A I think the rules should apply across the board,
4 even though no two companies are the same, have different
5 structures and things.

6 Q In the best of all worlds would you agree that the
7 DOT should have given clear instruction to all the applicants
8 that had any sort of involvement with a public company as to
9 how to do it?

10 A In my view the DOT did a reasonable job at putting
11 forth the rules of the application, posting the application
12 and providing an opportunity for people to ask questions.

13 Q But there were no instructions with regards to
14 public companies that were applicants or owned applicants;
15 correct?

16 A I don't know about that.

17 Q Do you know of any specific rules that were given
18 for applicants that were either owned by public companies or
19 public companies?

20 A The Department has had a precedent of handling
21 disclosure of owners, board members, officers of public
22 companies and we had insight into that, I would say, you know,
23 going into the application process. Not that we were unique.
24 I think, you know, anyone in the industry could have, you
25 know, had the same knowledge we had. You know, there's a

1 precedent for disclosing owners. As we talked about earlier
2 there's, you know, certain requirements regarding agent cards
3 and that kind of thing. So we, in a sense, you know, had some
4 background in that, but at the end of the day we all were
5 given the same application and did our best to adhere to the
6 rules and the requirements of the application.

7 Q Okay. Earlier I asked you whether it would be fair
8 for one applicant to do it one way and one applicant to do it
9 another way. I asked the same question of Mr. Gilbert and I
10 would like to show you what he said and see if you agree with
11 him. Take a look at your screen. Shane.

12 THE COURT: And is this a transcript from the day he
13 testified last week?

14 MR. KEMP: It's a transcript from Friday, Your
15 Honor, which the transcript lists 5/30 but it's really 5/31.

16 THE COURT: Thank you.

17 MR. KEMP: And these are pages 202, lines 10 through
18 18.

19 THE COURT: And that's already been filed with the
20 court --

21 MR. KEMP: Right.

22 THE COURT: -- by the court reporter, by Flo?

23 COURT RECORDER: I haven't filed them yet.

24 THE COURT: You haven't filed them yet? It will be
25 filed by the Court Recorder. Right?

1 COURT RECORDER: Yes, ma'am.

2 MR. KEMP: Okay.

3 BY MR. KEMP:

4 Q Okay. Do you see the question and answer of Mr.
5 Gilbert where I asked him if you have two different
6 applicants, one that listed the corporate parents one way and
7 one that did it the other and you would have had a different
8 outcome but that wouldn't be fair? He says -- "Doesn't sound
9 like it would be fair?" And he says, "Right." Do you see the
10 questions and --

11 A Yes, I see the screen.

12 Q Would you agree with Mr. Gilbert?

13 A It's not my job to analyze how the Department graded
14 the applications that they have the statutory authority to
15 grade. And I don't think your question here gives enough
16 context for anyone, including Mr. Gilbert, to provide a
17 thorough and fair answer. And so I will -- I'm not in a
18 position to speculate on that.

19 Q Okay. Now, if the State thinks that what they did
20 was unfair -- assume that for me -- what's the remedy here?
21 Should we do it over again?

22 MR. KOCH: Objection. Legal conclusion.
23 Argumentative.

24 THE COURT: Overruled.

25 THE WITNESS: Well, I don't think I would interpret

1 that response to that question the same way you just stated
2 it; first.

3 MR. KEMP: Okay.

4 THE WITNESS: Okay.

5 MR. KEMP: Fair. Or I understand; better word.

6 THE WITNESS: I'm glad you agree with me. Thank you.

7 MR. KEMP: I didn't say I agree, I said I understand.

8 THE WITNESS: But if you're asking if there is or
9 should be a flawless application process for a very complex
10 program, I mean, great, that would be wonderful if one could
11 invent that, but I don't think that's -- I don't think that's
12 feasible. I think the State did its best effort. It
13 certainly had the authority to run and administer the program
14 the way that they see fit. And so I just don't -- I don't
15 think it's a reasonable question. I think that they have done
16 a good job of running the program.

17 BY MR. KEMP:

18 Q Do you think it would have been complex -- your word
19 -- for the State to tell the applicants that they should list
20 the officers and directors of their parent companies one way
21 or the other way? Do you think that would have been a complex
22 thing?

23 A That's not what I said.

24 Q Well, what's your answer?

25 A I said running a program of this nature is

1 inherently complex.

2 BY MR. KEMP:

3 Q But telling an applicant how to list its publicly
4 traded company's officers and directors, that's not complex,
5 is it?

6 A I think the State should make an effort to be clear
7 with its rules.

8 Q And is it correct that the State didn't tell you
9 precisely how to list the officers and directors of the
10 parent?

11 A I don't think that's a fair statement.

12 Q They did tell you how to list the officers and
13 directors of the parent?

14 A You know, we didn't just make this up out of thin
15 air. I mean, we reviewed the application, we had a period of
16 time where we could have asked for clarification questions and
17 we did our best to be responsive to the sections of the
18 application.

19 Q Okay. Now, you're an LLC or at least NOR is an LLC;
20 right?

21 A Yes.

22 Q And you recognize there's a difference between LLCs
23 and corporations; corporations have boards of directors and
24 LLCs don't. Do you recognize that?

25 MR. KOCH: Objection. Lacks foundation.

1 Argumentative.

2 THE COURT: Overruled.

3 THE WITNESS: You know, I'm not a lawyer, but I do
4 recognize that there are differences between LLCs and
5 corporations.

6 BY MR. KEMP:

7 Q Now, what would be your position on whether it was
8 appropriate for an applicant to list someone -- an LLC
9 applicant to list someone on a so-called advisory board and
10 get diversity points for that?

11 MR. KOCH: Objection. Incomplete hypothetical.

12 THE COURT: Overruled.

13 THE WITNESS: Each applicant has to use their own
14 discretion and judgment to put forth an application that meets
15 the requirements. So I'm not sure that I'm, you know,
16 qualified or in a position to speculate about the importance
17 of an advisory board.

18 BY MR. KEMP:

19 Q Okay. So if 20 applicants put together an advisory
20 board and they use that as a mechanism to get, say, 20
21 diversity points and that was the difference in them winning
22 and you losing, do you think that would be appropriate?

23 MR. KOCH: Objection. Incomplete hypothetical.

24 THE COURT: Overruled. You can answer.

25 THE WITNESS: Again, this is a hypothetical

1 situation that I'm just not sure I'm in a position -- I mean,
2 maybe you could ask the Department that. I just don't know
3 really what I can say to shed light on that.

4 MR. KEMP: Well, I did ask the Department that.
5 Can I have my next in order, Shane.

6 THE COURT: And if you could give us the date of the
7 citation and the page numbers.

8 MR. KEMP: This is the same day, Your Honor. Mr.
9 Gilbert. Pages. 167, lines 1 through 4.

10 THE COURT: Thank you.

11 BY MR. KEMP:

12 Q Do you see the testimony there? "Question: They
13 should have put the officers and directors of MPX and the
14 officers and directors of CSX; right?" "Answer: Yes." Do
15 you see that statement?

16 A Yes.

17 Q Do you agree with that?

18 A Again, you're asking me to put myself in Mr.
19 Gilbert's position and opine on his response and I just don't
20 have -- I don't have a response for that.

21 BY MR. KEMP:

22 Q Okay. Well --

23 A We followed the application the best we could, given
24 the circumstances, and I think, you know, every applicant
25 should have done that and if there were areas of ambiguity

1 they could have and should have asked questions.

2 Q Okay. But assuming that NOR got the 8 diversity
3 grade -- that's what you got, right, 8?

4 A I believe so.

5 Q Assuming you got 8 doing it one way and GreenMart
6 got a 16 doing it the opposite way, not listing the officers
7 and directors of the parent, would you agree with me that
8 there should be some sort of procedures to insure that all the
9 LLCs with publicly traded parents were graded the same way?

10 A I think the State should make an effort to apply the
11 rules evenly across the board, but I can't comment on someone
12 else's application that I haven't reviewed and know nothing
13 about.

14 Q Okay. Fair. So the State should apply the rules
15 evenly across the board; right? That's what you just said.

16 A Yes. I believe the State should be fair.

17 Q Okay. And now that you've seen, at least in my
18 hypothetical, that the rules were not applied evenly to
19 GreenMart and you with regards to listing the parents and
20 officers -- excuse me, the officers and directors of the
21 parent for diversity purposes, now that you've seen that it
22 wasn't applied evenly, what should we do?

23 MR. KOCH: Objection. Legal conclusion.
24 Argumentative.

25 THE COURT: Sustained. Can you rephrase your

1 question?

2 BY MR. KEMP:

3 Q Can you see why applicants who didn't win solely
4 because of diversity points, can you see why they'd be upset
5 with this diversity procedure?

6 MR. KOCH: Objection. Speculation.

7 THE COURT: Overruled.

8 THE WITNESS: I don't have enough information to
9 opine on that.

10 BY MR. KEMP:

11 Q Well, let me give you a little more. If you took
12 diversity out of it altogether, M&M would have won in Clark
13 County, if you just took away all the diversity grades. Can
14 you see why M&M would have been upset?

15 A Are you saying that the applications should not have
16 included diversity?

17 Q Well, I'm going to get to that in a minute.

18 A I'm confused.

19 Q But can you see why an applicant, that if you did
20 not have any diversity points or if you did not score
21 diversity they may have been a winner? Can you see why they
22 would be upset?

23 A So if I could have rewritten the application to say
24 that if your initials are AMJ you get an extra 100 points,
25 yeah, we would have gotten first place instead of second.

1 You're asking me if I could rewrite the application in a way
2 that would benefit me or somebody else. I just don't know
3 that I have anything to offer on that.

4 Q So what MM Development should have done is they
5 should have gotten an advisory board and packed it full of
6 women and minorities and got 20 diversity points instead of 4,
7 then they would have been a winner. That's what they should
8 have done, is that what you're telling me?

9 MR. KOCH: Objection. Argumentative.

10 THE COURT: Overruled.

11 THE WITNESS: That's not what I'm saying. I'm
12 saying we all received the same application. We all had a
13 chance to ask questions to clarify.

14 MR. CRISTALLI: Objection. That misstates the
15 evidence.

16 THE COURT: Overruled.

17 BY MR. KEMP:

18 Q There were two applications; right?

19 A I wasn't finished.

20 Q Okay, go ahead.

21 A We had the ability to ask clarifying questions.
22 And at the end of the day I believe all applicants, who were
23 existing medical licensees, mind you, went into the
24 application process understanding full well that the
25 Department had statutory authority to collect, score

1 applications and ultimately award licenses. And so if one had
2 concerns about the application or the criteria that were in
3 the regulations, there were multiple points in time where they
4 could have asked for clarification, pointed out that it was
5 not done correctly, or as you say, come up with any myriad of
6 suggestions to make it more favorable for them. But that's
7 just not how the process, you know --

8 Q Prior to September 20th did you personally have any
9 concerns that an applicant, an LLC would create an advisory
10 board to try to get diversity points?

11 A I can't say that's a scenario that I spent a lot of
12 time considering.

13 Q And so if you didn't think about it, why do you
14 think the other applicants should have thought about it and
15 asked questions about it?

16 A I'm not saying that.

17 Q Okay. So this situation, and we'll call it the
18 GreenMart situation just for shorthand, this situation --

19 MS. SHELL: I'm going to object to characterizing it
20 as GreenMart situation, Your Honor.

21 THE COURT: Okay.

22 MR. KEMP: Okay. Let me try and rephrase it, Your
23 Honor.

24 THE COURT: It's overruled.

25 MR. KEMP: Oh, okay.

1 THE COURT: She won one last week, though, or the
2 week before.

3 MS. SHELL: Two, Your Honor. Two.

4 MR. KEMP: The day is not over, Your Honor.

5 THE COURT: I had the same objection from somebody
6 earlier. I don't remember who it was. Okay, so you got one.

7 BY MR. KEMP:

8 Q Referring to the GreenMart -- and what I refer to by
9 the GreenMart situation is we have the LLC with an advisory
10 board that doesn't list their officers and directors of their
11 parent, okay. So you would agree with me that no one -- no
12 one anticipated that. You didn't anticipate it?

13 A I would not agree with that.

14 Q You did anticipate that someone would try to list
15 advisory board members on an LLC to get more diversity points?
16 You did anticipate that?

17 A I cannot say that I spent a lot of time considering
18 that hypothetical situation.

19 Q Okay. No one considered that, right, no one that
20 you know of?

21 A You're asking me if I can identify individuals who
22 considered this particular hypothetical scenario?

23 Q Right.

24 A I don't even know how to answer your question, to be
25 honest. I'm sorry, I'm doing the best I can, but.

1 Q You can say no, you can't identify any individuals
2 or you can say yes, you can. There's easy answers here.

3 A All I can say is applicants had the opportunity to
4 ask questions about the application prior to submitting it.

5 Q Okay. Let's talk about the NOR ownership at the
6 time you filed your application. So the application was filed
7 sometime between September 10th and September 20th, I believe.

8 A That sounds correct. I don't remember the exact
9 dates.

10 Q If that's the filing period, do you know when in the
11 filing period you filed?

12 A It was not on the last day.

13 Q Okay.

14 A It was sometime before that.

15 MR. KEMP: Can I have Exhibit 93, please, and the
16 pop out, please.

17 BY MR. KEMP:

18 Q Now, according to this document, and this is from
19 Xanthic, I believe, it says the NOR acquisition was completed
20 on September 4th, 2018. Is that true?

21 A That's what this statement says.

22 Q I know that's what that statement says. I'm asking
23 is it true that's when the acquisition was completed?

24 A When it was ultimately consummated, I believe so,
25 going from memory. It had been in the works for months before

1 that.

2 Q So at the time you filed the application, it would
3 have been after the acquisition; right?

4 A That's correct.

5 Q Okay. And now as I understand it, 100 percent of
6 the membership interest in NOR was sold to GGB Nevada, LLC,
7 100 percent?

8 A At the time the application was submitted we had
9 transferred 95 percent of NOR to GGB Nevada.

10 MR. KEMP: Can I have my next one, Shane?

11 This is Exhibit 94, Your Honor. I'll submit it.

12 BY MR. KEMP:

13 Q "In September 2018, the members of the company sold
14 100 percent of the membership interest to GGB Nevada, LLC."
15 Did I read that right?

16 A I believe -- yes, you read that correctly.

17 Q And that's true; right?

18 A Now, I just said as of the time we submitted our
19 application we had sold 95 percent of NOR.

20 BY MR. KEMP: Shane, will you show him whose
21 financial statement that is on the top, please? At the very
22 top there. Yeah, that's good. Good. Pop that up.

23 BY MR. KEMP:

24 Q That's from Nevada Organic Remedies Consolidated
25 Financial Statements. That's what Exhibit 94 is. And that

1 statement says you sold 100 percent, not 95 percent. Okay,
2 Mr. Jolley? Is this some sort of mistake?

3 A I'm not -- I haven't reviewed this document, so I
4 don't really know.

5 Q You could be wrong. You could have sold 100 percent
6 in September 2018?

7 A I don't think so, no.

8 Q So you think you filed an erroneous financial
9 statement?

10 A I didn't file this financial statement.

11 Q Did you know that this was filed with the Canadian
12 Stock Exchange, this statement that I'm looking at right here
13 now, Exhibit 94?

14 A I know that Xanthic/GGB, I'll kind of use those
15 interchangeably, had certain filing requirements that it was
16 working on, but I was not aware of this statement in the
17 document.

18 Q Okay.

19 A If it is in fact the most accurate up-to-date
20 statement. I'm not sure.

21 Q Well, let's boil this down. Are you even sure as we
22 sit here today whether they sold 100 percent or 95 percent?

23 A Yes.

24 Q You are sure?

25 A Yes.

1 Q And what is the answer?

2 A 95 percent.

3 Q Okay. All right. In the application you listed

4 yourself and the Byrne brothers as owners of NOR; correct?

5 A They're not brothers.

6 Q They're just both named Byrne?

7 A Yep.

8 Q And it's spelled the same way, B-y-r-n-e?

9 A Strange, right? Yes, that's correct.

10 Q It does sound strange. Okay. All right. But in

11 any event, you list two people named Byrne and yourself as

12 owners; right?

13 A And Liesl Sicz through her entity and Darren

14 Petersen. Yes.

15 Q Liesl Sicz. Okay. If I'm right, she wasn't

16 actually an owner of NOR, was she?

17 A Well, she was the member of an LLC that was an owner

18 of NOR.

19 Q And that would be the Harvest LLC?

20 A That's correct.

21 Q So you listed her as an owner of NOR, even though

22 she was actually an owner of Harvest; right?

23 A Well, in my mind it's kind of the same thing. I

24 mean --

25 Q Same thing?

1 A I'm still answering your question. So the Harvest
2 entity owned 10 percent of NOR and Liesl was the member of
3 that entity, as far as I can recall.

4 Q Now, let's assume that this transaction had not
5 occurred, okay, and by that I mean the sale to GGB and the
6 involvement of Xanthic. Let's assume that hadn't occurred.
7 Would I be correct that then in that case you and the two
8 Byrnes would both be the only people listed as owners?

9 A No.

10 Q Who else is involved?

11 A The Harvest entity, whose member is Liesl Sicz, and
12 Darren Petersen were also owners of NOR.

13 Q Darren Petersen is a white male?

14 A Yes, I believe so.

15 Q So assuming for the sake of argument that the
16 Harvest LLC would have been given points for being owned by a
17 woman, even though an LLC isn't actually gender specific,
18 assuming that you would have had one out of five diverse in
19 that scenario?

20 MR. KOCH: Objection, lacks foundation.

21 THE COURT: Overruled.

22 THE WITNESS: If you are speaking strictly of the
23 members of the NOR LLC --

24 MR. KEMP: Right.

25 THE WITNESS: -- then yeah.

1 BY MR. KEMP:

2 Q And one out of five, that would have given you 4
3 diversity points, not the 8 you got?

4 A I'm actually not sure how the State scored that
5 section.

6 Q Well, assuming that they did division where they
7 took the diverse person and they divided into the number of
8 people that were owners, officers and directors, that would be
9 20 percent. You don't know as you sit here today that that
10 qualifies as a 4?

11 A Well, you're making certain assumptions about how
12 the State scored the diversity section and you're focusing
13 only on owners. And I honestly don't know to what degree they
14 took into consideration, you know, directors and others
15 involved in the company.

16 Q Okay. But as an LLC, NOR wouldn't have any
17 directors. We've already been through that. Right?

18 A We don't have an official board of directors as an
19 LLC, but we do have directors who run and operate the company,
20 are key executives within the company.

21 Q Okay. Well, I'm glad you brought that up. You
22 don't have an official board for NOR, but you have people that
23 you call internally directors; right?

24 A We do not have an official board of directors, if
25 that's your question.

1 Q And so, for example, you have a Director of Human
2 Resources; right?

3 A That's a title within our company, yes.

4 Q And you also have a Director of Marketing?

5 A Yes.

6 Q And a Director of Purchasing?

7 A Yes.

8 Q And the Human Resources director, that's a woman?

9 A Yes.

10 Q And the Marketing director is also a woman?

11 A No.

12 Q Oh, okay. What about Purchasing?

13 A Courtney Barker is a woman, yes.

14 Q Okay. And isn't it true that even though they were
15 not officially on the board of directors of NOR, that you
16 listed your Director of Human Resources and your Director of
17 Purchasing as directors in the owner/officer/director section?

18 A I interpreted the application --

19 THE COURT: Sir, that was a yes or no.

20 THE WITNESS: Yeah, I'm uncomfortable with the way
21 that the question was phrased.

22 BY MR. KEMP:

23 Q Can you answer yes or no and then I will allow you
24 to expand?

25 A Sure. Can you please restate the question?

1 Q Isn't it true that in the owners, officers and
2 directors section of the application you listed the Director
3 of Human Resources and the Director of Marketing as directors,
4 even though they weren't officially on the board of directors
5 of NOR?

6 A Well, there is no board of directors, so.

7 Q You've already said that.

8 A Yeah.

9 Q So you listed them because you called them a
10 director, even though they weren't on the board of directors
11 of the LLC; correct?

12 A Well, it's their title. It's their official title.

13 THE COURT: So, sir, did you list them as directors
14 under the definition of board of directors on the application?

15 THE WITNESS: We didn't call them board of directors.
16 We were --

17 BY MR. KEMP:

18 Q You called them directors?

19 A Yeah. We called them -- yeah, that's their title in
20 the company. So we're trying to describe to the State an
21 accurate and complete picture of who runs the company and who
22 the individuals are actually making decisions and managing
23 people and so forth.

24 Q And so it was your understanding that on this
25 application even if you just called them director -- if you

1 called everyone -- how many employees does NOR have, 200?

2 A Two hundred and fifty something.

3 Q If you called all 250 people directors, okay, it was
4 your understanding that you could list them on the application
5 under the director -- owners, officers and directors section.
6 That's what you're telling me?

7 A No, that wasn't what we did. I interpreted the
8 application to be asking who runs the company, who are the
9 executives that make decisions to operate the company, and we
10 felt that those high-level executives that run the
11 organization would be pertinent to disclose on the
12 application.

13 Q So you interpreted the requirement in the
14 application to list owners, officers and directors to really
15 mean owners, officers, directors and high-level executives.
16 That's what you did?

17 A I'm not sure I would agree with that specifically
18 because if you look at Xanthic, for example, we listed their
19 officers and board members. And when it came to NOR we listed
20 the people that we felt were crucial to running the company.

21 Q Well, you didn't list the Director of Human
22 Resources of Xanthic, did you?

23 A I'm not familiar with if they even have a director
24 of human resources.

25 Q But you did list the Director of Human Resources and

1 Director of Marketing of NOR, two women; right?

2 A We have an executive team at NOR and we listed all
3 the people who are part of that executive team.

4 Q Including these --

5 A These are the people who actually run the company.

6 Q Including these two women who are not officially on
7 the board of directors of NOR, you listed them; right?

8 A We listed all the key executives that compose the
9 executive team who come into the office every day and run the
10 company.

11 Q Including the two women; right?

12 A Including everyone who's a key executive in the
13 company.

14 Q Okay. Would I be correct that the application
15 required you to list the percentage of ownership of all the
16 owners?

17 A I think --

18 Q Do you want to look at it?

19 A Well, I think where that statement gets murky is
20 when you talk about publicly traded companies.

21 Q Okay. That's where we're going to go in a minute,
22 but would you agree with me that the application requires,
23 quote, "all owners and their percentage of ownership" to be
24 listed?

25 MR. KOCH: Objection. He's pointing to a section of

1 the document. I'd ask him to show it.

2 THE COURT: Overruled.

3 BY MR. KEMP:

4 Q Do you know as you sit here -- I'll show it to you
5 if you want.

6 A Yeah, please.

7 MR. KEMP: Shane, will you pop it up, please?

8 I.T. TECHNICIAN: Sorry, which exhibit?

9 MR. KEMP: It's Exhibit 5, page 11.

10 BY MR. KEMP:

11 Q "And the organizational chart showing all owners,
12 officers and board members of the recreational marijuana
13 establishment, including percentage of ownership of each
14 individual -- for each individual." Right, that's what it
15 says?

16 A Yes.

17 Q Now, counsel asked you some questions about -- I
18 can't remember who it was, someone you listed on the
19 percentage of ownership. It's true that you did not list all
20 of the owners of Xanthic; right?

21 A Xanthic is a publicly traded corporation and our
22 understanding was that for a publicly registered or publicly
23 traded companies that you're required to disclose the officers
24 and board members, which we did.

25 Q Where did you get that understanding?

1 A Well, I've been involved in the industry from the
2 beginning and our legal counsel has been and we had just
3 recently received an approval letter from the Department of
4 Taxation itself approving the 95 percent transfer of
5 ownership.

6 Q Okay.

7 A I'm still going. So I --

8 Q So it was your --

9 A So we did a similar disclosure in our application,
10 listing those same board members and officers. At no point in
11 time was there a requirement to list every shareholder of
12 Xanthic.

13 Q But it was your understanding that you had to list
14 all of the officers and directors of the public company but
15 not the shareholders, is that correct?

16 A That's correct. My understanding was that we had to
17 list the board members and officers in the application, just
18 as we had recently done in the ownership transfer request that
19 we submitted to the State which was recently approved.

20 Q Okay. And you did not include the major
21 shareholders of Xanthic; correct?

22 A I don't agree with that statement.

23 Q Okay. All Js Greenspace LLC, have you ever heard
24 that name?

25 A All Jay Green Piece?

1 Q All Js Greenspace LLC.

2 A Not off the top of my head.

3 Q And if I told you they owned 37 million shares of

4 Xanthic, they are 22.5 percent, that's news to you now?

5 A Can you tell me who the members and managers are of

6 that LLC?

7 Q Earlier you referenced an individual named Schott

8 something?

9 A Schottenstein.

10 Q Yes. So the Schottenstein company is one of the

11 major owners?

12 A As far as I know, yes.

13 Q And do you know how much they own?

14 A My recollection was around 30 percent.

15 Q Okay. And how about GA Opportunities Corp? They

16 own 27 million shares of Xanthic or 16.5 percent of the

17 company. You didn't list them under the organizational chart,

18 did you?

19 A I believe we listed everyone that the application

20 required us to list.

21 Q Okay. I'm not asking if you think you did

22 everything right, I'm asking specifically did you list GA

23 Opportunities Corp. or not?

24 A GA Opportunities Corp. is not on our application, as

25 far as I can recall.

1 Q And neither was All Js, which by the way is a
2 wonderful name for a marijuana company, All Js Greenspace LLC;
3 right?

4 A I do not believe we listed All Js.

5 Q But you did list Liesl -- how do you pronounce her
6 last name?

7 A Liesl Sicz.

8 Q And she only owned .5 percent of NOR through
9 Harvest; right?

10 A Yeah, post 95 percent transaction. I'd have to pull
11 that up again and see, but yeah, it was a smaller percentage.

12 Q Okay. Let's use your 95 percent. So if you use
13 your 95 percent, these two shareholders that own 37 percent of
14 NOR you didn't list, but the woman who only owned, what was
15 it, .5 percent, you did list as an owner; right? Right?

16 A Well, you know --

17 Q I'm just asking what you did.

18 A Yeah. So I don't believe we listed those two
19 entities, you know. You're asking me to make certain
20 assumptions that I frankly don't know as I sit here right now,
21 but I know we did list Liesl Sicz, yes.

22 Q Okay. So why did you list the woman that only owned
23 .5 percent and you didn't list the shareholders that owned 74
24 times as much stock? Why was that?

25 A Well, first of all, Liesl was one of the founding

1 owners. She was integral in the establishment, the set-up
2 operations of the company. Very involved. And number two, I
3 understood the rules at the time did not require us to list
4 every shareholder for a publicly traded company. I thought we
5 were required to disclose board members and officers and
6 directors, which we did.

7 Q And number three, she was a woman?

8 A Liesl Sicz is in fact a woman, yes.

9 Q So by listing her you got diversity points, whereas
10 the other two you would have lost diversity points if you
11 listed them?

12 A We listed Liesl because it was accurate, not because
13 she was a woman. She was a founder of the company.

14 Q Okay. All right.

15 MR. KEMP: Shane, can I have the slide for Exhibit
16 127. Did we admit that?

17 THE CLERK: It's proposed.

18 MR. KEMP: Your Honor, I'd move to admit 127, which
19 is --

20 THE COURT: Any objection to 127?

21 MR. KEMP: That's the NOR application.

22 MR. KOCH: Which part of it?

23 MR. KEMP: Pages 12 and 13, the diversity portion.

24 MR. KOCH: Is this the one that we submitted with
25 redacted?

1 MR. KEMP: Yeah.

2 MR. KOCH: Okay. That's fine.

3 THE COURT: And it's a two-page document?

4 MR. KEMP: It's more than that.

5 THE COURT: Or am I only admitting two pages?

6 MR. KEMP: I'm just using the two pages.

7 THE COURT: So we're going to admit pages 12 and 13

8 of 127.

9 (Plaintiffs' Exhibit 127, pages 12 and 13, admitted)

10 BY MR. KEMP:

11 Q Okay. Sir, do you recognize this as Attachment A

12 from the NOR application for the marijuana -- recreational

13 marijuana license?

14 A Yes.

15 Q Okay. And the first person there, that's named who?

16 A Courtney Barker.

17 Q Okay. And you list her as an officer of NOR; right?

18 A Correct.

19 Q But she really wasn't an officer, was she?

20 A She runs -- she's one of the most influential

21 executives in the company, so I would call her an officer.

22 Q Okay. You would call her an officer, but she's not

23 recognized as an officer by the Nevada Secretary of State, is

24 she?

25 A For NOR LLC?

1 Q Right.

2 A I don't believe so, no.

3 Q So you listed what you think are highly influential
4 or key employees as officers, even though they weren't really
5 officers or board members of NOR; right?

6 MR. KOCH: Objection. Argumentative. Lacks
7 foundation.

8 THE COURT: Overruled.

9 THE WITNESS: Yeah, so again we disclosed what we
10 thought was most responsive to the application.

11 MR. KEMP: Okay.

12 THE WITNESS: Including the executive team, the
13 directors on the executive team.

14 BY MR. KEMP:

15 Q So when the application asks you for owners,
16 officers and board members, you thought that really meant
17 executive team. Is that what you're telling me?

18 A I'm trying to think back to the discussions that we
19 had with our team and with our counsel. But, yeah, we
20 believed we were being responsive to the application.

21 Q Okay. And you also put in Kimberly Lester, who is
22 the Director of Human Resources.

23 MR. KEMP: Can you pop that one up, Shane?

24 BY MR. KEMP:

25 Q And again, she's not an owner of NOR, nor a legally

1 recognized officer or director of NOR; correct?

2 A She's Director of Human Resources.

3 Q So the answer to my question is yes, she is not a
4 legally recognized officer or director of NOR, she's just
5 someone you call a director?

6 A You know, I actually don't know what the legal
7 definition is sitting here. I'm not a lawyer. But we believe
8 we were being responsive to the application.

9 Q Okay. Assuming that the board of directors has the
10 power to hire and fire officers and take other actions like
11 merging the corporation, approving a merger, she doesn't have
12 that power, does she?

13 A She has the authority to hire and fire, yes, within
14 her department. Yes.

15 Q Officers of the corporation, she has the authority
16 to hire and fire?

17 A I would say fairly high level, you know,
18 individuals.

19 Q But she has the authority -- she has the authority
20 to decide whether the corporation should merge or not or sell
21 itself?

22 A Not the sole authority, no.

23 Q She doesn't have any authority in that regard, does
24 she?

25 A I mean, she's a member of a small group of

1 executives that run the company.

2 Q Okay. All right. Let's take a look at Jeanine
3 Terrance, please. And we have her listed as -- what do we
4 have her listed as, an officer?

5 A Director of Finance.

6 Q Okay. And again, she's not a legally recognized
7 owner, officer or board member of NOR; right?

8 A She's a key executive that makes very important
9 strategic decisions on behalf of the company.

10 Q Okay. I understand she's a key executive, but my
11 question is she's not an owner, a legally recognized officer
12 or a legally recognized board member of NOR; right?

13 A You know, I don't -- I don't know that I can answer
14 that, other than saying she's an executive within the company.
15 She's not an owner. That's why we didn't put her in the
16 owners, you know, box.

17 Q Okay. But by having these three women listed even
18 though they weren't owners, legally recognized board members
19 or officers, would I not be correct that NOR got a better
20 diversity rating than it would have gotten?

21 A I'm not sure.

22 Q Well, I'm going to show you in a minute. If they
23 did get a better diversity rating, do you think that would be
24 wrong?

25 MR. KOCH: Objection. Argumentative. Lacks

1 foundation.

2 THE COURT: Overruled.

3 THE WITNESS: I believe the State did its best to
4 apply the rules to score our application. We put forth the
5 information we felt was pertinent and they scored it.

6 BY MR. KEMP:

7 Q And if I told you that MM Development did not list
8 their human resources director, which is a woman, did not list
9 their GM, which is a Hispanic, and did not list their
10 controller, which is an Asian woman, even though these are key
11 employees but not legally recognized board members or
12 officers, if they didn't list these three people, would you
13 agree with me that you got a diversity grade based on
14 something that other applicants potentially could have done
15 but didn't do?

16 A I do not know how MM Development is structured --

17 Q Okay.

18 A -- and how they operate their business.

19 Q So if you listed all these key employees, the three
20 women as owners, officers and board members but MM Development
21 didn't, how do we reconcile that now? Should we re-rate your
22 application, their application? What should we do?

23 MR. KOCH: Objection. Legal conclusion. Incomplete
24 hypothetical.

25 THE COURT: Overruled.

1 THE WITNESS: I think the Department has the
2 statutory authority to accept, review and grade applications.
3 It seems to me that the process was followed. And if M&M
4 regrets not including certain information or not describing
5 things in the way that they now would like to have done, I
6 don't know how to fix that.

7 BY MR. KEMP:

8 Q Well, do you think most of the applicants thought
9 that they should list real board members, legally recognized
10 ones, not just people that you call a director or a key
11 employee?

12 MR. KOCH: Objection. Speculation.

13 MR. KEMP: Do you think that's what most applicants
14 thought?

15 THE COURT: Overruled.

16 THE WITNESS: Well, I believe that all applicants
17 received the same application. All applicants had the
18 opportunity to ask the kind of questions you're asking now.
19 And all applicants submitted what they felt was in their best
20 interest to submit.

21 BY MR. KEMP:

22 Q And you're aware that Mr. Gilbert specifically
23 testified that an LLC like NOR should not list people as
24 directors because they don't have a board of directors. Are
25 you aware of that?

1 A I'm not.

2 MR. KEMP: Pop it up, Shane.

3 And, Your Honor, this is the same day, 203-20 to

4 203-2, which must be 204-2.

5 THE COURT: Thank you.

6 MR. KEMP: And, Your Honor, that S should be LLCs.

7 I think we've already written a letter to the court reporter

8 on that point.

9 THE COURT: And that would be on line 22?

10 MR. KEMP: Yes. On 24.

11 THE COURT: You think the word "Yes" should be LLC?

12 MR. KEMP: The S should be LLCs.

13 THE COURT: Oh. You're probably right.

14 MR. KEMP: Uh-huh.

15 THE COURT: But you were probably talking over

16 someone and so it got garbled and it got missed.

17 MR. KEMP: That couldn't have happened, Your Honor.

18 That was the first day.

19 MR. KOCH: Zing.

20 THE COURT: Sorry, Mr. Kemp.

21 MR. KEMP: No problem.

22 BY MR. KEMP:

23 Q They don't have boards of directors; right?

24 A Who is "they"?

25 Q They being LLCs.

1 A And again, I'm not a legal expert, but our LLC does
2 not have a board of directors.

3 Q It does not?

4 A That's what I said, yes.

5 Q I just want to make sure. Okay. And are you aware
6 that the Manpower graders did not let other applicants use key
7 employees to potentially boost their diversity scores?

8 MR. KOCH: Objection. Lacks foundation.

9 THE COURT: Overruled.

10 THE WITNESS: I'm not aware of what Manpower did or
11 did not do.

12 MR. KEMP: Your Honor, I move to admit Exhibit 129,
13 which is the scoring for Thrive.

14 THE COURT: Any objection to 129?

15 MR. KEMP: That's 129.

16 THE COURT: What pages of 129?

17 MR. KEMP: I'm on 394729, Your Honor.

18 THE COURT: So, hold on. Let's --

19 (Colloquy among the attorneys)

20 MR. KEMP: Your Honor, I just want to see if there's
21 anything that needs to be redacted. We're talking about the
22 evaluating -- the scoring sheets.

23 THE COURT: So we'll take a short break for you to
24 look at 129 and determine which page, if any, should be
25 admitted and if any additional redactions need to be made.

1 Dulce, if you could work with them on the original
2 129, which is in the book.

3 Sir, this is not a requested break. Five minutes.

4 (Court recessed from 2:01 p.m. until 2:07 p.m.)

5 THE COURT: Did we finish our review and discussion?

6 MR. KOCH: I don't know. They left.

7 THE COURT: They're gone.

8 (Pause in the proceedings)

9 THE COURT: All right. So did we have a chance to
10 review the proper portion of 129?

11 MR. KEMP: Yeah, they're okay, Your Honor.

12 THE COURT: Which page numbers? Since I'm only
13 admitting part of 129, which page numbers?

14 MR. KEMP: It would be 39472, Your Honor.

15 THE COURT: 39472.

16 MR. GUTIERREZ: It's supposed to have one more.

17 MR. KEMP: Yeah. There's another one that comes
18 later, though, Your Honor. Do you want to do them both now?

19 THE COURT: Only if you've agreed to them.

20 MR. KEMP: Yeah, we have agreed. The other one is
21 39473.

22 THE COURT: Is that correct, Mr. Gutierrez?

23 MR. GUTIERREZ: Yes, Your Honor. Those are the two
24 that we went -- we covered.

25 THE COURT: So pages 39472 and 39417 (sic) of 129

1 will be admitted.

2 MR. KEMP: All right.

3 THE COURT: Dulce wants to mark those two as 129A.
4 Is that okay with you, Mr. Kemp?

5 MR. KEMP: That's fine.

6 THE CLERK: Thank you.

7 MR. KEMP: Okay. Can you blow that up a little bit,
8 Shane?

9 BY MR. KEMP:

10 Q And, sir, I know you haven't seen this before, but
11 this is a comment made in the diversity section of the Thrive
12 app where the Manpower grader is talking about who they're
13 rating and who they're not rating. Do you see where it says,
14 "Not looking at key staff experience"?

15 A It says, "Not looking at" -- something -- "ownership
16 credit or key staff experience."

17 Q So apparently the Manpower graders rated some
18 applicants like you by giving them diversity credit for women
19 on their staff but other applicants didn't have the same
20 opportunity to earn diversity points.

21 MR. KOCH: Objection. Lacks foundation.

22 MR. KEMP: Is that fair?

23 THE COURT: Overruled.

24 THE WITNESS: Well, the folks we were just talking
25 about are officers in the company. We didn't select board

1 member, we didn't select owner, we selected officers. Right?

2 BY MR. KEMP:

3 Q They weren't legally recognized by the Secretary of
4 State of Nevada.

5 A They were officers in our company.

6 Q You called them officers; right? Right?

7 A Whose turn is it? Do you want me to --

8 Q Let me ask this. If you called --

9 THE COURT: Can you rephrase your question?

10 MR. KEMP: I will rephrase.

11 THE COURT: Thank you.

12 BY MR. KEMP:

13 Q If you called the janitor the director of
14 maintenance, would you consider her to be an officer of the
15 company that we should list for diversity credit?

16 A That's not what we did.

17 Q I'm just asking you. You seem to have a broad
18 definition of key employees here.

19 A Yeah, so those folks run the company. They manage
20 those 250 people. They're also shareholders, by the way.

21 Q But Thrive didn't get the same benefit because they
22 didn't get rated on their key staff, did they?

23 A Yeah, I'm not sure I agree with your comparison
24 here.

25 Q What is it you don't agree with?

1 A Well, number one, you're showing the one annotation
2 that I really don't understand the context of and asking me to
3 draw a direct comparison between this situation and ours, and
4 I'm just not comfortable with that.

5 Q Okay. One of the people you listed was the Director
6 of Human Resources, right, a woman?

7 A Correct.

8 Q And if MM Development had a director of human
9 resources, also a woman, that they were not given credit for,
10 would you at least agree with me that you two were treated
11 differently?

12 A Well, we consider that an officer of our company.
13 I don't know what they -- how they are structured.

14 Q So if you have someone that you call a director and
15 internally somewhere in your brain you think that they're an
16 officer, then you should list them on the State application
17 form as an officer of the applicant? Is that what you're
18 telling me?

19 A Yeah. We interpret it as someone who has
20 significant authority, who runs major departments and
21 divisions of the company, who has significant influence. We
22 consider them to be an officer, yes.

23 THE COURT: Sir, have you ever heard the phrase,
24 owners, officers and directors before, OOD?

25 THE WITNESS: I've heard it, you know, yes,

1 discussed.

2 THE COURT: What do you think it means?

3 THE WITNESS: So, owners own equity. Officers, you

4 know, are -- have significant authority within the company.

5 And directors, you know, members of the board of directors.

6 THE COURT: Okay. Thanks.

7 BY MR. KEMP:

8 Q Okay. Let's go back to Thrive and let's use them as

9 an example and see the situation they were in as far as

10 grading.

11 MR. KEMP: Can I have 129, 39449, please.

12 THE CLERK: Proposed.

13 BY MR. KEMP:

14 Q Okay. Do you see the people that they have rated on

15 the top there?

16 THE CLERK: I'm sorry, that's proposed.

17 MR. KEMP: Oh. I thought we admitted that, Your

18 Honor.

19 THE COURT: It's proposed. Dulce wins.

20 MR. KEMP: Yeah, it's okay. Yeah, we've agreed to

21 that.

22 MR. GUTIERREZ: No objection, Your Honor.

23 THE COURT: It will be admitted.

24 THE CLERK: Thank you. It will be 129B.

25 //

1 BY MR. KEMP:

2 Q So they have one woman out of seven members, which
3 was one out of seven or .14, and so they only got a 4
4 diversity rating because they did not list, you know, their
5 internal brain definition of officers or directors that you
6 did, you know, and so they got a lower diversity score than
7 you did. They got 4 and you got 8. Do you think that's
8 right?

9 A I'm not sure I really understand how the State even
10 did the scoring, so I don't know how to answer that.

11 Q Okay. And if you didn't understand, will you agree
12 with me that the other applicants probably didn't understand,
13 either?

14 A I mean, we knew diversity was a criteria. We knew
15 that we were asked to divulge who all of the, you know, board
16 members, owners and officers were and we felt that we did that
17 to the best of our ability. What happened after it was
18 submitted was unknown to us at the time.

19 Q Let me ask it this way. If the State had told you
20 that you could only use real board of directors, not advisory
21 board, real officers not someone who's not recognized by the
22 Secretary of State, would you have complied with that
23 directive?

24 A We did our best to comply with the application and
25 in hindsight would have absolutely complied with whatever

1 version of the application you're hypothetically coming up
2 with.

3 Q So if the State had been more specific you would
4 have complied with their directive; right?

5 A Yes.

6 Q Okay. And I'm not saying it's all your fault for
7 inconsistencies. It's partly the State's fault; right?

8 MR. KOCH: Objection. Argumentative.

9 THE COURT: Overruled.

10 THE WITNESS: What is the State's fault? I don't
11 understand your question.

12 BY MR. KEMP:

13 Q I just showed you that they rated some people for
14 MM Development and Thrive one way and they rated you another
15 way. You don't think that's an inconsistency?

16 A I'm not sure I have enough information and context
17 to make that evaluation.

18 Q Okay. Did the DOT provide guidance to you as to
19 whether or not to include key employees such as the Director
20 of Human Resources in the diversity section?

21 A We had lots of employees that weren't included in
22 that. We put only the people who run the company and have
23 significant authority that we consider officers of the
24 company.

25 Q Only the women?

1 A No. No, no, no, that's not true at all.

2 Q Okay. We'll go through the list in a minute.

3 A So we included our Director of Marketing, who's a

4 male, a white male, we included our Director of Retail, who's

5 also a white male, and others. It wasn't only selecting, hand

6 selecting people. To be honest, I didn't even know being a

7 woman was considered diversity. I did not know that at the

8 time. I thought --

9 Q You didn't --

10 A I'm still talking.

11 THE COURT: You've got to let him finish.

12 MR. KEMP: Okay.

13 THE WITNESS: I thought that --

14 THE COURT: We may not get done with him today and

15 he may not be able to leave, but you've got to let him finish.

16 MR. KEMP: It's his choice, Your Honor.

17 THE WITNESS: That's good. So we didn't hand pick,

18 cherry pick anyone. These are the people who run the company

19 that we considered officers, these director level people. And

20 anyone with that title -- our Director of Cultivation, he was

21 on there. He's not -- he's a white male. So it wasn't that

22 we selected only women to put on there for that purpose. We

23 were just trying to be as thorough and accurate as possible.

24 BY MR. KEMP:

25 Q So you did not know that when the legislature

1 included an amendment to the statute in the 2017 session that
2 you should consider the diversity of board members and you
3 should also look at minorities, women, gender, you didn't
4 think that included women?

5 A I didn't know specifically how they would view
6 gender versus race versus ethnicity, etcetera. I did not know
7 that at the time.

8 Q But you knew that women would be rated higher than
9 men. You did know that?

10 A Honestly, I don't recall what the definition of
11 diversity was at the time. I'm certainly generally familiar
12 with the change that was made to add diversity back in '17,
13 but, you know, maybe others involved in our team did know that
14 but that wasn't why these individuals were put on the
15 application. They were put on the application because they,
16 along with all the other people who were included in the same
17 category, actually run the company and have major
18 responsibility here in the state of Nevada for hundreds of
19 employees.

20 Q Okay. Now we have three different LLCs and we've
21 talked about them, NOR, the Thrive one and GreenMart, okay.
22 And I've already shown you that in GreenMart they were graded
23 on an advisory board and not on the officers or directors of
24 the parent. I've shown that to you. You were graded not on
25 an advisory board but on your definition of key employees as

1 officers or directors. And Thrive, they were graded a third
2 way using the existing ownership but not their key employees.
3 So we have three different ways that diversity is being graded
4 here. Would you agree with me that we should have one
5 consistent approach to grading diversity, not three different
6 approaches?

7 MR. KOCH: Objection. States facts not in evidence.

8 THE COURT: Overruled.

9 THE WITNESS: I believe the Department can only
10 evaluate applications as they're written and each applicant
11 has to make its best effort at providing the responsive
12 information.

13 BY MR. KEMP:

14 Q So we should have made up the diversity scoring
15 system after all the applications were filed?

16 A That's not what I said.

17 Q That's okay with you?

18 A That's not what I said.

19 Q Okay. Well, I've shown you the three different
20 approaches that were taken. Do you agree we should have had
21 one uniform procedure?

22 A I believe you're oversimplifying the process.

23 Q Well, I'm trying to. Do you agree that in those
24 three cases we should have at least treated the applicants the
25 same way? GreenMart should have had its officers and

1 directors of the parent graded if you did and Thrive should
2 have had its key employees graded if you did; right? It
3 should have been all the same; right?

4 A Now you're asking me to speculate on what applicants
5 may or may not have included in their application. I'm not
6 comfortable doing that. I mean, again, we put forth our best
7 effort and we were graded accordingly.

8 Q Okay. Let's bore in a little bit on this advisory
9 board we talked about. Would you agree that an LLC should not
10 be allowed to set up an advisory board full of women and
11 minorities just to try to increase its diversity grade?

12 MS. SHELL: Objection. Argumentative.

13 BY MR. KEMP:

14 Q And again, I'm not saying you did it, I'm saying in
15 the abstract would you agree that an applicant shouldn't be
16 allowed to do that?

17 THE COURT: And your objection was?

18 MS. SHELL: Argumentative, Your Honor.

19 THE COURT: Overruled.

20 MS. SHELL: Thank you.

21 THE WITNESS: I'm not -- I'm not familiar with --
22 you know, we didn't do that, so what another applicant should
23 or shouldn't have done is really up to the State to decide.

24 BY MR. KEMP:

25 Q Okay. And let me show you what Mr. Gilbert said.

1 MR. KEMP: And again, this is from the same day, 204
2 16-25 through 205-2.

3 BY MR. KEMP:

4 Q Do you agree with that?

5 A I mean, you're asking me to again go back and rehash
6 one statement from one mid-level manager from the State. I
7 don't know that -- I don't know that I have enough context to
8 opine on this statement.

9 Q Isn't Mr. Gilbert number two under Mr. Pupo in the
10 Department of Taxation?

11 A Something like that. I'm not sure.

12 Q So he's not mid-level, he's upper level; right?

13 A I'm not sure. He's never appeared to be in the
14 highest echelon, from my experience.

15 Q Okay. Did you give any consideration, you being
16 NOR, to creating an advisory board and put women and
17 minorities on it? Did you give any consideration to doing
18 that?

19 A No, I don't believe so.

20 Q And you didn't consider doing that because you knew
21 it was wrong; right?

22 A That's just not how we're structured. We were
23 thorough, accurate and, you know, consistent in how we operate
24 the company. I didn't think of that hypothetical structure
25 because it doesn't really apply to us. We put down who the

1 actual people are that run the company. If you go to our
2 office right now, you'll find those same people with their
3 name on a business card with those titles running the company
4 as shareholders and executives within our company. It's not
5 some made up board, they're real people.

6 Q I'm not saying they're not real people. I'm saying
7 they're not real officers and directors. Do you see the
8 difference?

9 A I'm beginning to see the point you're trying to
10 make, but that's not how our company is structured.

11 Q Okay. Let me ask a different question. You have a
12 lot of women on the Xanthic board; right?

13 A What's your definition of a lot?

14 Q More than two or three.

15 A Would you please pull it up so we can look at the
16 actual thing instead of speaking about it abstractly?

17 MR. KEMP: Shane, can we have Exhibit 127, 12
18 through 13 again.

19 BY MR. KEMP:

20 Q Carli. We have Carli, right, that's a woman?

21 A Yes.

22 Q And we've already talked about Stultz (sic); right?

23 A Liesl Sicz?

24 Q Yeah, Sicz. I'm sorry.

25 A Yes. Uh-huh.

1 Q And the other woman up there is one you mentioned,
2 she's one of the partners; right? Joan -- how do you say her
3 last name?

4 A Jean Schottenstein.

5 Q Okay. So you have at least three on the board of
6 Xanthic; correct?

7 A Carrie Closener (phonetic), Jean Schottenstein, and
8 who's the third one you mentioned?

9 Q Well, you also have Liesl. She's not on the board
10 of Xanthic. She's the owner of Harvest; right?

11 A She's a founding owner and owner of Harvest, which
12 is a member of NOR LLC. Yes.

13 Q Right. So you have at least three; right?

14 A At least three women in the company?

15 Q In the ownership structure or the director
16 structure.

17 A Okay.

18 Q Okay. Would you agree with me that whether those
19 people are women or men, would you agree with me that that is
20 not directly and demonstrably related to the operation of a
21 marijuana business, whether those three people are men or
22 women?

23 A I'm not sure I understand your question.

24 Q In general do you think diversity is directly and
25 demonstrably related to the operation of a marijuana business?

1 A I mean, if you're asking if you can run a company, a
2 multi-million dollar company with 200 plus employees with only
3 men, I don't know if that's realistic or feasible. Are you
4 asking like how important it is to have women in a company?

5 Q No. I'm asking whether you think gender, being a
6 man or woman, whether you think that's directly and
7 demonstrably related to the operation of a marijuana business?

8 A I mean, at the end of the day a marijuana company
9 isn't dissimilar from any other company, okay, so take that
10 out of the equation. You're asking how important is it to
11 have mixed genders in a company? I think it's important.

12 Q Do you think it's directly and demonstrably related
13 to the operation of the business, as opposed to unimportant?

14 A I think I already answered that.

15 Q Well, you gave an answer. Was that a yes answer or
16 no?

17 A I think it's important to any company to have, you
18 know, a variety of genders.

19 Q Would I be correct that the Governor's Task Force
20 that you sat on did not consider diversity? That wasn't a
21 recommended factor for --

22 A I don't recall off the top of my head.

23 Q Okay. And the DOT treated owners, board members and
24 officers equally for this diversity calculation. Do you
25 understand that?

1 A I am actually unaware of that. I don't know --

2 Q Okay.

3 A -- how hat was handled behind the scenes.

4 Q Are you familiar with other governmental entities
5 like the Department of Aviation at the Clark County airport
6 that focus on ownership as opposed to officers and directors
7 for diversity purposes?

8 A No, I'm not. I'm not familiar with the Department
9 of Aviation.

10 Q Do you think that ownership for diversity purposes
11 should be more heavily weighed than, say, for example, an
12 advisory board?

13 A I would say that that really depends on the company
14 and how it's structured and how it actually operates.

15 Q Would I be correct that there's only one company,
16 marijuana company owned by minorities here in Clark County out
17 of the eighty?

18 A I don't know that.

19 Q Only Mr. Hawkins' company, one out of eighty; right?

20 A I certainly know Mr. Hawkins, but I don't know that
21 I can comment on his ownership as compared to all the other
22 companies in the county or the state.

23 Q Do you know any other dispensaries owned by
24 minorities other than Mr. Hawkins?

25 A So, we have a board member who's African-American.

1 I know other companies who have --

2 Q Owned. Owned, not board members. Owned.

3 A And what do you -- I mean --

4 Q Owned means owned. You own the shares or you own

5 that LLC membership. Do you know --

6 THE COURT: Remember how you told me owned meant

7 equity? That's what we're talking about.

8 THE WITNESS: Fair enough. I can't recall any off

9 the top of my head.

10 BY MR. KEMP:

11 Q There are none, are there?

12 A I don't know.

13 Q Assuming it is Mr. Hawkins is the sole minority

14 owner and it's one out of eighty, that's 2.5 percent of the

15 marijuana dispensaries in town; right?

16 A Do you want me to get out my calculator and confirm

17 that?

18 Q Well, why don't we just assume that that's 2.5

19 percent.

20 A Fair enough.

21 Q Do you think -- or actually it's 1.25 percent. I'm

22 wrong. It's 1.25.

23 MR. KEMP: I thought you were going to jump in

24 there, Judge.

25 THE COURT: I'm not doing that today.

1 MR. KEMP: Okay.

2 BY MR. KEMP:

3 Q 1.25 percent. Do you think that's really what the
4 legislature intended when they changed the statute in 2017 to
5 try to encourage diversity ownership?

6 MR. KOCH: Objection. Speculation.

7 THE COURT: Overruled.

8 THE WITNESS: I can't comment on the legislature's
9 intention.

10 BY MR. KEMP:

11 Q Okay. Well, whatever it was, would you agree with
12 me that the diversity really hasn't worked because we only
13 have 1.25 percent ownership now?

14 A Look, what I can say is that the diversity
15 requirement came after the fact. It wasn't part of the
16 initial medical applications. And if you think about it, the
17 only people who could apply for these new licenses, the
18 universe of applicants was set back in 2014 when the medical
19 licenses were awarded. So the time to implement diversity was
20 back then when we were creating the universe of applicants, in
21 my opinion. So we're kind of -- you know, kind of tweaking
22 the system, trying to make it better by adding diversity, you
23 know, later on. But I think it's -- you have to add some
24 context to the kind of hypothetical exercise that you seem to
25 really enjoy to go back and try to recreate how the program

1 would work, and how it would be shaped today would be very
2 different.

3 Q Okay. We had a ballot initiative; correct?

4 A Yes.

5 Q And that's why we have rec because of the ballot
6 initiative; right?

7 A Correct.

8 Q And that was passed in November of 2016; right?

9 A Yes.

10 Q And that did not include diversity; right?

11 A I do not believe so.

12 Q Okay. And November 2016, three years hasn't passed
13 yet, has it?

14 A Between what and what?

15 Q Between November 2016 and the present day.

16 A Correct.

17 Q So the ballot initiative cannot be changed by the
18 legislature for three years; right?

19 A Correct.

20 Q So diversity shouldn't have been used at all, should
21 it?

22 A Well, you're ignoring the part of the regulations
23 that state that the Department has authority to run the
24 department or run the program, accept and grade, score
25 applications and award licenses.

1 Q So your position is that the legislature can't
2 change the ballot initiative for three years but the
3 Department of Taxation can. Is that what you're telling me?

4 A No.

5 Q Okay. So you would agree that we cannot change the
6 ballot initiative until November of 2019; correct?

7 A My understanding of Nevada law, and again, you're
8 asking me to opine on legal issues here, but my understanding
9 is that the major components of a ballot measure cannot be
10 altered by the legislature for three years after its passage.
11 But I also understand that the Department has been given
12 statutory discretion to run the Department and to administer
13 the program.

14 Q Would you consider 20 points out of 250 to be a
15 major portion of the application?

16 A I would say it's significant.

17 Q Well, okay. All right. Let's talk about building
18 address. Earlier I told you that there were two different
19 applications; right?

20 A I don't believe we covered that.

21 Q Okay. Are you aware that the applicants in this
22 case -- we're referring to the 462 -- some of them filed one
23 application that said either you had to be an owner or you had
24 to provide a landlord's letter for a lease situation, and
25 others provided an application that had different wording.

1 Are you aware of that?

2 THE COURT: Mr. Kemp, you're referring to the
3 existence of two different forms?

4 MR. KEMP: Right.

5 THE COURT: Thank you.

6 THE WITNESS: I'm aware that the State had previous
7 drafts of the application, but there was only one application
8 that was applicable at the time the application period opened.

9 BY MR. KEMP:

10 Q So if I told you the application that required
11 ownership or the landlord's letter was on the State website as
12 recently as two weeks ago, that would be a shock to you?

13 A I don't know that I would be shocked. I mean,
14 people make mistakes. The Department of Transportation (sic)
15 is not immune from having potentially --

16 THE COURT: Department of Taxation?

17 MR. KOCH: Taxation.

18 THE WITNESS: What did I say?

19 THE COURT: Transportation.

20 THE WITNESS: Yeah. I guess somebody jinxed it
21 earlier. But anyway, yes, Department of Taxation. Thank you.

22 BY MR. KEMP:

23 Q Transportation screws up, too.

24 A Yeah, maybe. So, yeah, is it possible that they had
25 an outdated version of the application? I did not see that

1 specifically. I heard that that had occurred. I wouldn't be
2 shocked. But that's a technicality. The big picture here is
3 what was applicable at the day the application period opened.
4 And if someone wasn't paying attention close enough to
5 understand which form was appropriate for such a large
6 endeavor and commitment, then, you know, I don't know that you
7 can really blame the Department for that.

8 Q Okay. And the application notice was published July
9 6th, I believe.

10 A Somewhere around there, as far as I can recall.

11 Q And the final day was September 20th; right?

12 A Something like that.

13 Q So between the time period of July 6th through
14 September 20th, you personally didn't know that there were two
15 forms, is that correct?

16 A I don't recall. I knew that they were -- they had
17 previously been discussing the location requirements, whether
18 or not to require a secured, you know, location and that kind
19 of thing, but, you know, we paid pretty close attention to the
20 whole process. We were part of the Listserv. And we were not
21 confused by the fact that there were previous versions of the
22 application. It was pretty clear to us which form to use.

23 Q You didn't even know there were two forms. What do
24 you mean you were sure which form to use?

25 A We were not confused by that. We knew which form to

1 use.

2 Q Well, if you didn't know there were two forms, how
3 could you be confused?

4 A I don't know that there were two forms. I don't
5 know -- I now know that there were two forms, but I'm not sure
6 if they actually published it or not. But for us it wasn't a
7 point of discussion. We got the form, we followed it and
8 submitted our application.

9 Q Okay. Let's talk about the address requirement a
10 little bit. Earlier you referenced the Task Force's
11 recommendation that the address requirement be dispensed with;
12 right?

13 A I wouldn't call it the address requirement. It's
14 more of securing a location and using that location as a basis
15 for grading on the application. As we now know, the
16 application did have a spot for address; it just wasn't
17 graded. There were no points assigned to it, so it was more
18 of a guidance than it was a requirement.

19 Q Would I be correct that NRS 453D.210 that was in
20 effect when the application was filed required that an address
21 be submitted as part of the application?

22 A Can you show that to me? I don't have that
23 memorized.

24 Q Well, let me read it to you. Section (b): "The
25 physical address where the" --

1 THE COURT: So you're on 5(b)?

2 MR. KEMP: That's correct, Your Honor, 5(b).

3 BY MR. KEMP:

4 Q Quote: "The physical address where the proposed
5 establishment will operate is owned by the applicant or the
6 applicant has the written permission of the property owner to
7 operate the proposed marijuana establishment on that property"
8 -- semicolon, close quote. That's what the statute says;
9 right?

10 A If you say so. I don't have it in front of me.

11 Q Do you want to look at it?

12 THE COURT: He correctly read it.

13 THE WITNESS: Okay. I'll take the Judge's word for
14 it.

15 BY MR. KEMP:

16 Q Okay. And that statute got amended, at least parts
17 of it did, in the legislative session that just ended in 2019;
18 right? You're familiar with AB533?

19 A Yes, generally.

20 Q And it amended part of that statute; right?

21 A I believe so.

22 Q But it didn't amend that part that requires a
23 physical address; right?

24 A I'm not sure.

25 Q Okay. Now, the statutes as enacted by the

1 legislature, that's the law, right, not the Task Force
2 recommendations?

3 A Correct.

4 Q So basically instead of following the law that I've
5 just read, the DOT decided to follow the Task Force
6 recommendation, no address required; right?

7 MR. KOCH: Objection. Legal conclusion.
8 Argumentative.

9 THE WITNESS: Well, I believe --

10 THE COURT: Overruled.

11 THE WITNESS: I'm sorry. I believe the Department
12 used its own, you know, statutory authority to create an
13 application that was, you know, responsive to, you know,
14 Question 2 and the regulations.

15 BY MR. KEMP:

16 Q Well, that's not really what happened, is it, sir?
17 You know what really happened, don't you? Certain applicants
18 were having trouble getting landlords to sign leases or to
19 sign landlord letters. It was costing them a lot of money, so
20 certain applicants and their attorneys went to the Department
21 and begged for some relief. Isn't that what really happened
22 here?

23 A Not to my knowledge.

24 Q Not to your knowledge?

25 A Yeah.

1 Q To your knowledge there was no address required as
2 of July 6th; right? That's your knowledge?

3 A My knowledge and understanding was that the location
4 was not required on the application, in part because of all of
5 the issues that it caused in 2014.

6 Q Okay.

7 MR. KEMP: Shane, can I have Exhibit 5, page 13, the
8 building section.

9 BY MR. KEMP:

10 Q Now, that section, you're supposed to include
11 documentation establishing the adequacy of size of the
12 building; right?

13 A Yes.

14 Q Did NOR put in generic building plans or did they
15 put in building-specific plans for specific buildings and
16 specific addresses?

17 A Both.

18 Q Okay. So some of your applications you had generic
19 plans and some you had specific addresses, is that correct?

20 A What I mean by that is we actually took our existing
21 dispensary floor plan and layout and removed any identifying
22 information from that, and so in a sense it was an actual, you
23 know, layout of a functioning store that had been approved in
24 the state but did not have any identifying information on it.

25 Q Well, let me ask it a little differently, then. So

1 for the eight applications NOR and HOR put in -- there were
2 eight; right?

3 A Yes.

4 Q Did you have a building address for any of the
5 eight?

6 A We had to provide an address, I believe, in another
7 part of the application, but for this particular section this
8 is non-identified, and so we had a non-identified floor plan
9 with context and language and description that is based on our
10 existing store today.

11 Q Okay. Does that mean you did have a piece of
12 property that you owned or under lease for each one of these
13 eight or you did not?

14 A We provided addresses for them according to the
15 application.

16 Q Okay. Let's go down each one, then. RD215, did you
17 provide a specific building address?

18 A Yes.

19 Q 16, a specific building address?

20 A I believe so.

21 Q 17?

22 A The answer to all of them is I believe we did.

23 Q So you think you had specific building addresses for
24 each of them, is that correct?

25 A I believe so, yes.

1 Q Did you have landlord letters? Well, wait, wait,
2 wait, wait, wait. I think I see what's happening here. By
3 specific building address, you're not talking about Post
4 Office Etcetera or something like that; right? You're talking
5 about a real building where you're going to put the
6 dispensary. Did you provide that?

7 A We had addresses that were within each jurisdiction
8 that we felt met the requirements of the application.

9 Q Okay. Did you have addresses for a building where
10 you were going to build a dispensary or did you have post
11 office boxes or UPS addresses?

12 A We had addresses that we felt met the requirements
13 of the application.

14 Q Where they UPS addresses?

15 A I can't -- I don't recall what they were for.

16 Q Did you have a landlord's letter for each one of --
17 for any of the eight applications?

18 A Was that a requirement in the application? I don't
19 recall.

20 THE COURT: Sir, it's a yes or no.

21 THE WITNESS: I don't believe so.

22 BY MR. KEMP:

23 Q Okay. And did you own any of the addresses that you
24 referenced in the eight applications?

25 A I don't recall.

1 Q There's been testimony that some people used a UPS
2 or something like that, a Post Office Etcetera, they used that
3 address. Did you do that?

4 A We may have.

5 Q Okay. So if you did that, the building plan
6 couldn't be specifically tailored to whatever you ultimately
7 would build, is that correct?

8 A To the extent that that happened, that would be
9 correct. However, as I explained earlier, our building plan
10 was based on our existing store that could be built with minor
11 tweaks just about anywhere.

12 Q Okay. Nothing better than using an existing store
13 because that's already been approved; right?

14 A And we were comfortable with it. We operate a
15 certain way. We have our tellers in one window and we have
16 check-ins a certain way. So operationally it was already
17 designed to support how we operate our retail operations.

18 Q Okay. But if you were trying to prove that you
19 could build something in 12 months, there would be nothing
20 better to submit than an existing operating dispensary; right?

21 A I mean, I'm sure your client would like to make that
22 argument, but, you know, that wasn't why we submitted it the
23 way we did. We submitted our floor plan the way we did
24 because that's how we operate, we're very successful in this
25 market, and that supports our operations, our security, our

1 training, customer flow, packaging, product flow, et cetera.
2 That's why we did it, not because we already had a store that
3 we abandoned that we were trying to retrofit.

4 Q Can we agree to a term to call the floor plan that
5 you used generic floor plan, whatever you want? Give me a
6 term.

7 A Floor plan.

8 Q Okay. So with regards to the NOR floor plan, do you
9 think that the NOR floor plan that you provided for eight
10 different jurisdictions, do you think that that provides
11 greater evidence that you can actually build a dispensary in
12 12 months than an existing dispensary that had been in
13 operation for years would provide?

14 A That's not a hypothetical I really contemplated. I
15 mean, it's a very unique circumstance you're bringing up.

16 Q I'm not disagreeing that it's a unique circumstance,
17 but okay.

18 MR. KEMP: Can I have the NOR scores, please, for
19 building construction.

20 BY MR. KEMP:

21 Q These are the scores that the Manpower graders gave
22 NOR to the NOR floor plan in these eight different
23 jurisdictions, okay. Do they look familiar?

24 A I actually haven't seen this before, but I'll take
25 your word for it.

1 Q Okay. Well, your attorney will jump up and yell and
2 scream if I'm lying. All right. So let's focus on 15 and 16.
3 Those are in two completely different jurisdictions; right?

4 A I would assume so. Again, I'm not sure how those
5 are coded. I don't know where this ID number came from or
6 what they correlate to.

7 Q Okay. But you only filed on application for
8 jurisdiction?

9 A Correct.

10 Q Okay. In other words, you didn't set up two LLCs
11 and file multiple applications; right?

12 A That's correct.

13 Q And the reason you didn't set up the two LLCs and
14 file multiple applications is you at least understood that was
15 not the way to go, that was inappropriate?

16 A Well, I believed that NOR was the applicant. NOR
17 was the licensed medical marijuana company that qualified to
18 apply for these licenses.

19 Q So you thought -- if you had you could file more
20 than one application, you would have done that, because you
21 could have got two dispensary licenses, potentially, in Clark
22 County or two in to city of Las Vegas; right?

23 A Potentially.

24 Q Okay. But you didn't do that because you knew that
25 NOR could only file one application; right? In each

1 jurisdiction.

2 A That was not our strategy. I mean, we -- NOR was
3 the existing licensee, existing operator, and that's the
4 entity that applied.

5 Q Okay. Let's get back to building construction on
6 215 and 216. Two different jurisdictions. And I think this
7 is the County and the City; right? Right?

8 A I don't know.

9 Q Okay. You know it's different jurisdictions,
10 though, because you only filed one [inaudible].

11 A Yes. I believe so.

12 Q And you got the exact same score for building
13 construction in two different jurisdictions, 16.33. Do you
14 see that?

15 A Yes.

16 Q Can you explain to me how a building in two
17 different jurisdictions could be rated exactly alike down to
18 the hundredth decimal point?

19 A No.

20 Q It's incomprehensible; right?

21 A I wouldn't say that. I just -- I'm not familiar
22 with the rationale behind it.

23 Q Okay. And then the next group of applications you
24 had, 17, 18, 19, 20, 21, those are filed in five different
25 jurisdictions; right?

1 A Six.

2 Q 17 is the last one. I'm talking about 1, 2, 3, 4,

3 5.

4 A Oh. Those five, that .33?

5 Q Yes.

6 A Yes. Okay.

7 Q Okay. So five different jurisdictions. And you got

8 the exact same rating down to the second decimal point; right?

9 A Yes.

10 Q Okay. So these were five different UPS addresses in

11 five different jurisdictions?

12 A I don't know.

13 Q They weren't real buildings; right? I mean, real

14 buildings --

15 A Well, of course they were real buildings.

16 Q -- real buildings that you were going to put a

17 dispensary in; right?

18 A I don't recall. We own, you know, commercial real

19 estate throughout the state, and it may have been some of that

20 here. I don't know. I don't remember.

21 Q The same question. Can you explain to me how the

22 NOR floor plan got the exact rating in five jurisdictions?

23 A No, I cannot. I wasn't part of the grading process.

24 Q And can you explain how the same floor plan got a

25 16.33 in the first two jurisdictions, but the exact same floor

1 plan was rated in the next five a point higher?

2 A I mean, I can speculate. I mean, it could have
3 something to with the population with regard to the relative
4 size of the floor plan. Maybe there was some thought that a
5 larger store could serve a large population better. I don't
6 know. That's complete conjecture on my part. But, like I
7 said, I wasn't privy to how this was scored, and so I can't
8 really, you know, say why there are two different scores.

9 Q Would it surprise you if I told you that all eight
10 of these for building addresses where there's not going to be
11 a real dispensary, okay, either at the UPS box or whatever,
12 all eight of your applications scored higher in this category
13 than MM's application for a real building, a real dispensary
14 that had been in operation for three years? Would that
15 surprise you?

16 A Not necessarily, no. I can tell you that --

17 Q And is that --

18 A -- we went through a lot of effort to explain how we
19 operate. It's like saying, here's a floor plan I found off
20 the Internet, go with it, versus something that, you know, we
21 know how to operate in this floor plan, it supports our
22 operations. So it wasn't just a floor plan submitted on its
23 own. I believe we provided a lot of -- a lot of information
24 about the floor plan and why it works and how -- why we
25 thought it strengthened our application.

1 Q But MM Development had an actual dispensary that had
2 been operated for years, and they got rated lower than your
3 generic floor plan at a Post Office box address. That
4 doesn't --

5 A That doesn't mean that they operate well.

6 Q Have you been to the -- were you at their
7 dispensary?

8 A Yes.

9 Q You don't think that dispensary's operated well?

10 A I'm not saying that. You're saying just because it
11 was in existence means that it's a superior floor plan. And I
12 disagreed with that assertion.

13 Q Okay. Other applications that also used generic
14 floor plans also got even higher ratings than this; right?

15 A I don't know.

16 Q Okay. Are you familiar with Thrive?

17 A Yes.

18 Q Let me show you some of their ratings.

19 THE COURT: What document?

20 MR. KEMP: This is just demonstrative, Your Honor.

21 THE COURT: So are you going to give it some
22 demonstratives at the end of the day?

23 MR. KEMP: Well, actually there's documents that
24 actually support this if --

25 THE COURT: Well, but, I mean, you have a

1 demonstrative you're showing. So are you going to give me a
2 slide?

3 MR. KEMP: Yes, we are, Your Honor.

4 THE COURT: Great. Good. Keep going.

5 BY MR. KEMP:

6 Q Okay. So we have the same 19.67 rating for five
7 places from Clark County to Elko. See that?

8 A Yes.

9 Q And we got the same 19.33 grading for the same --
10 for places from Clark County to Nye County; right?

11 A Yes.

12 Q Seems pretty consistent to me. Does it seem
13 consistent to you?

14 A Well, I see that the number 19.33 applies to Clark,
15 Las Vegas, Reno, and Nye.

16 Q And I assume that you have no explanation for how
17 Thrive got generic plans rated at 19.67 or 19.33 and MM's
18 actual building was only rated 15.33.

19 A I'm not sure that's what the application called for.
20 I think you're kind of trying to project your own idea of how
21 the application should have been post mortem.

22 Q Okay. So you think that an existing building that
23 had been operating for years could not be put in as a proposed
24 building in the application process? Is that what you think?

25 A Nope. Didn't say that.

1 Q Okay. Do you think this is kind of a bait and
2 switch here? In other words, you tell the Department that
3 you're going to build a building using generic plans at a Post
4 Office box address and then you switch it over and you build
5 something different at a different address. You think that's
6 a bait and switch, get the high points and then switch over to
7 something else?

8 A Not at all. It's quite the opposite. We are a
9 proven, experienced operator with a stellar track record that
10 took our existing floor plan that had been very carefully
11 designed and not only provided a floor plan -- the building's
12 a building. The more important thing to me is showing how
13 you're going to meet the needs of the community, how your
14 floor plan supports the business. You're looking at this very
15 differently than I would.

16 Q Well, do you think --

17 A I'm --

18 THE COURT: He's not done.

19 THE WITNESS: So, in addition to the floor plan and
20 talking about the building, it's really how do you use that to
21 serve the needs of the customers within that community. And
22 we went to great lengths to do that in our application .

23 BY MR. KEMP:

24 Q Right.

25 A And so just because MM had abandoned their location

1 on Sunset to go after the tourist, you know, market, doesn't
2 mean that they're somehow proven that they know how to operate
3 better. So what? They had another location. Big deal. We
4 had a location that saw three times, two and a half, two
5 times, something like that, the number of customers on a daily
6 basis that was proven, that we demonstrated, in my opinion,
7 that we knew how to operate and serve the needs of community.

8 Q Okay. I started off talking about building ratings,
9 which are 20, and you moved over to a different section,
10 community impact, which is 15 points; right? Different
11 sections.

12 A No. I did not do that.

13 Q Community impact isn't different than building?

14 A That's not what I said.

15 Q Is community impact different than building?

16 A It's a different section. But if you go back to
17 what this section called for, it talked about adequacy of
18 serving the needs of the customer and adequacy of size. And
19 that's what I was talking about.

20 Q How could you make an objective determination that
21 the size was adequate if you didn't even know where the
22 building was, didn't whether it's going to be one story or two
23 story, didn't know whether it's in a strip center or stand
24 alone? How can you decide that a building's adequate if you
25 don't know how big it's going to be?

1 A Because we're providing a floor plan based on how we
2 currently operate, and so we have -- we're in a very good
3 position, actually, to describe that. And I think we did so
4 very well.

5 Q Now, with regards to the NOR floor plan that you
6 used for the eight applications would or would not that have a
7 different impact in different communities?

8 A It may need to be tailored slightly. You know,
9 Starbucks has certain prototypes that they build in various
10 communities, and they tweak it based on the building and the
11 community. And we anticipated doing the same thing.

12 Q You anticipated doing it, but you didn't do it in
13 the application.

14 A Well, there wasn't -- it wasn't possible to submit
15 eight different floor plans. It was one application.

16 Q Would I be correct that NOR got the exact same grade
17 for community impact in its eight different applications filed
18 in eight different jurisdictions?

19 A I believe so. I don't know that for sure. I
20 haven't seen it. But I believe that's the case, deducing the
21 score is based on the size adequacy thing.

22 MR. KEMP: Let me have my next slide, please, Shane.
23 It's the community impact rating.

24 BY MR. KEMP:

25 Q Okay. 14.33, 14.33, 14.33, all the way down for all

1 eight applications; right? Right?

2 A Yes.

3 Q Eight different communities all across the state,
4 and you have the same community impact; right?

5 A The score is the same.

6 Q Earlier -- you know Dave Thomas; right?

7 A Yes.

8 Q He explained to us why the community impact of a
9 marijuana store say on East Boulder Highway would potentially
10 be different than a marijuana store in Summerlin. So he
11 explained that. Do you agree that the potential community
12 impact would be different if you were those two types of
13 diverse locations?

14 A I mean, it depends how you write your application. I
15 think we wrote ours in such a way that we demonstrated not
16 only our historical commitment and efforts to make a positive
17 impact to the community, but broad strategies going forward.
18 And so, I mean, if -- I guess if you drill down to the, you
19 know, certain level of detail, it could vary neighborhood by
20 neighborhood. But I think the way that we approached it with
21 our -- the way that we have always provided classes on a
22 monthly basis, now we do it twice a month, from the doctor to
23 the community, how we do community outreach, how we volunteer
24 with veterans organizations and et cetera, et cetera, those
25 are all, you know, similar kinds of general strategies.

1 Q Everybody does the volunteering with the veterans
2 and what -- everybody does that; right?

3 A So you're saying we're not unique?

4 Q Well, I'm saying that other people do the same
5 things you've described. Do you think those things justify
6 having a community impact score of 14.33 in eight different
7 jurisdictions where you don't say exactly where the
8 dispensary's going to be built?

9 A I think we did an excellent job not only of actually
10 doing the things we said we were going to do, but making a
11 strong commitment to the community. I love to talk about it.

12 Q Okay. You also got one of the highest, if not the
13 highest, ratings for care, quality, and safekeeping; correct?

14 A I don't know that.

15 MR. KEMP: Can I have my next slide, Shane.

16 BY MR. KEMP:

17 Q 82.67. I think there was only one other applicant
18 that might have been slightly ahead of this, but this was a
19 very high score, that 90.10; correct?

20 A This is the first time I'm actually seeing this, so
21 I don't know.

22 Q Now, care, quality, and safekeeping, that means when
23 the marijuana comes into the dispensary you take -- in general
24 you have tracking maps that safeguards, make sure you're
25 selling it to the right people. That's what care, quality,

1 and safekeeping is?

2 A I mean, that's a part of it. I would use a much
3 different way of describing it, but I think you're generally
4 pointed in the right direction there.

5 Q Okay. And I assume you must have some formal
6 written plan for care, quality, and safekeeping.

7 A What do you mean by that?

8 Q Don't you have a procedure manual or a plan or
9 something?

10 A The "care, quality, and safekeeping" are words from
11 the application.

12 Q Okay. And you didn't just say, I promise I'm going
13 to do a really, really good job and get an 82.67. You put in
14 some backup information?

15 A Quite a bit, yes.

16 Q And the backup information included a plan or
17 procedure?

18 A Yes. So are you asking about our SOPs and policies
19 and procedures, or are you asking what types of information we
20 put responsive to the application questions?

21 Q Rightly. You put in something there that would
22 demonstrate that you had a good care, quality, and safekeeping
23 procedure; right?

24 A Yes. We tried to address that the best we could.

25 Q And whatever you put in there, is that what you were

1 using already for NOR, or is this some new invention?

2 A Well, I think it's a combination. So, you know,
3 over the years we've certainly gotten better at certain
4 things, and so we've adapted our SOPs and our different, you
5 know, processes that we use to operate the company. So part
6 of it is describing how we've done that in the past and how
7 well we think we've done in that category, but another part of
8 it is describing how we would also do that in new locations
9 and new -- you know, going forward.

10 Q Okay. And you said you had a, quote, "stellar,"
11 unquote, track record with regards to care, quality, and
12 safekeeping?

13 A In my opinion, yes.

14 Q Okay. And isn't it true -- Counsel went over it
15 with you a little bit. Isn't it true that NOR, or rather HOR
16 sold marijuana to an underage person?

17 A Another entity, a sister company, did have an
18 incident that we discussed earlier where we found it in our
19 internal audit, reported it to the State, and addressed it.

20 Q Did you find it, or did that person's mother call up
21 and yell and scream at your manager? What really happened
22 here? Would you like to look at the incident report?

23 A We found it.

24 Q You found it.

25 A We identified the issue, and we corrected it, and we

1 ended up terminating the employee who was responsible for
2 allowing that customer to be checked in.

3 Q And this is incident happened just months before the
4 applications were being [inaudible].

5 A I believe so.

6 MR. KEMP: Can I have Exhibit 96, which is an
7 admitted exhibit.

8 BY MR. KEMP:

9 Q Have you seen this before, sir?

10 A It's hard to read. I believe this was admitted --
11 or in the proceedings earlier.

12 Q Okay. And so sometime in or around April or May of
13 2018, two months before the July notice was published,
14 sometime in that time period you had this incident of selling
15 to an underage person; correct?

16 A Well, when you say underage, they were not a minor.
17 They were under 21, but older than 18.

18 Q Okay. Well --

19 A And, yes, an incident did occur at a different
20 company, different entity. We discovered that incident, we
21 corrected it, we self reported it, and handled it in the most
22 forthright way we have.

23 Q And this is your actual compliance history, that you
24 actually sold to an underage person; right?

25 A No. That's an isolated incident that occurred. I

1 don't think it's fair to say that is our compliance history.

2 Q Oh.

3 A We are one of the highest-volume stores in the
4 state, and we have 60, 70 employees at each location. We see
5 over a thousand people a day. And given the volume of
6 business that we have handled, I think we've done an excellent
7 job of following the regulations.

8 Q Okay. Well, let's talk about selling to minors or
9 selling to underage persons, as you want to put it.

10 A So are you -- by going down this line are you saying
11 that Henderson Organic Remedies is the same as Nevada Organic
12 Remedies, which is the applicant and the party in this case?

13 MR. PARKER: Your Honor, can I just make a quick
14 objection. The witness is now asking questions, as opposed to
15 answering.

16 THE COURT: So the attorneys don't have to answer
17 him. He can ask all he wants. Because if he does not finish
18 this afternoon, he will be back tomorrow morning at 9:30.

19 BY MR. KEMP:

20 Q Henderson Organic Remedies uses the same care,
21 quality, and safekeeping plan as NOR? Sister company; right?

22 A Henderson did not apply for their licenses.

23 Q I didn't ask that.

24 A Not because of this incident, but, you know, there
25 is some common ownership, if that's what you're asking.

1 Q Did they use the same care, quality, and safekeeping
2 plan as NOR?

3 A I don't know what you're asking. Because, again,
4 this -- the care, safekeeping, and quality is a section of an
5 application. Henderson did not apply for licenses, so I'm not
6 really able to answer that.

7 Q Okay. Let's get back to selling to underage
8 persons. Are you aware of any instances where say, for
9 example, Mr. Hawkins's facility was accused of that?

10 A I'm not aware.

11 Q Anybody else other than Henderson Organic Remedies?

12 A I'm sure it's happened before, but I don't --

13 Q I'm not asking what you're sure about. I'm asking
14 if you know of any other instances --

15 A I've never asked another licensee if that's occurred
16 in their facility.

17 Q So as far as your personal knowledge, you are the
18 only dispensary in Clark County that has been involved in an
19 underage sale; is that correct?

20 A I wouldn't say that. Because I've kind of heard
21 enough to know that it's happened before. I just can't sit
22 here and tell you chapter and verse who it's happened to and
23 what the circumstances were.

24 Q Now, would I be correct that you did not indicate on
25 your application that you had been involved in an incident of

1 selling to an underage person?

2 A The Department has a history of all of our
3 deficiencies, all of our inspections, all of our audits. And
4 plus this was a separate entity. So not only did I not think
5 it was needed because they already had that information, but
6 it really wasn't applicable, because Henderson was not
7 applying for licenses.

8 Q Okay. So you did not put it on any of the eight NOR
9 applications?

10 A The State already had the information.

11 Q The answer to my question is you did not put it on
12 the applications.

13 A We did not put Henderson's incident on this
14 application.

15 Q And the reason you didn't do it is because it was
16 already in the State computer systems?

17 A No. The reason we didn't do it is because it wasn't
18 applicable. I mean, why would we put incidents from -- that
19 happened at a different company on NOR's application?

20 Q So you think the actual compliance history of an
21 applicant is not relevant, but the care, quality, and
22 procedure plan it submits is relevant. That's what you're
23 telling me?

24 A That's not what I'm saying. No.

25 Q So the actual compliance history is relevant to the

1 application?

2 A The compliance history for NOR, although I don't
3 know that it was, you know, structured this way in the
4 application, I think would be relevant. But, again, you're
5 asking me about an incident that occurred at a separate
6 company.

7 Q Okay. And isn't it true that you asked the State to
8 scrub this from its computer systems?

9 A No.

10 MR. KEMP: Shane, can I see the next on this,
11 please.

12 THE COURT: And what's its exhibit number, or is it
13 still part of --

14 MR. KEMP: Same exhibit.

15 THE COURT: Okay. Thank you.

16 MR. KEMP: Same exhibit, Your Honor, 96.

17 BY MR. KEMP:

18 Q "Please remove the investigation SODs," that's
19 statement of deficiencies; right?

20 A Correct.

21 Q Please remove them. So the State was asked to
22 remove these from its system; right?

23 A I'm not familiar with this email. I don't know the
24 history behind it.

25 Q And you don't know what your attorney asked the

1 State to do?

2 MR. KOCH: Objection. Lacks foundation.
3 Argumentative.

4 THE COURT: Overruled.

5 THE WITNESS: I know that --

6 MR. KOCH: Misstates the document.

7 THE COURT: Overruled.

8 THE WITNESS: I know that we discovered that this
9 incident occurred and that we voluntarily went to the State
10 and told them that it happened, provided a plan of correction,
11 and so on. So --

12 BY MR. KEMP:

13 Q You discovered it when the mother called complaining
14 that her son had been able to buy marijuana at the State, or
15 you discovered it how?

16 A I don't recall that's how it occurred. We have a
17 full-time internal compliance person whose job it is to ensure
18 that we're following the rules. And I believe that he
19 discovered this incident and then escalated it through the
20 proper channels of management, again, at Henderson Organic
21 Remedies.

22 Q Did you think this is something that the graders
23 should have had to consider, your actual compliance history,
24 as opposed to the theoretical compliance history in the plan
25 documents you submitted?

1 MR. KOCH: Objection. Asked and answered.
2 Argumentative.

3 THE COURT: Overruled.

4 THE WITNESS: So, again, this was for -- this had
5 not happened with the applicant. So this was a separate
6 entity. And secondly, that wasn't part of the application, so
7 we did not submit it. If it had been part of the
8 requirements, we would have gladly provided that information.
9 BY MR. KEMP:

10 Q A separate entity with the same, what was your word,
11 admirable, wonderful management that both entities had; right?
12 NOR and HOR had the same management, same executives?

13 A Yes. Similar. Some common ownership.

14 Q Okay. And isn't the reason that HOR didn't apply
15 for an application was because it was concerned that this
16 incident would hurt it?

17 A Not at all. That's not at all why.

18 MR. KEMP: Thank you, sir.

19 THE COURT: Mr. Cristalli.

20 MR. CRISTALLI: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. CRISTALLI:

23 Q 'Afternoon, Mr. Jolley.

24 A 'Afternoon.

25 Q Mr. Jolley, you talked a little bit about you being

1 familiar with the ballot initiative; correct?

2 A Yes.

3 Q And in fact NRS 453D.020 discusses a little bit
4 about the ballot initiative in terms of its introduction.
5 Specifically it talks about "In the interest of public health
6 and public safety and in order to better focus the State and
7 local law enforcement resources on crimes involving violence
8 and personal property the people of the state of Nevada find
9 and declare that the use of marijuana should be legal for
10 persons 21 years of age or older, and its cultivation and sale
11 should be regulated similar to other legal business." You
12 agree with me that that's what the provision says?

13 A Yes.

14 Q Okay. It continues on to say, "The people of the
15 state of Nevada find and declare that the cultivation and sale
16 of marijuana should be taken from the domain of criminals and
17 be regulated under a controlled system where businesses will
18 be taxed and the revenue will be dedicated to public education
19 and enforcement of the regulations of this chapter." You
20 agree with that, sir, don't you?

21 A Yes. That's what it says.

22 Q That's what it says.

23 A Yep.

24 Q And it says that because the initiative addresses
25 the issue and then through the course of the statute to make

1 sure that there are no criminals that are operating marijuana
2 establishments in the state of Nevada. You'd agree with me;
3 correct?

4 A I believe the State undertakes steps by declaring
5 background checks and so forth to make sure that the people
6 who are working in the industry meet certain requirements,
7 yes.

8 Q In fact, under 453D.200(6) -- Court's indulgence --
9 it specifically says, "The Department shall conduct a
10 background check of each respective owner, officer, and board
11 member of a marijuana establishment license application";
12 correct?

13 A I believe so.

14 Q Want to make sure that we properly vet all
15 applicants to make sure that their backgrounds are clean;
16 correct?

17 A I believe that's the intention.

18 Q Okay. And then it goes on to 453D.205(1) stating,
19 "When conducting a background check pursuant to subsection (6)
20 of NRS 453D.200 the Department may require each respective
21 owner, officer, and board member of a marijuana establishment
22 license application to submit a complete set of fingerprints
23 and written permission authorizing the Department to forward
24 the fingerprints to the Central Repository for the Nevada
25 Records of Criminal History for submission to the Federal

1 Bureau of Investigation for its report"; correct?

2 A That's what it says.

3 Q So we want to make sure that all applicants are
4 appropriately vetted before licensing a particular applicant;
5 correct?

6 A I believe so.

7 Q And then 453D.210(5)(f)(1) says, "The persons who
8 are proposed to be owners, officers, or board members of the
9 proposed marijuana establishment have not been convicted of an
10 excluded felony." Isn't that true?

11 A That's what it says.

12 Q Okay. And the ballot initiative requires all
13 ownership to be disclosed; correct?

14 A I mean, we talked earlier about, you know, how
15 that's handled for publicly traded companies. But, yes, I
16 believe that that language is correct.

17 Q Okay. So let's talk about that with regard to how
18 it's dealt with with publicly traded companies. You would
19 agree with me, would you not, sir, that if you are a
20 shareholder of a company that you have an ownership interest?
21 Correct?

22 A Yes, I would agree with that.

23 Q So to take it to its logical conclusion, then, if
24 the ballot initiative, if the NRS requires the disclosure of
25 all, and it says "shall," all ownership interests in a

1 marijuana establishment, you would agree with me, sir, that it
2 would be difficult in light of the fact that all shareholders
3 are considered owners to make that full disclosure; correct?

4 MR. KOCH: Objection. Legal conclusion.

5 THE COURT: Overruled.

6 THE WITNESS: I think when this language was drafted
7 I don't know that it really considered the implications for
8 publicly traded entities. But there are many now, you know,
9 companies that are publicly traded. And so I believe that in
10 a case where you have, you know, ambiguity the Department has
11 been able to clarify the rules for handling those situations.

12 BY MR. CRISTALLI:

13 Q Okay. So the ballot initiative says "shall be
14 disclosed"; correct?

15 A Yes.

16 Q And the regulations say "shall be disclosed";
17 correct?

18 A I believe so.

19 Q So it's your testimony here that the Department of
20 Taxation could usurp both the initiative and the regulations
21 in order to justify nondisclosure?

22 A I would say clarify.

23 MR. KOCH: Objection. Legal conclusion and
24 argumentative.

25 THE COURT: Overruled.

1 THE WITNESS: I would say clarify.

2 BY MR. CRISTALLI:

3 Q Mr. Kemp talked to you a little bit about locations.
4 And I think he's established pretty clearly that both the NRS
5 453D.210(5)(b) and NAC 453D.268 require a physical address
6 where the proposed marijuana establishment will be located and
7 a physical address of any co-owned or otherwise affiliated
8 marijuana establishment is. You agree with both -- the fact
9 that both the NRS and the regulations say that; correct?

10 A I believe so. I didn't read what you just read, but
11 that sounds -- sounds to be accurate.

12 Q Okay. And now going to the application --

13 MR. CRISTALLI: Shane, can you put up Exhibit 5.

14 BY MR. CRISTALLI:

15 Q Let's go to page 8 first, because it pops up as the
16 first reference I'll make. Middle of the sentence in red it
17 says, "No applicant may be awarded more than one retail store
18 license in a jurisdiction/locality unless is less applicants
19 than licenses allowed in the jurisdiction." That's correct;
20 right? That's what it says?

21 A That's what it says.

22 Q Okay. And that's what you abided by. You followed
23 that; correct?

24 A We only submitted one application per jurisdiction.

25 Q Okay. And Mr. Kemp addressed this with you, but he

1 didn't address who had applied for multiple licenses in the
2 same jurisdictions under different LLCs and were awarded those
3 licenses. Are you familiar with the fact that both Essence
4 and Thrive were awarded two licenses in on jurisdiction that
5 they applied in under different LLCs under the same
6 organizational structure?

7 A I have heard that.

8 Q But your company did not do that?

9 A That's correct.

10 MR. CRISTALLI: Okay. Let's go to Attachment A,
11 Shane, if we could, on that same exhibit. That's on page 21.

12 BY MR. CRISTALLI:

13 Q If you look at where it starts "Marijuana
14 establishment's proposed physical address if the applicant
15 owns property or has secured a lease or other property
16 agreement. This must be a Nevada address and cannot be a P.O.
17 box." That says that; correct?

18 A There's part of that that you read that I didn't see
19 on the screen here.

20 UNIDENTIFIED SPEAKER: Are you talking about 5A?

21 MR. CRISTALLI: Yes.

22 UNIDENTIFIED SPEAKER: It's the wrong form.

23 MR. CRISTALLI: Oh, that's okay. You could leave
24 that -- okay. We'll go back to that, then. Is that it?

25 MR. CRISTALLI: May I approach, Your Honor, so I can

1 see?

2 THE COURT: You may.

3 And, sir, if it's not clear on your screen or it's
4 centered, let us know, and we'll try getting it for you.

5 BY MR. CRISTALLI:

6 Q So this particular exhibit requires a physical --
7 I'm sorry. This particular Attachment A requires a physical
8 address, doesn't it?

9 A I mean, it has a field for a proposed physical
10 address. This doesn't, you know, indicate the scoring for
11 locations.

12 Q Okay. Well, let's agree that's [inaudible]. It
13 says, "Marijuana establishment's proposed physical address.
14 This must be a Nevada address and cannot be a P.O. box";
15 correct?

16 A Yes.

17 Q That's what it says; right? Right?

18 A Yes.

19 Q And that's not the application that your company
20 Nevada Organic Remedies filled out, is it?

21 A I'm not sure.

22 Q Well --

23 A Is this the previous draft, or the final draft?

24 Q You tell me.

25 A Yeah. I don't know. So I can only go with what's

1 on the screen. I can't tell you by looking at this if this
2 was the one we actually submitted or not.

3 MR. CRISTALLI: Okay. Shane, can you pull up the
4 other one on page 21. We can look at them both now.

5 BY MR. CRISTALLI:

6 Q This particular Attachment A says, "Marijuana
7 establishment's proposed physical address if the applicant
8 owns property or has secured a lease or other property
9 agreement. This must be a Nevada address and cannot be a P.O.
10 box." Is that what it says?

11 A Yes.

12 Q That's different than the previous Attachment A that
13 you looked at; correct?

14 A Yes.

15 Q Okay. The first one required the physical address,
16 the second one required a physical address if the applicant
17 owns the property or has secured a lease; correct?

18 A Right. Yes.

19 Q But under both of these you can't have a P.O. box;
20 right?

21 A That's what it says.

22 MR. CRISTALLI: Okay. Shane, can you go to --

23 Your Honor, this is a demonstrative. It is part of
24 the disclosures that was provided to us from the State and
25 that we just received.

1 THE COURT: And why is it demonstrative, then?

2 MR. CRISTALLI: Well, because I don't have a hard

3 copy of it, and I can't mark it as an exhibit or introduce it.

4 I have it on my screen, and Shane has it on his screen.

5 THE COURT: Does anybody know what Mr. Cristalli's

6 talking about?

7 They all say, no, they don't have any idea what

8 you're talking about. Can you give us a number of the

9 document?

10 MR. CRISTALLI: Yes. It is DOT041835.

11 THE COURT: Does anybody know that document?

12 MR. KOCH: Know the one before it, but that's it.

13 Can you just tell us what it is and we can maybe --

14 MR. CRISTALLI: It is the -- let's see here. It's

15 called Recreational Application Period. It lists the RD

16 numbers, it lists the applicants, the address where the

17 applicants are submitting applications in, the county, local

18 jurisdiction --

19 THE COURT: Perhaps you can carry your laptop over

20 there and show them. And then maybe they will be familiar

21 with the document and we can move on.

22 So how are you going to get me a hard copy if you

23 use it as a demonstrative?

24 MR. CRISTALLI: Well, at this very moment it's --

25 THE COURT: No. That would be tomorrow.

1 MR. CRISTALLI: Yes.

2 THE COURT: You'd bring it?

3 MR. CRISTALLI: Yes.

4 THE COURT: Okay. Since it looks a lot like real
5 evidence, I'm going to try and work with you.

6 MR. SHEVORSKI: Yeah, it's our document.

7 THE COURT: It's a Department of Taxation document,
8 because it says DOT on it.

9 MR. SHEVORSKI: Correct, Your Honor.

10 THE COURT: I gathered that all by myself.

11 MR. KOCH: You're not submitting it into evidence?
12 You're just going to use it as a demonstrative.

13 MR. CRISTALLI: No.

14 MR. KOCH: Go ahead.

15 THE COURT: They're going to use it demonstratively.
16 Any objection? Everybody says they're okay with that
17 procedure, Mr. Cristalli, on the condition you bring me an
18 exemplar tomorrow for Dulce to mark as Demonstrative next in
19 order.

20 MR. CRISTALLI: Yes, Your Honor, I will do that.

21 THE COURT: She's going to leave a space.

22 MR. CRISTALLI: Shane, DOT041835.

23 BY MR. CRISTALLI:

24 Q And if you go down specifically to Nevada Organic
25 Remedies LLC, you'll see an address of 5130 South Fort Apache

1 Road, Suite 215 through 145, Las Vegas, Nevada. Is that what
2 it says?

3 A Yeah, I believe so. Kind of hard to read.

4 MR. CRISTALLI: And then, Shane, if you'd go down to
5 RD329.

6 BY MR. CRISTALLI:

7 Q You see RD329?

8 A RD329, Commerce Park Medical LLC. Yes.

9 Q And the address is listed at 5130 South Fort Apache
10 Road, Suite 215 to 155, Las Vegas, Nevada; correct?

11 A Uh-huh. Yes.

12 Q It's the same address as the address that you use in
13 your application, isn't it?

14 A I believe so.

15 MR. CRISTALLI: Okay. Shane, can we go to 316 --

16 BY MR. CRISTALLI:

17 Q And that, by the way -- do you understand Commerce
18 Park Medical to be known as doing business as Thrive?

19 A I'm not familiar with that entity name, but it
20 should be Thrive. I don't know.

21 MR. CRISTALLI: Okay. Can you go down, Shane, to
22 316.

23 UNIDENTIFIED SPEAKER: Actually, isn't it directly
24 on the page?

25 MR. CRISTALLI: I'm sorry? DOT041840.

1 BY MR. CRISTALLI:
2 Q Do you see RD316?
3 A Yes.
4 Q It has Essence Tropicana LLC?
5 A Uh-huh.
6 Q And it has 5130 South Fort Apache Road, Suite 215
7 through 147, Las Vegas, Nevada.
8 A Yes, I see that.
9 Q Same address; correct?
10 A I see that.
11 MR. CRISTALLI: And, Shane, if we could go to 263,
12 RD.
13 BY MR. CRISTALLI:
14 Q Do you see that RD263?
15 A Yes.
16 Q And that's Cheyenne Medical?
17 A Yes.
18 Q And that also uses the same address as 5130 South
19 Fort Apache Road, Suite 215 through 156, Las Vegas, Nevada
20 89148; correct?
21 A So the street address is the same, the 5130 South
22 Fort Apache.
23 Q And the suites are different; correct?
24 A I believe so, yeah.
25 Q The address is the same?

1 A The street address appears to be the same.

2 Q Correct. The street addresses are all --

3 A Different suites.

4 Q Correct. The street address for all those locations

5 are the same -- I'm sorry.

6 A The suite address?

7 Q The physical addresses are the same, the suites are

8 different; correct?

9 A I believe so.

10 Q Okay. And do you recognize Cheyenne Medical as

11 Thrive?

12 A I don't. I don't know what LLC that is.

13 Q Okay. And once again, the application says that you

14 cannot use P.O. boxes; correct?

15 A Correct.

16 Q And as Mr. Kemp had indicated to you, it would be

17 very difficult if you go through the applications specific to

18 building floor plans, community impact, security as it relates

19 to the building in the particular location that that building

20 is situated to have the exact same specifications for each

21 building you put in each jurisdiction; true?

22 A That's correct. The Department designed the

23 application process to be kind of more generic by virtue of

24 submitting one application for multiple jurisdictions. That's

25 how it was designed from the very beginning, yes.

1 Q So there would certainly be some variations with
2 regard to those specifications depending on the jurisdictions
3 that you applied in; right?

4 A Well, depending on the physical building itself and
5 other -- sometimes jurisdictions have their own requirements
6 that could affect the floor plan, as well.

7 Q Okay. So you, because of how you interpreted the
8 application to be, did not have to go out and secure a
9 location; correct?

10 A We had to provide an address in that jurisdiction.

11 Q You did not have to secure, I'm sorry, a letter of
12 intent; right?

13 A We did not secure a letter of intent.

14 Q You did not have to go secure a purchase agreement,
15 correct, or secure a piece of real property?

16 A Yeah. Because the location wasn't a graded section
17 and the Department said we didn't have to secure a location,
18 we did not go out and sign a lease.

19 Q Okay. But you would agree with me, sir, would you
20 not, that the statute does require a location; correct?

21 A Statute requires a location that meets the
22 separation requirements, et cetera. But for purposes of this
23 application the Department indicated in its rightful authority
24 that you did not need to secure a location given all the
25 problems that had happened in 2014.

1 Q Well, that was -- that was what you interpreted the
2 Department requiring. But there was other applicants that
3 were participating in this competition with you that were
4 under the impression that they in fact had to go secure
5 letters of intent, that they had to go purchase a real
6 property in order to secure a location for the purposes of the
7 application; correct?

8 A They should have clarified that before wasting all
9 that energy and money securing locations. But it's clear to
10 the vast majority of people who were paying attention what the
11 rules were. And the rules were you didn't have to have a
12 lease, you didn't have to own a building. You simply had to
13 provide an address that was within that jurisdiction that did
14 not have a P.O. box, you know, in the --

15 Q Sir, I showed you two different applications, and we
16 compared them; correct?

17 A Yes.

18 Q And those two applications had different information
19 in them with regard to the requirement of a property address,
20 did they not?

21 A They had different information, but there's only one
22 applicable application. The Department didn't issue two
23 applications and say, pick the one you like and submit it.
24 One appears to be a previous draft, whereas there was only one
25 application that was applicable to the period.

1 Q So if they were both on the Department of Taxation
2 Website and the applicants had I guess an opportunity to
3 choose either one, depending on I guess what day it was when
4 they went on to download their application, there could be a
5 mixup in terms of what application would be required in terms
6 -- in regard to filing for this period; correct?

7 A If the applicant wasn't being careful and wasn't
8 following the rules and taking necessary steps to ensure that
9 they were using the right form, I could see how that could
10 potentially happen. But -- I didn't --

11 Q But, sir --

12 A I'm not finished. But, you know, I spoke with a
13 number of applicants and I don't think it would be fair to say
14 that there was some general confusion at this time. There was
15 a previous draft of the application, and there was the real
16 application.

17 Q And the contents of the application required very
18 specific information with regard to building, though, didn't
19 it?

20 A With regard to like a floor plan? Is that what
21 you're asking?

22 Q It required a floor plan; correct?

23 A Uh-huh. Yes.

24 Q It required a budget; right?

25 A Yes.

1 Q It required information specific to community
2 impact; right?

3 A Yes.

4 Q It required information with regard to security
5 plans; correct?

6 A Correct.

7 Q And the application said very specifically to be as
8 specific as you could with regard to those requirements.

9 A I'm not aware of that language off the top of my
10 head.

11 Q And you said that some applicants -- the majority of
12 applicants knew what application to use. That's what you
13 said; right?

14 A Again, you know, given my involvement in the
15 industry, my position and my day-to-day, I was in frequent and
16 constant interaction with many members of the industry, and I
17 think if there was widespread confusion about the location, I
18 would have known about it. It was actually quite the
19 opposite. The discussion that I heard and observed was more
20 of a sigh of relief that the locations were not required this
21 time given all the headaches and problems that resulted from
22 the 2014 application period. And --

23 Q Well --

24 A I'm not finished. Please let me finish. We have
25 monthly meetings in the NDA. I mean, we have these

1 conversations about what's going on in the industry and what
2 the Department's up to almost every month. There's
3 occasionally a month where we don't. And not only that, but
4 just the ongoing dialogue among, you know, owners and members
5 and managers and stuff I -- you know, I just don't think that
6 there was -- there was definitely discussion about it, but,
7 like I said, it was more of a relief that we didn't have to
8 secure locations. So were there isolated cases where people
9 were confused by the location requirement and maybe they
10 hadn't taken the time to look at the most up-to-date
11 application, yeah, that's very possible. But I don't think
12 it was a widespread issue in my experience.

13 Q Okay, sir. You don't know for a fact as to the
14 percentage of applicants who knew that they did not have to
15 submit a property location and others who thought that they
16 did; correct? You don't know for certain?

17 A I mean, I have a general -- I have a general sense
18 for that just because of my --

19 Q Sir, I'm just asking you a yes or no question.

20 THE COURT: You've got to let him finish. I know
21 you may be answering [sic] yes or no, but he doesn't have a
22 tendency to answer that way.

23 MR. CRISTALLI: Yes, Your Honor.

24 THE WITNESS: It's intentional. I'm just trying
25 to be accurate in my responses. I apologize if it comes

1 across --

2 BY MR. CRISTALLI:

3 Q You know that -- in fact, Mr. Kemp discussed his
4 client with you, MM, and the fact that they had an operating
5 dispensary or a dispensary that was operational for their
6 proposed site, so certainly their company wasn't one of the
7 ones that didn't think that they didn't have to submit a
8 property location; correct?

9 MR. KOCH: Objection. Speculation.

10 THE COURT: Overruled.

11 THE WITNESS: I can't speculate about their frame of
12 mind. I know that they made a strategic decision to abandon
13 their location and go after the tourist market at Planet 13.
14 In fact, their initial strategy was to bifurcate medical and
15 rec, and they made a commitment to the tourist location
16 without even getting permission to bifurcate. And then they
17 later found out that they couldn't do that, and so they ended
18 up moving their medical and their retail license to the Planet
19 13 location, abandoning the Decatur and Sunset location.

20 So, again, you know, I don't know what they were
21 thinking at the time, but I do not believe there was mass
22 confusion about this location thing. If anything, there was a
23 collective sense of relief that leases were not required this
24 go around.

25 //

1 BY MR. CRISTALLI:

2 Q Do you know who Dave Thomas is?

3 A Yes.

4 Q Do you know what company he owns?

5 A I believe he's a partner in Shango.

6 Q Okay. And do you realize that Dave Thomas got up
7 here and testified that he was unaware that he did not have to
8 put forward a property location or secure -- I'm sorry, secure
9 a property location with a letter of intent or purchase
10 agreement?

11 A I can't speak to his level of commitment or
12 understanding or familiarity with the process.

13 Q Okay. And his testimony further was that he used
14 the application that required a letter of intent or to secure
15 a property, in fact spent money, spent quite a bit of money to
16 secure those properties.

17 A I'm not familiar with his situation. I never had
18 that conversation with him.

19 Q You familiar with Mike Villeon?

20 A No, not really. Just by name.

21 Q Mike Villeon also testified that he believed that he
22 was required to secure a letter of intent and a -- letter of
23 intent or property in order to go forward with this
24 application process.

25 A So there's a pattern of unsuccessful applicants

1 using the wrong form, okay.

2 Q Okay. So you define it as the wrong form. Let's
3 discuss that again. There were two forms on the Department of
4 Taxation Website. You're identifying it's the wrong form,
5 sir, because you in fact used the form that did not require a
6 -- require you to secure a letter of intent or to actually
7 purchase the property.

8 A Look, there was only one form. The Department made
9 changes to the form. I believe they sent an email outlining
10 what those changes were in great detail. And for anyone who
11 was paying should have been aware of that. I can't -- I
12 cannot explain why people used the wrong form. I think that's
13 actually a pretty good indication that they're not detail
14 oriented and probably would be unsuccessful in a competitive
15 application process.

16 Q Sir, was this a guessing game to try to figure out
17 what form to use in order to be successful with the
18 application? If you are an applicant that is --

19 THE COURT: Did you want him to answer that
20 question?

21 MR. CRISTALLI: I was going to --

22 THE COURT: That's a yes or no.

23 MR. CRISTALLI: I was going to follow up with it.

24 But yes.

25 THE WITNESS: I think I'm rubbing off on you.

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: D.O.T. LITIGATION

TGIG, LLC; NEVADA HOLISITIC
MEDICINE, LLC; GBS NEVADA
PARTNERS, LLC; FIDELIS HOLDINGS,
LLC; GRAVITAS NEVADA, LLC;
NEVADA PURE, LLC; MEDIFARM, LLC;
MEDIFARM IV LLC; THC NEVADA, LLC;
HERBAL CHOICE, INC.; RED EARTH LLC;
NEVCANN LLC, GREEN THERAPEUTICS
LLC; AND GREAN LEAF FARMS
HOLDINGS LLC,

Appellants,

vs.

THE STATE OF NEVADA, ON RELATION
OF ITS DEPARTMENT OF TAXATION,

Respondent.

Supreme Court Case No.: 82014

District Court Case No.: A787004

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PLAINTIFFS' JOINT APPENDIX

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| 6 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 1/16/2019 | 000079-000092 |
| 7 | ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT AND COUNTERCLAIM | 1 | 3/15/2019 | 000093-000107 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |
| 10 | ANSWER TO AMENDED COMPLAINT | 2 | 4/10/2019 | 000224-000236 |
| 11 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 4/16/2019 | 000237-000251 |
| 12 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 2 | 5/7/2019 | 000252-000269 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 14 | APPENDIX OF EXHIBITS TO NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED | 5 thru 7 | 5/9/2019 | 000532-000941 |

¹ Pursuant to NRAP 30(c)(1), “[t]ranscripts that are included in the appendix shall be placed in chronological order by date of the hearing or trial.” Accordingly, the controlling date for the placement of a transcript in this appendix is the hearing date, not the date the transcript was filed with the district court.

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| | PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | | | |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 16 | DEFENDANT IN INTERVENTION'S OPPOSITION TO PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER | 8 | 5/10/2019 | 000975-001024 |
| 17 | DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT | 8 | 5/16/2019 | 001025-001037 |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 19 | ANSWER TO COMPLAINT | 8 | 5/20/2019 | 001042-001053 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |

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| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |
| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |

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| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 45 | CORRECTED FIRST AMENDED COMPLAINT. | 34 | 7/11/2019 | 003950-003967 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |
| 50 | ANSWER TO CORRECTED FIRST AMENDED COMPLAINT | 37 | 7/15/2019 | 004414-004425 |
| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 55 | CLEAR RIVER, LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/26/2019 | 004706-004723 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |

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| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 66 | COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 46 | 9/5/2019 | 005566-005592 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 69 | D LUX, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005708-005715 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |
| 71 | ANSWER TO COMPLAINT | 47 | 10/1/2019 | 005732-005758 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 74 | APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 48 | 10/10/2019 | 005796-005906 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |

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| 76 | ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005913-005921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 78 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI MANDAMUS, AND PROHIBITION | 49 | 11/12/2019 | 005931-005937 |
| 79 | ANSWER TO FIRST AMENDED COMPLAINT GRAVITAS NEVADA LTD | 49 | 11/12/2019 | 005938-005942 |
| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 81 | AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 11/21/2019 | 005950-006004 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 85 | BUSINESS COURT ORDER | 49 | 11/25/2019 | 006018-006022 |

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| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |

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| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 106 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO FIRST AMENDED COMPALINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 52 | 1/21/2020 | 006478-006504 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 108 | AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006507-006542 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |

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| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 113 | ANSWER TO D.H. FLAMINGO PARTIES' FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/5/2020 | 006658-006697 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |
| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 118 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO THE SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 54 | 2/12/2020 | 006806-006814 |
| 119 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 54 | 2/12/2020 | 006815-006822 |

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| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 121 | ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT AND PETITION FOR REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/12/2020 | 006842-006853 |
| 122 | CPCM HOLDINGS, LLC D/B/A THRIVE CANNABIS MARKETPLACE'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/13/2020 | 006854-006867 |
| 123 | ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT | 55 | 2/14/2020 | 006868-006876 |
| 124 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006877-006884 |
| 125 | ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006885-006910 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |

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| 129 | CIRCLE S FARMS LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/20/2020 | 006942-006949 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 131 | DEFENDANT DEEP ROOTS MEDICAL LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/25/2020 | 006952-006958 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |

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| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 145 | CLEAR RIVER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME | 56 | 3/27/2020 | 007096-007099 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 150 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRIVILEGE LOGS AND COUNTER MOTION FOR SANCTIONS PURSUANT TO NRCP 37 | 57 | 3/30/2020 | 007294-007310 |
| 151 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL SUPPLEMENTAL RESPONSES | 58 | 3/30/2020 | 007311-007329 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 157 | CIRCLE S FARMS LLC'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/9/2020 | 007374-007381 |
| 158 | CLEAR RIVER, LLC'S OPPOSITION TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 58 | 4/9/2020 | 007382-007395 |

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| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 160 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S MOTION TO DISMISS 1) NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS;(2) STRIVE WELLNESS' COMPLAINT; (3) RURAL REMEDIES AMENDED COMPLAINT; (4) QUALCAN'S AMENDED COMPLAINT; (5) HIGH SIERRA HOLISTICS COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | 59 thru 60 | 4/14/2020 | 007401-007717 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 167 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO ETW PLAINTIFFS' THIRD AMENDED COMPLAINT | 62 | 4/21/2020 | 007863-007893 |

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| 168 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 62 | 4/21/2020 | 007894-007913 |
| 169 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO TGIG PLAINTIFFS' SECOND AMENDED COMPLAINT | 62 | 4/21/2020 | 007914-007935 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 175 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/21/2020 | 008253-008302 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 177 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 5/26/2020 | 008355-008375 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 183 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRIT OF CERTIORARI. MANDAMUS, AND PROHIBITION | 66 | 6/5/2020 | 008414-008435 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |

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| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |
| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |
| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |

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| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |

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| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |
| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE | 270 | 6/23/2020 | 038868-038871 |

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| | PUPPO'S ANSWER TO SECOND AMENDED COMPLAINT | | | |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOF VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOF VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 261 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039115-039135 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 263 | CPCM HOLDINGS, LLC DBA THRIVE CANNABIS MARKETPLACE'S ANSWER TO QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/1/2020 | 039153-039164 |
| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |

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| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |

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| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |
| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 287 | DEFENDANT IN INTRVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |

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| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | 276 | 7/11/2020 | 039866-039868 |

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| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |
| 302 | BENCH TRIAL - DAY 1 | 280 thru 281 | 7/17/2020 | 040324-040663 |
| 303 | BENCH TRIAL - DAY 2 | 282 thru 283 | 7/20/2020 | 040664-041020 |
| 304 | BENCH TRIAL - DAY 3 | 284 thru 285 | 7/21/2020 | 041021-041330 |
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| | COMPLAINT AND (6) NATURAL MEDICINE'S COMPLAINT FOR FAILING TO COMPLY WITH NRS 233B.130(2)(D) | | | |
| 16 | DEFENDANT IN INTERVENTION'S OPPOSITION TO PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER | 8 | 5/10/2019 | 000975-001024 |
| 287 | DEFENDANT IN INTERVENTION, CLEAR RIVER, LLC'S ANSWER TO HIGH SIERRA HOLISTICS, LLC COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 275 | 7/10/2020 | 039736-039750 |
| 161 | DEFENDANT PUPO'S ANSWER TO RURAL REMEDIES' AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/14/2020 | 007718-007730 |
| 72 | DEFENDANT RURAL REMEDIES, LLC ANSWER TO FIRST AMENDED COMPLAINT | 47 | 10/1/2019 | 005759-005760 |
| 110 | DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/28/2020 | 006560-006588 |
| 92 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006088-006105 |
| 75 | DEFENDANT-INTERVENOR CLEAR RIVER, LLC'S ORDER DENYING IT'S MOTION FOR PARTIAL SUMMARY JUDGEMENT ON THE PETITION FOR JUDICIAL REVIEW CAUSE OF ACTION | 48 | 11/7/2019 | 005907-005912 |
| 290 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO CLARK NATURAL MEDICINE ET AL.'S FIRST AMENDED COMPLAINT | 276 | 7/10/2020 | 039773-039789 |
| 288 | DEFENDANT-INTERVENOR NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039751-039759 |
| 115 | DEFENDANT-RESPONDENT NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006723-006752 |

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| 116 | DEFENDANT-RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 54 | 2/7/2020 | 006753-006781 |
| 68 | DEFENDANT-RESPONDENT'S GOOD CHEMISTRY NEVADA, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/27/2019 | 005699-005707 |
| 93 | DEFENDANT'S ANSWER TO DH FLAMINGO INC'S ET AL., FIRST AMENDED COMPLAINT | 50 | 12/16/2019 | 006106-006123 |
| 33 | DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT WITH COUNTERCLAIM | 26 | 6/14/2019 | 002823-002846 |
| 73 | DEFENDANTS MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S ANSWER | 48 | 10/3/2019 | 005761-005795 |
| 374 | DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 10/30/2020 | 048131-048141 |
| 164 | DEPARTMENT OF TAXATION'S ANSWER TO ETW MANAGEMENT GROUP LLC PARTIES' THIRD AMENDED COMPLAINT | 61 | 4/20/2020 | 007794-007810 |
| 165 | DEPARTMENT OF TAXATION'S ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 61 | 4/20/2020 | 007811-007845 |
| 109 | DEPARTMENT OF TAXATION'S ANSWER TO PLAINTIFF SERENITY PARTIES' SECOND AMENDED COMPLAINT | 53 | 1/28/2020 | 006543-006559 |
| 166 | DEPARTMENT OF TAXATION'S ANSWER TO QUALCAN'S SECOND A MENDED COMPLAINT | 61 | 4/20/2020 | 007846-007862 |
| 155 | DEPARTMENT OF TAXATION'S ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007347-007360 |
| 172 | DEPARTMENT OF TAXATION'S INDEX OF EXHIBITS IN SUPPORT OF ITS OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 63 thru 64 | 5/11/2020 | 007942-008232 |

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| 330 | DEPARTMENT OF TAXATION'S NOTICE OF REMOVING ENTITITES FROM TIER 3 | 320 | 8/11/2020 | 045317-045332 |
| 174 | DEPARTMENT OF TAXATION'S NOTICE OF SUPPLEMENTAL AUTHORITY | 65 | 5/12/2020 | 008242-008252 |
| 173 | DEPARTMENT OF TAXATION'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN DEPARTMENT OF TAXATION'S ANSWER TO SECOND AMENDED COMPLAINT | 65 | 5/11/2020 | 008233-008241 |
| 148 | DEPARTMENT OF TAXATION'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007176-007182 |
| 307 | DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 289 | 7/23/2020 | 041704-041732 |
| 337 | DEPARTMENT OF TAXATION'S OPPOSITION TO THC NEVADA, LLC AND HERBAL CHOICE, INC.'S MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING | 326 | 8/15/2020 | 045892-045899 |
| 361 | DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046878-046921 |
| 77 | ERRATA TO ANSWER TO FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 48 | 11/8/2019 | 005922-005930 |
| 107 | ERRATA TO DECLARATION OF ALFRED TERTERYAN IN SUPPORT OF HELPING HANDS WELLNESS CENTER, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 52 | 1/24/2020 | 006505-006506 |
| 269 | ESSENCE ENTITIES' ANSWER QUALCAN, LLC'S SECOND AMENDED COMPLAINT | 272 | 7/8/2020 | 039266-039284 |
| 272 | ESSENCE ENTITIES' ANSWER TO COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039314-039323 |
| 103 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 52 | 1/14/2020 | 006440-006468 |

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| 264 | ESSENCE ENTITIES' ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039165-039193 |
| 266 | ESSENCE ENTITIES' ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039211-039223 |
| 267 | ESSENCE ENTITIES' ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 272 | 7/8/2020 | 039224-039235 |
| 270 | ESSENCE ENTITIES' ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/8/2020 | 039285-039299 |
| 268 | ESSENCE ENTITIES' ANSWER TO SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 7/8/2020 | 039236-039265 |
| 271 | ESSENCE ENTITIES' ANSWER TO THE TGIG PARTIES' SECOND AMENDED COMPLAINT | 273 | 7/8/2020 | 039300-039313 |
| 265 | ESSENCE ENTITIES' ANSWER TO THIRD AMENDED COMPLAINT | 272 | 7/8/2020 | 039194-039210 |
| 82 | EUPHORIA WELLNESS, LLC'S ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 49 | 11/21/2019 | 006005-006011 |
| 22 | EVIDENTIARY HEARING - DAY 1 | 10 thru 11 | 5/24/2019 | 001134-001368 |
| 38 | EVIDENTIARY HEARING - DAY 10 VOLUME I OF II | 30 | 6/20/2019 | 003349-003464 |
| 39 | EVIDENTIARY HEARING - DAY 10 VOLUME II | 31 | 6/20/2019 | 003465-003622 |
| 43 | EVIDENTIARY HEARING - DAY 11 | 32 | 7/5/2019 | 003671-003774 |
| 44 | EVIDENTIARY HEARING - DAY 12 | 33 | 7/10/2019 | 003775-003949 |
| 46 | EVIDENTIARY HEARING - DAY 13 VOLUME I OF II | 34 | 7/11/2019 | 003968-004105 |
| 47 | EVIDENTIARY HEARING - DAY 13 VOLUME II | 35 | 7/11/2019 | 004106-004227 |
| 49 | EVIDENTIARY HEARING - DAY 14 | 36 | 7/12/2019 | 004237-004413 |

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| 51 | EVIDENTIARY HEARING - DAY 15 | 37 | 7/15/2019 | 004426-004500 |
| 52 | EVIDENTIARY HEARING - DAY 15 VOLUME II | 38 | 7/15/2019 | 004501-004679 |
| 56 | EVIDENTIARY HEARING - DAY 16 | 39 | 7/28/2019 | 004724-004828 |
| 57 | EVIDENTIARY HEARING - DAY 17 VOLUME I OF II | 40 | 8/13/2019 | 004829-004935 |
| 58 | EVIDENTIARY HEARING - DAY 17 VOLUME II | 41 | 8/13/2019 | 004936-005027 |
| 61 | EVIDENTIARY HEARING - DAY 18 | 42 thru 43 | 8/14/2019 | 005034-005222 |
| 62 | EVIDENTIARY HEARING - DAY 19 | 44 | 8/15/2019 | 005223-005301 |
| 23 | EVIDENTIARY HEARING - DAY 2 VOLUME I OF II | 12 | 5/28/2019 | 001369-001459 |
| 24 | EVIDENTIARY HEARING - DAY 2 VOLUME II | 13 | 5/28/2019 | 001460-001565 |
| 63 | EVIDENTIARY HEARING - DAY 20 | 45 | 8/16/2019 | 005302-005468 |
| 25 | EVIDENTIARY HEARING - DAY 3 VOLUME I OF II | 14 | 5/29/2019 | 001566-001663 |
| 26 | EVIDENTIARY HEARING - DAY 3 VOLUME II | 15 | 5/29/2019 | 001664-001807 |
| 27 | EVIDENTIARY HEARING - DAY 4 | 16 thru 17 | 5/30/2019 | 001808-002050 |
| 28 | EVIDENTIARY HEARING - DAY 5 VOLUME I OF II | 18 | 5/31/2019 | 002051-002113 |
| 29 | EVIDENTIARY HEARING - DAY 5 VOLUME II | 19 thru 20 | 5/31/2019 | 002114-002333 |
| 31 | EVIDENTIARY HEARING - DAY 6 | 22 thru 23 | 6/10/2019 | 002345-002569 |
| 32 | EVIDENTIARY HEARING - DAY 7 | 24 thru 25 | 6/11/2019 | 002570-002822 |
| 34 | EVIDENTIARY HEARING - DAY 8 VOLUME I OF II | 26 | 6/18/2019 | 002847-002958 |
| 35 | EVIDENTIARY HEARING - DAY 8 VOLUME II | 27 | 6/18/2019 | 002959-003092 |
| 36 | EVIDENTIARY HEARING - DAY 9 VOLUME I OF II | 28 | 6/19/2019 | 003093-003215 |

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| 37 | EVIDENTIARY HEARING - DAY 9 VOLUME II | 29 | 6/19/2019 | 003216-003348 |
| 299 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 1 | 277 thru 278 | 7/13/2020 | 039869-040216 |
| 300 | EVIDENTIARY HEARING ON CASE -ENDING SANCTIONS - DAY 2 | 279 | 7/14/2020 | 040217-040263 |
| 314 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 297 | 7/28/2020 | 042640-042670 |
| 322 | EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 306 | 7/31/2020 | 043568-043639 |
| 64 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 46 | 8/23/2019 | 005469-005492 |
| 114 | FINDINGS OF FACT AND CONCLUSIONS OF LAW GRANTING PRELIMINARY INJUNCTION | 54 | 2/7/2020 | 006698-006722 |
| 358 | FINDINGS OF FACT, CONCLUSION OF LAW AND PERMANENT INJUNCTION | 332 | 9/16/2020 | 046818-046829 |
| 296 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (1) | 276 | 7/11/2020 | 039860-039862 |
| 297 | FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING IN PART AND DENYING IN PART MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS, LLC'S MOTION FOR SUMMARY JUDGMENT OR FOR WRIT OF MANDAMUS (2) | 276 | 7/11/2020 | 039863-039865 |
| 42 | FIRST AMENDED COMPLAINT | 32 | 7/3/2019 | 003653-003670 |
| 67 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS AND PROHIBITION | 47 | 9/6/2019 | 005593-005698 |
| 2 | FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 1 | 12/18/2018 | 000013-000025 |
| 70 | FIRST AMENDED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF | 47 | 9/29/2019 | 005716-005731 |

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| 53 | GREENMART OF NEVADA NLC LLC'S ANSWER TO PLAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/17/2019 | 004680-004694 |
| 126 | GREENMART OF NEVADA NLV LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/18/2020 | 006911-006921 |
| 120 | GREENMART OF NEVADA NLV LLC'S ANSWER TO ETW MANAGEMENT GROUP LLC, GLOBAL HARMONY LLC, GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, HERBAL CHOICE INC., JUST QUALITY LLC, LIBRA WELLNESS CENTER, LLC, ROMBOUGH REAL ESTATE INC. DBA MOTHER HERB, NEVCANN LLC, RED EARTH LLC, THC NEVADA LLC, ZION GARDENS LLC AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT | 55 | 2/12/2020 | 006823-006841 |
| 137 | GREENMART OF NEVADA NLV LLC'S ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007013-007024 |
| 132 | GREENMART OF NEVADA NLV LLC'S ANSWER TO QUALCAN LLC'S SECOND AMENDED COMPLAINT | 55 | 2/25/2020 | 006959-006970 |
| 138 | GREENMART OF NEVADA NLV LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 3/6/2020 | 007025-007036 |
| 375 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 343 | 11/2/2020 | 048142-048143 |
| 363 | GREENMART OF NEVADA NLV LLC'S JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046925-046926 |

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| 274 | GREENMART OF NEVADA NLV LLC'S JOINDER TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC., AND LIVFREE WELLNESS, LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039326-039327 |
| 318 | GREENMART OF NEVADA NLV LLC'S JOINDER TO PLAINTIFFS' OPPOSITION TO THE THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME AND DECLARATION OF ALINA M. SHELL | 302 | 7/30/2020 | 043191-043195 |
| 134 | GREENMART OF NEVADA NLV LLC'S MOTION TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 55 | 2/28/2020 | 006984-006987 |
| 154 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL | 58 | 4/3/2020 | 007337-007346 |
| 153 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 58 | 4/3/2020 | 007333-007336 |
| 141 | GREENMART OF NEVADA NLV LLC'S OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART TO ALSO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION | 56 | 3/18/2020 | 007075-007080 |
| 144 | GREENMART OF NEVADA NLV LLC'S RESPONSE IN OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/23/2020 | 007087-007095 |
| 99 | GREENMART OF NEVADA NLV LLC'S ANSWER TO D.H. FLAMINGO PLAINTIFFS' FIRST AMENDED COMPLAINT | 51 | 1/6/2020 | 006272-006295 |
| 89 | HEARING ON APPLICATION OF NEVADA ORGANIC REMEDIES FOR WRIT OF MANDAMUS TO COMPEL STATE TO MOVE IT TO TIER 2 OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/9/2019 | 006058-006068 |
| 176 | HEARING ON MOTIONS FOR SUMMARY JUDGMENT OR WRIT OF MANDAMUS AND MOTION TO EXTEND TIME FOR BRIEFING | 65 | 5/22/2020 | 008303-008354 |

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| 65 | HEARING ON OBJECTIONS TO STATE'S RESPONSE, NEVADA WELLNESS CENTER'S MOTION RE COMPLIANCE RE PHYSICAL ADDRESS, AND BOND AMOUNT SETTING | 46 | 8/29/2019 | 005493-005565 |
| 112 | HEARING ON OBJECTIONS TO SUBPOENAS DUCES TECUM, MOTIONS FOR PROTECTIVE ORDERS, APPLICATION OF FOR WRIT OF MANDAMUS, MOTION FOR SETTING SETTLEMENT CONFERENCE, AND MOTION TO REDACT AND SEAL EXHIBITS 4 AND 5 | 53 | 1/31/2020 | 006610-006657 |
| 276 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO FIRST AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039382-039411 |
| 277 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO HIGH SIERRA HOLISTICS COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039412-039421 |
| 278 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO MM DEVELOPMENT COMPANY, INC., & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 273 | 7/9/2020 | 039422-039434 |
| 279 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NATURAL MEDICINE LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 273 | 7/9/2020 | 039435-039445 |
| 280 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 274 | 7/9/2020 | 039446-039478 |
| 281 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO QUALCANN, LLC'S SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039479-039496 |
| 282 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO RURAL REMEDIES, LLC'S AMENDED COMPLAINT | 274 | 7/9/2020 | 039497-039509 |
| 283 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO TGIG PARTIES' SECOND AMENDED COMPLAINT | 274 | 7/9/2020 | 039510-039523 |

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| 284 | HELPING HANDS WELLNESS CENTER, INC., ANSWER TO THIRD AMENDED COMPLAINT | 274 | 7/9/2020 | 039524-039539 |
| 364 | HELPING HANDS WELLNESS CENTER, INC.'S OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046927-046931 |
| 340 | HELPING HANDS WELLNESS CENTER, INC.'S REPLY IN SUPPORT OF MOTION TO MODIFY OR DISSOLVE THE PRELIMINARY INJUNCTION1 | 326 | 8/16/2020 | 045918-045932 |
| 273 | HIGH SIERRA HOLISTICS, LLC'S JOINDER TO ETW MANAGEMENT GROUP LLC'S ANSWERS | 273 | 7/8/2020 | 039324-039325 |
| 373 | INDEX OF EXHIBITS IN SUPPORT OF DEPARTMENT OF TAXATION'S AND CANNABIS COMPLIANCE BOARD'S OPPOSITION TO THE TGIG PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE | 341 thru 342 | 10/30/2020 | 047883-048130 |
| 21 | INTERVENING DEFENDANTS' JOINDER AND SUPPLEMENTAL BRIEFING IN SUPPORT OF THE STATE OF NEVADA'S AND NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; AND LONE MOUNTAIN PARTNERS, LLC'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION OR FOR WRIT OF MANDAMUS | 9 | 5/23/2019 | 001068-001133 |
| 41 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFF'S COMPLAINT | 32 | 7/3/2019 | 003640-003652 |
| 40 | INTERVENOR DEFENDANT GREENMART OF NEVADA NLV LLC'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT | 31 | 6/24/2019 | 003623-003639 |
| 319 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER WITH NOTICE AND MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME | 302 | 7/30/2020 | 043196-043209 |
| 351 | JOINDER TO THC NEVADA, LLC and HERBAL CHOICE, INC.'S MOTION TO RENEW JOINDER TO TGIG'S COUNTERMOTION FOR ORDER DISPENSING WITH THE BOND REQUIREMENT FOR PURPOSES OF THE PRELIMINARY | 331 | 8/28/2020 | 046565-046567 |

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| 335 | JOINDER TO THC NEVADA, LLC AND HERBAL CHOICE, INC'S MOTION TO STRIKE DEPARTMENT OF TAXATION NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045883-045888 |
| 54 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO LAINTIFFS' CORRECTED FIRST AMENDED COMPLAINT | 39 | 7/22/2019 | 004695-004705 |
| 30 | LONE MOUNTAIN PARTNERS, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT | 21 | 6/5/2019 | 002334-002344 |
| 90 | LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 49 | 12/10/2019 | 006069-006081 |
| 101 | LONE MOUNTAIN PARTNERS, LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS SECOND AMENDED COMPLAINT | 51 | 1/8/2020 | 006359-006368 |
| 163 | MINUTE ORDER CLEAR RIVER'S REQUEST FOR OST ON MOTION TO DISMISS | 61 | 4/15/2020 | 007793-007793 |
| 135 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO NATURAL MEDICINE, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 006988-007000 |
| 127 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC ANSWER TO RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION | 55 | 2/18/2020 | 006922-006935 |
| 111 | MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 53 | 1/29/2020 | 006589-006609 |
| 286 | MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRARECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW and TO ENLARGE TIME FOR FILING OPENING BRIEF | 275 | 7/9/2020 | 039576-039735 |
| 368 | MOTION FOR ORDER TO SHOW CAUSE | 333 | 10/16/2020 | 046944-046965 |
| 8 | MOTION FOR PRELIMINARY INJUNCTION | 2 | 3/18/2019 | 000108-000217 |
| 301 | MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 279 | 7/15/2020 | 040264-040323 |

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| 275 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 273 | 7/8/2020 | 039328-039381 |
| 353 | MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC FINAL PRETRIAL CONFERENCE | 331 | 9/3/2020 | 046573-046666 |
| 332 | MOTION TO PRECLUDE APPLICATION OF THE EQUITABLE MAXIM OF UNCLEAN HANDS AGAIN ST THE TGIG PLAINTIFFS | 324 | 8/11/2020 | 045698-045711 |
| 260 | MOTION TO VOLUNTARILY DISMISS MMOV VEGAS RETAIL, INC. AND REQUEST TO RELEASE MMOV VEGAS RETAIL, INC.'S BOND FUNDS ON AN ORDER SHORTENING TIME | 271 | 6/29/2020 | 038948-039114 |
| 289 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER NEVADA WELLNESS CENTER, LLC'S AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039760-039772 |
| 295 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039845-039859 |
| 291 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO ETW MANAGEMENT GROUP, LLC ET AL.'S THIRD AMENDED THIRD AMENDED COMPLAINT | 276 | 7/10/2020 | 039790-039804 |
| 292 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO HIGH SIERRA HOLISTIC'S COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039805-039815 |
| 293 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 276 | 7/10/2020 | 039816-039829 |
| 180 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO NATURAL MEDICINE'S LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 65 | 6/4/2020 | 008394-008401 |
| 294 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO QUALCAN, LLC.'S SECOND AMENDED COMPLAINT | 276 | 7/10/2020 | 039830-039844 |

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| 181 | NEVADA ORGANIC REMEDIES, LLC'S ANSWER TO STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 66 | 6/4/2020 | 008402-008409 |
| 146 | NEVADA ORGANIC REMEDIES, LLC'S OPPOSITION TO QUALCAN'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/27/2020 | 007100-007143 |
| 15 | NEVADA ORGANIC REMIDIES, LLC'S OPPOSITION TO SERENITY WELLNESS CENTER, LLC AND RELATED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/9/2019 | 000942-000974 |
| 136 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT/RESPONDENT STRIVE WELLNESS OF NEVADA LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND/OR WRITS OF CERTIORARI, MANDAMUS, AND PROHIBITION | 56 | 2/28/2020 | 007001-007012 |
| 156 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 58 | 4/8/2020 | 007361-007373 |
| 133 | NEVADA WELLNESS CENTER, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 55 | 2/26/2020 | 006971-006983 |
| 143 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL | 56 | 3/20/2020 | 007084-007086 |
| 142 | NEVADA WELLNESS CENTER, LLC'S JOINDER TO ETW PLAINTIFFS' MOTION TO COMPEL PRIVILEGE LOGS | 56 | 3/20/2020 | 007081-007083 |
| 323 | NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE ON AN ORDER SHORTENING TIME | 306 | 8/3/2020 | 043640-043708 |
| 371 | NOTICE OF APPEAL | 335 thru 339 | 10/23/2020 | 047003-047862 |
| 359 | NOTICE OF ENTRY OF JUDGMENT (1) | 333 | 9/22/2020 | 046830-046844 |
| 360 | NOTICE OF ENTRY OF JUDGMENT (2) | 333 | 9/22/2020 | 046845-046877 |
| 98 | NOTICE OF ENTRY OF ORDER | 51 | 1/3/2020 | 006264-006271 |
| 104 | NOTICE OF ENTRY OF ORDER | 52 | 1/14/2020 | 006469-006474 |

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| 341 | NOTICE OF ENTRY OF ORDER | 326 | 8/17/2020 | 045933-045939 |
| 372 | NOTICE OF ENTRY OF ORDER | 340 | 10/27/2020 | 047863-047882 |
| 159 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S MOTION TO STRIKE AND-OR DISMISS D.H. FLAMINGO, INC.'S COUNTERCLAIM | 58 | 4/9/2020 | 007396-007400 |
| 83 | NOTICE OF ENTRY OF ORDER DENYING MM DEVELOPMENT COMPANY, INC.'S AND LIVFREE WELLNESS, LLC'S MOTION TO ALTER OR AMEND FINDINGS OF FACT AND CONCLUSION OF LAW, | 49 | 11/22/2019 | 006012-006015 |
| 258 | NOTICE OF ENTRY OF ORDER ON PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO STRIKE CERTAIN DEFENSES IN JORGE PUPO'S ANSWER TO SECOND AMENDED COMPLAINT | 270 | 6/23/2020 | 038868-038871 |
| 130 | NOTICE OF FILING OF EMERGENCY PETITION FOR WRIT OF MANDAMUS OR PROHIBITION UNDER NRAP 21(a)6) | 55 | 2/21/2020 | 006950-006951 |
| 91 | NOTICE OF HEARING | 49 | 12/13/2019 | 006082-006087 |
| 100 | NV WELLNESS CENTER, LLC'S MOTION TO COMPEL ON AN ORDER SHORTENING TIME | 51 | 1/8/2020 | 006296-006358 |
| 95 | OPPOSITION TO HELPING HANDS WELLNESS CTR, INC.'S APPLICATION FOR WRIT OF MANDAMUS | 50 | 12/27/2019 | 006207-006259 |
| 13 | OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION | 3 thru 4 | 5/9/2019 | 000270-000531 |
| 285 | OPPOSITION TO MOTION TO COMPEL MM DEVELOPMENT COMPANY, INC. AND LIVFREE WELLNESS LLC ON AN ORDER SHORTENING TIME | 274 | 7/9/2020 | 039540-039575 |
| 334 | OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 325 | 8/14/2020 | 045878-045882 |
| 102 | OPPOSITION TO NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL | 52 | 1/10/2020 | 006369-006439 |

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| 80 | ORDER DENYING 1) ORGANIC REMEDIES, LLC'S MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND TO STAY PRELIMINARY INJUNCTION PENDING APPEAL AND 2) LONE MOUNTAIN PARTNERS, LLC'S | 49 | 11/19/2019 | 005943-005949 |
| 182 | ORDER DENYING D.H. FLAMINGO, INC. AND SURTERRA HOLDINGS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST MM DEVELOPMENT COMPANY, INC. | 66 | 6/5/2020 | 008410-008413 |
| 152 | ORDER DENYING DEFENDANT JORGE PUPO'S MOTION TO DISMISS | 58 | 3/30/2020 | 007330-007332 |
| 171 | ORDER DENYING LONE MOUNTAIN PARTNER'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 62 | 5/5/2020 | 007940-007941 |
| 84 | ORDER DENYING MM DEVELOPMENT COMPANY, INC. 'S AND LIVFREE WELLNESS LLC'S MOTION TO ALTER AMEND FINDINGS OF FACT AND CONCLUSION OF LAW | 49 | 11/22/2019 | 006016-006017 |
| 96 | ORDER DENYING MOTION FOR STAY AND GRANTING IN PART MOTION TO EXPEDITE | 50 | 12/30/2019 | 006260-006262 |
| 105 | ORDER DENYING NEVADA ORGANIC REMEDIES, LLC'S AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC | 52 | 1/14/2020 | 006475-006477 |
| 352 | ORDER DENYING TGIG PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AT THE HEARING OF JUDICIAL REVIEW; AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 331 | 8/28/2020 | 046568-046572 |
| 97 | ORDER DENYING THE DEPARTMENT OF TAXATION OBJECTION TO DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS | 51 | 12/31/2019 | 006263-006263 |
| 298 | ORDER GRANTING CLEAR RIVER, LLC'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE | 276 | 7/11/2020 | 039866-039868 |

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| | JOHN KOCER AND NORTON ARBELAEZ FOR DEPOSITION ON ORDER SHORTENING TIME | | | |
| 18 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 8 | 5/16/2019 | 001038-001041 |
| 59 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005028-005030 |
| 60 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER | 41 | 8/14/2019 | 005031-005033 |
| 128 | ORDER GRANTING IN PART AND DENYING IN PART THE DEPARTMENT OF TAXATION'S MOTIONS FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME | 55 | 2/19/2020 | 006936-006941 |
| 86 | ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT IN CASE NO. A-786962 | 49 | 11/26/2019 | 006023-006024 |
| 170 | ORDER GRANTING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL CLEAR RIVER, LLC TO PRODUCE ADDITIONAL DOCUMENTS ON ORDER SHORTENING TIME | 62 | 4/21/2020 | 007936-007939 |
| 338 | ORDER REGARDING PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT ON FIRST CLAIM FOR RELIEF | 326 | 8/15/2020 | 045900-045905 |
| 369 | ORDER TO SHOW CAUSE | 334 | 10/18/2020 | 046966-046999 |
| 140 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S MOTION TO COMPEL GREENMART OF NEVADA, LLC TO PRODUCE KENNETH LEE AND HAE LEE FOR DEPOSITION ON ORDER SHORTENING TIME | 56 | 3/16/2020 | 007058-007074 |
| 147 | PLAINTIFF NEVADA WELLNESS CENTER, LLC'S OPPOSITION TO QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 57 | 3/27/2020 | 007144-007175 |
| 243 | PLAINTIFF'S RECORD PART 59 | 232 | 6/12/2020 | 033643-033801 |
| 9 | PLAINTIFFS' COUNTER-DEFENDANTS' ANSWER TO COUNTERCLAIM | 2 | 4/5/2019 | 000218-000223 |

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| 185 | PLAINTIFF'S DECLARATION & POA-F2018-01430 | 67 thru 74 | 6/12/2020 | 008455-009889 |
| 187 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 1 | 76 thru 77 | 6/12/2020 | 009934-010291 |
| 188 | PLAINTIFF'S DKT 148-1 INDEX OF EXHIBITS - 2 | 78 thru 79 | 6/12/2020 | 010292-010595 |
| 370 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE | 334 | 10/21/2020 | 047000-047002 |
| 356 | PLAINTIFFS GREEN LEAF FARMS HOLDINGS LLC, GREEN THERAPEUTICS LLC, NEVCANN LLC AND RED EARTH LLC'S JOINDER TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/14/2020 | 046813-046815 |
| 186 | PLAINTIFF'S NOTICE OF FILING RECORD ON REVIEW | 75 | 6/12/2020 | 009890-009933 |
| 20 | PLAINTIFFS' OMNIBUS REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION | 8 | 5/22/2019 | 001054-001067 |
| 305 | PLAINTIFFS' OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 286 | 7/22/2020 | 041331-041363 |
| 94 | PLAINTIFFS' OPPOSITION TO LONE MOUNTAIN PARTNERS, LLC'S MOTION TO DISMISS SECOND AMENDED COMPLAINT | 50 | 12/20/2019 | 006124-006206 |
| 189 | PLAINTIFF'S RECORD PART 1 | 80 thru 81 | 6/12/2020 | 010596-010937 |
| 198 | PLAINTIFF'S RECORD PART 10 | 93 | 6/12/2020 | 012724-012878 |
| 199 | PLAINTIFF'S RECORD PART 11 | 94 | 6/12/2020 | 012879-013032 |
| 200 | PLAINTIFF'S RECORD PART 12 | 95 | 6/12/2020 | 013033-013187 |
| 201 | PLAINTIFF'S RECORD PART 13 | 96 | 6/12/2020 | 013188-013341 |
| 202 | PLAINTIFF'S RECORD PART 14 | 97 | 6/12/2020 | 013342-013496 |

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| 203 | PLAINTIFF'S RECORD PART 15 | 98 thru 99 | 6/12/2020 | 013497-013774 |
| 204 | PLAINTIFF'S RECORD PART 16 | 100 thru 101 | 6/12/2020 | 013775-014052 |
| 205 | PLAINTIFF'S RECORD PART 17 | 102 thru 103 | 6/12/2020 | 014053-014330 |
| 206 | PLAINTIFF'S RECORD PART 18 | 104 thru 105 | 6/12/2020 | 014331-014608 |
| 207 | PLAINTIFF'S RECORD PART 18 | 106 thru 107 | 6/12/2020 | 014609-014886 |
| 208 | PLAINTIFF'S RECORD PART 19 | 108 thru 111 | 6/12/2020 | 014887-015426 |
| 190 | PLAINTIFF'S RECORD PART 2 | 82 thru 83 | 6/12/2020 | 010938-011275 |
| 209 | PLAINTIFF'S RECORD PART 20 | 112 thru 115 | 6/12/2020 | 015427-015966 |
| 210 | PLAINTIFF'S RECORD PART 21 | 116 thru 119 | 6/12/2020 | 015967-016506 |
| 211 | PLAINTIFF'S RECORD PART 22 | 120 thru 123 | 6/12/2020 | 016507-017048 |
| 212 | PLAINTIFF'S RECORD PART 24 | 124 thru 131 | 6/12/2020 | 017049-018484 |
| 213 | PLAINTIFF'S RECORD PART 25 | 132 thru 134 | 6/12/2020 | 018485-018844 |
| 214 | PLAINTIFF'S RECORD PART 26 | 135 thru 136 | 6/12/2020 | 018845-019202 |
| 215 | PLAINTIFF'S RECORD PART 27 | 137 thru 144 | 6/12/2020 | 019203-020637 |

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| 216 | PLAINTIFF'S RECORD PART 28 | 145 thru 147 | 6/12/2020 | 020638-020999 |
| 217 | PLAINTIFF'S RECORD PART 29 | 148 thru 149 | 6/12/2020 | 021000-021357 |
| 191 | PLAINTIFF'S RECORD PART 3 | 84 thru 85 | 6/12/2020 | 011276-011613 |
| 218 | PLAINTIFF'S RECORD PART 30 | 150 thru 157 | 6/12/2020 | 021358-022621 |
| 219 | PLAINTIFF'S RECORD PART 31 | 158 thru 159 | 6/12/2020 | 022622-022979 |
| 220 | PLAINTIFF'S RECORD PART 32 | 160 thru 167 | 6/12/2020 | 022980-024414 |
| 221 | PLAINTIFF'S RECORD PART 33 | 168 thru 169 | 6/12/2020 | 024415-024718 |
| 222 | PLAINTIFF'S RECORD PART 35 | 170 thru 177 | 6/12/2020 | 024719-026153 |
| 223 | PLAINTIFF'S RECORD PART 37 | 178 | 6/12/2020 | 026154-026256 |
| 224 | PLAINTIFF'S RECORD PART 39 | 179 thru 181 | 6/12/2020 | 026257-026669 |
| 192 | PLAINTIFF'S RECORD PART 4 | 86 thru 87 | 6/12/2020 | 011614-011951 |
| 225 | PLAINTIFF'S RECORD PART 40 | 182 thru 183 | 6/12/2020 | 026670-026934 |
| 226 | PLAINTIFF'S RECORD PART 41 | 184 thru 186 | 6/12/2020 | 026935-027347 |
| 227 | PLAINTIFF'S RECORD PART 42 | 187 thru 188 | 6/12/2020 | 027348-027612 |

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| 228 | PLAINTIFF'S RECORD PART 43 | 189 thru 191 | 6/12/2020 | 027613-028025 |
| 229 | PLAINTIFF'S RECORD PART 44 | 192 thru 193 | 6/12/2020 | 028026-028290 |
| 230 | PLAINTIFF'S RECORD PART 45 | 194 thru 196 | 6/12/2020 | 028291-028703 |
| 231 | PLAINTIFF'S RECORD PART 46 | 197 thru 198 | 6/12/2020 | 028704-028968 |
| 232 | PLAINTIFF'S RECORD PART 47 | 199 thru 201 | 6/12/2020 | 028969-029451 |
| 233 | PLAINTIFF'S RECORD PART 48 | 202 thru 204 | 6/12/2020 | 029452-029934 |
| 234 | PLAINTIFF'S RECORD PART 49 | 205 thru 207 | 6/12/2020 | 029935-030346 |
| 193 | PLAINTIFF'S RECORD PART 5 | 88 | 6/12/2020 | 011952-012104 |
| 235 | PLAINTIFF'S RECORD PART 50 | 208 thru 210 | 6/12/2020 | 030347-030758 |
| 236 | PLAINTIFF'S RECORD PART 51 | 211 thru 213 | 6/12/2020 | 030759-031170 |
| 237 | PLAINTIFF'S RECORD PART 52 | 214 thru 216 | 6/12/2020 | 031171-031582 |
| 238 | PLAINTIFF'S RECORD PART 54 | 217 thru 219 | 6/12/2020 | 031583-031994 |
| 239 | PLAINTIFF'S RECORD PART 55 | 220 thru 222 | 6/12/2020 | 031995-032406 |
| 240 | PLAINTIFF'S RECORD PART 56 | 223 thru 225 | 6/12/2020 | 032407-032818 |

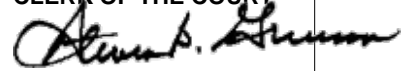
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| 242 | PLAINTIFF'S RECORD PART 58 | 229 thru 231 | 6/12/2020 | 033231-033642 |
| 194 | PLAINTIFF'S RECORD PART 6 | 89 | 6/12/2020 | 012105-012258 |
| 244 | PLAINTIFF'S RECORD PART 60 | 233 | 6/12/2020 | 033802-033877 |
| 245 | PLAINTIFF'S RECORD PART 61 | 234 thru 235 | 6/12/2020 | 033878-034143 |
| 246 | PLAINTIFF'S RECORD PART 62 | 236 thru 237 | 6/12/2020 | 034144-034409 |
| 247 | PLAINTIFF'S RECORD PART 63 | 238 thru 239 | 6/12/2020 | 034410-034675 |
| 248 | PLAINTIFF'S RECORD PART 64 | 240 thru 241 | 6/12/2020 | 034676-034943 |
| 249 | PLAINTIFF'S RECORD PART 65 | 242 thru 245 | 6/12/2020 | 034944-035512 |
| 250 | PLAINTIFF'S RECORD PART 66 | 246 thru 248 | 6/12/2020 | 035513-035919 |
| 251 | PLAINTIFF'S RECORD PART 67 | 249 thru 251 | 6/12/2020 | 035920-036326 |
| 252 | PLAINTIFF'S RECORD PART 68 | 252 thru 254 | 6/12/2020 | 036327-036733 |
| 253 | PLAINTIFF'S RECORD PART 69 | 255 thru 257 | 6/12/2020 | 036734-037140 |
| 195 | PLAINTIFF'S RECORD PART 7 | 90 | 6/12/2020 | 012259-012413 |
| 254 | PLAINTIFF'S RECORD PART 70 | 258 thru 260 | 6/12/2020 | 037141-037547 |
| 255 | PLAINTIFF'S RECORD PART 71 | 261 thru 263 | 6/12/2020 | 037548-037954 |

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| 256 | PLAINTIFF'S RECORD PART 72 | 264 thru 266 | 6/12/2020 | 037955-038415 |
| 257 | PLAINTIFF'S RECORD PART 73 | 267 thru 269 | 6/12/2020 | 038416-038867 |
| 196 | PLAINTIFF'S RECORD PART 8 | 91 | 6/12/2020 | 012414-012569 |
| 197 | PLAINTIFF'S RECORD PART 9 | 92 | 6/12/2020 | 012570-012723 |
| 241 | PLAINTIFF'S RECORD PARTY 57 | 226 thru 228 | 6/12/2020 | 032819-033230 |
| 48 | PLAINTIFFS-COUNTER DEFENDANTS' ANSWER TO COUNTERCLAIM | 35 | 7/12/2019 | 004228-004236 |
| 178 | PURE TONIC CONCENTRATES LLC'S ANSWER TO MM DEVELOPMENT COMPANY, INC. & LIVFREE WELLNESS, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 65 | 5/29/2020 | 008376-008379 |
| 139 | QUALCAN, LLC'S PETITION FOR WRIT OF MANDAMUS | 56 | 3/13/2020 | 007037-007057 |
| 88 | REPLY IN SUPPORT OF AMENDED APPLICATION FOR WRIT OF MANDAMUS TO COMPEL STATE OF NEVADA, DEPARTMENT OF TAXATION TO MOVE NEVADA ORGANIC REMEDIES, LLC INTO "TIER 2" OF SUCCESSFUL CONDITIONAL LICENSE APPLICANTS | 49 | 12/6/2019 | 006048-006057 |
| 328 | REPLY TO THE DOT'S AND CLEAR RIVER, LLC'S OPPOSITIONS TO PLAINTIFFS' MOTION FOR ORDER REQUIRING THE DOT TO SUPPLEMENT AND RECERTIFY THE ADMINISTRATIVE RECORD; TO PERMIT PLAINTIFFS | 317 | 8/7/2020 | 045066-045084 |
| 179 | RURAL REMEDIES, LLC'S ANSWER TO DEFENDANT-RESPONDENT NATURAL MEDICINE'S COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW AND-OR WRITS OF CERTIORI, MANDAMUS AND PROHIBITION | 65 | 6/3/2020 | 008380-008393 |
| 357 | RURAL REMEDIES, LLC'S JOINDER IN TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/15/2020 | 046816-046817 |

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| 117 | SECOND AMENDED COMPLAINT | 54 | 2/11/2020 | 006782-006805 |
| 376 | SHOW CAUSE HEARING | 343 | 11/2/2020 | 048144-048281 |
| 259 | SUPPLEMENT TO RECORD ON REVIEW IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT | 270 | 6/26/2020 | 038872-038947 |
| 355 | TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 332 | 9/10/2020 | 046777-046812 |
| 87 | TGIG SECOND AMENDED COMPLAINT | 49 | 11/26/2019 | 006025-006047 |
| 184 | TGIG, LLC, NEVADA HOLISTIC MEDICINE, LLC, GBS NEVADA PARTNERS, FIDELIS HOLDINGS, LLC, GRAVITAS NEVADA, NEVADA PURE, LLC, MEDIFARM, LLC, AND MEDIFARM IV'S ANSWER TO NATURAL MEDICINE | 66 | 6/10/2020 | 008436-008454 |
| 336 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S JOINDER TO TGIG PLAINTIFFS' PROPOSED SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED UPON PARTIAL SUBSTITUTION OF THE NEVADA CANNABIS COMPLIANCE BOARD AS A PARTY DEFENDANT IN THESE CONSOLIDATED MATTERS | 326 | 8/14/2020 | 045889-045891 |
| 339 | THC NEVADA, LLC AND HERBAL CHOICE, INC.'S REPLY TO NEVADA ORGANIC REMEDIES' OPPOSITION TO MOTION TO STRIKE DEPARTMENT OF TAXATION'S NOTICE REMOVING ENTITIES FROM TIER 3 ON ORDER SHORTENING TIME | 326 | 8/15/2020 | 045906-045917 |
| 308 | THC NEVADA, LLC'S JOINDER TO PLAINTIFF TGIG, LLC ET AL'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW | 289 | 7/23/2020 | 041733-041735 |
| 311 | THE ESSENCE ENTITIES' JOINDER TO DEPARTMENT OF TAXATION'S OPPOSITION TO TGIG'S MOTION TO SUPPLEMENT THE ADMINISTRATIVE RECORD TO PERMIT PLAINTIFFS TO OFFER EXTRA-RECORD EVIDENCE AND TO ENLARGE TIME FOR FILING OPENING BRIEF | 292 | 7/24/2020 | 042072-042074 |
| 362 | THE ESSENCE ENTITIES' LIMITED OPPOSITION TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION | 333 | 9/24/2020 | 046922-046924 |

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| 149 | THE ESSENCE ENTITIES' OPPOSITION TO ETW PLAINTIFFS' 1) MOTION TO COMPEL AND 2) MOTION TO COMPEL PRIVILEGE LOGS | 57 | 3/27/2020 | 007183-007293 |
| 317 | THRIVE'S JOINDER TO PLAINTIFFS' OPPOSITION TO THC NEVADA LLC'S AND HERBAL CHOICE, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME | 302 | 7/30/2020 | 043187-043190 |
| 162 | THRIVE'S SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO ETW MANAGEMENT GROUP LLC; ET AL.'S MOTION TO COMPEL | 61 | 4/14/2020 | 007731-007792 |
| 344 | TRIAL EXHIBIT 1005 | 329 | 8/18/2020 | 046356-046389 |
| 345 | TRIAL EXHIBIT 1006 | 330 | 8/18/2020 | 046390-046423 |
| 346 | TRIAL EXHIBIT 1135 | 330 | 8/18/2020 | 046424-046445 |
| 347 | TRIAL EXHIBIT 1302 | 330 | 8/18/2020 | 046446-046448 |
| 348 | TRIAL EXHIBIT 2157 | 330 | 8/18/2020 | 046449-046502 |
| 349 | TRIAL EXHIBIT 2158 | 330 | 8/18/2020 | 046503-046548 |
| 350 | TRIAL EXHIBIT 3291 | 331 | 8/18/2020 | 046549-046564 |
| 262 | WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO PLAINTIFF NEVADA WELLNESS CENTER, LLC'S SECOND AMENDED COMPLAINT AND PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS | 272 | 6/29/2020 | 039136-039152 |
| 366 | WELLNESS CONNECTION OF NEVADA, LLC'S RESPONSE TO TGIG PLAINTIFFS' MOTION TO AMEND FINDINGS OF FACT, CONCLUSIONS OF LAW AND PERMANENT INJUNCTION AND COUNTERMOTION TO CLARIFY AND-OR FOR ADDITIONAL FINDINGS | 333 | 9/24/2020 | 046934-046940 |

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15 EIGHTH JUDICIAL DISTRICT COURT

16 CLARK COUNTY, NEVADA

17 SERENITY WELLNESS CENTER, LLC, a
18 Nevada limited liability company, TGIG, LLC,
19 a Nevada limited liability company, NULEAF
20 INCLINE DISPENSARY, LLC, a Nevada
21 limited liability company, NEVADA
22 HOLISTIC MEDICINE, LLC, a Nevada limited
23 liability company, TRYKE COMPANIES SO
24 NV, LLC, a Nevada limited liability company,
25 TRYKE COMPANIES RENO, LLC, a Nevada
26 limited liability company, PARADISE
27 WELLNESS CENTER, LLC, a Nevada limited
28 liability company, GBS NEVADA PARTNERS,
LLC, a Nevada limited liability company,
FIDELIS HOLDINGS, LLC, a Nevada limited
liability company, GRAVITAS NEVADA, LLC,
a Nevada limited liability company, NEVADA
PURE, LLC, a Nevada limited liability
company, MEDIFARM, LLC a Nevada limited
liability company, DOE PLAINTIFFS I through
X; and ROE ENTITY PLAINTIFFS I through X,

Plaintiffs,

vs.

STATE OF NEVADA, DEPARTMENT OF
TAXATION,

Defendant.

LONE MOUNTAIN PARTNERS, LLC, a Nevada
limited liability partnership,

Intervenor.

Case No. A-19-786962-B

Dept. No. 11

**LONE MOUNTAIN PARTNERS, LLC'S
ANSWER TO PLAINTIFFS'
COMPLAINT**





1 Lone Mountain Partners, LLC (“Lone Mountain”), by and through counsel undersigned,
2 hereby files this answer to the complaint filed by Serenity Wellness Center, LLC, TGIG, LLC,
3 Nuleaf Incline Dispensary, Nevada Holistic Medicine, LLC, Tryke Companies So NV, LLC,
4 Tryke Companies Reno, LLC, Paradise Wellness Center, LLC, GBS Nevada Partners, LLC,
5 Fidelis Holdings, LLC, Gravitas Nevada, LLC, Nevada Pure, LLC, and Medifarm, LLC
6 (collectively “Plaintiffs”). Lone Mountain answers as follows:

7 Lone Mountain denies each and every allegation in the Complaint except those
8 allegations that are admitted, qualified, or otherwise answered herein.

9 **I. PARTIES, JURISDICTION, AND VENUE**

10 1. Answering paragraph 1, Lone Mountain lacks sufficient knowledge or
11 information as to the truth or falsity of the allegations contained in this paragraph.

12 2. Answering paragraph 2, Lone Mountain lacks sufficient knowledge or
13 information as to the truth or falsity of the allegations contained in this paragraph.

14 3. Answering paragraph 3, Lone Mountain lacks sufficient knowledge or
15 information as to the truth or falsity of the allegations contained in this paragraph.

16 4. Answering paragraph 4, Lone Mountain lacks sufficient knowledge or
17 information as to the truth or falsity of the allegations contained in this paragraph.

18 5. Answering paragraph 5, Lone Mountain lacks sufficient knowledge or
19 information as to the truth or falsity of the allegations contained in this paragraph.

20 6. Answering paragraph 6, Lone Mountain lacks sufficient knowledge or
21 information as to the truth or falsity of the allegations contained in this paragraph.

22 7. Answering paragraph 7, Lone Mountain lacks sufficient knowledge or
23 information as to the truth or falsity of the allegations contained in this paragraph.

24 8. Answering paragraph 8, Lone Mountain lacks sufficient knowledge or
25 information as to the truth or falsity of the allegations contained in this paragraph.

26 9. Answering paragraph 9, Lone Mountain lacks sufficient knowledge or
27 information as to the truth or falsity of the allegations contained in this paragraph.
28



10. Answering paragraph 10, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

11. Answering paragraph 11, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

12. Answering paragraph 12, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

13. Answering paragraph 13, Lone Mountain admits that the Department of Taxation is an agency of the State of Nevada. Lone Mountain states that the duties of the Department are outlined by applicable law and regulation. Lone Mountain admits the allegations in this paragraph only insofar as they accurately reflect these laws and regulations.

14. Answering paragraph 14, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

15. Answering paragraph 15, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

II. GENERAL ALLEGATIONS

16. Answering paragraph 16, Lone Mountain states that Assembly Bill 422 speaks for itself. No response is required for Plaintiffs' legal conclusions or statements regarding the content of laws or regulations. To the extent a response is required, Lone Mountain admits only insofar as the allegations accurately state the laws or regulations referenced in this paragraph.

17. Answering paragraph 17, no response is required as the allegations in this paragraph are Plaintiffs' legal conclusions regarding the content of laws or regulations. To the extent a response is required and the allegations accurately state the laws or regulations referenced, Lone Mountain admits.

18. Answering paragraph 18, no response is required as NRS 453D.020 speaks for itself. To the extent a response is required admit only insofar as this paragraph accurately quotes NRS 453D.020.

19. Answering paragraph 19, no response is required as NRS 453D.200 speaks for



1 itself. To the extent a response is required admit only insofar as this paragraph accurately quotes
2 NRS 453D.200 and accurately reflects its full contents.

3 20. Answering paragraph 20, no response is required as NRS 453D.210 speaks for
4 itself. To the extent a response is required admit only insofar as this paragraph accurately quotes
5 NRS 453D.210 and accurately reflects its full contents.

6 21. Answering paragraph 21, Lone Mountain states that the August 16, 2018 letter
7 from the Department speaks for itself and no response is required. To the extent a response is
8 required, the Lone Mountain admits only insofar as the allegations accurately quote the contents
9 of that letter.

10 22. Answering paragraph 22, Lone Mountain admits.

11 23. Answering paragraph 23, Lone Mountain admits.

12 24. Answering paragraph 24, and subparagraphs 24(a)-(h), Lone Mountain states that
13 no response is required as the allegations contained in this paragraph and subparagraphs are
14 Plaintiffs' legal conclusions regarding the content of laws or regulations. These laws and
15 regulations speak for themselves. To the extent a response is required, Lone Mountain admits
16 only insofar as the allegations accurately state the laws or regulations referenced in this
17 paragraph and subparagraphs.

18 25. Answering paragraph 25, no response is required as the allegations contained in
19 this paragraph reference a document that speaks for itself. To the extent a response is required,
20 Lone Mountain admits only insofar as the allegations accurately state the contents of the
21 document referenced.

22 26. Answering paragraph 26, the document referenced speaks for itself and no
23 response is required. To the extent a response is required, Lone Mountain admits only insofar as
24 the allegations accurately states the contents of that document.

25 27. Answering paragraph 27, the document and regulations speak for themselves,
26 should be considered in their full context, and no response is required. To the extent a response
27 is required, Lone Mountain denies.

28



28. Answering paragraph 28, Lone Mountain admits, in part, that the Department represented that it would issue recreational retail store conditional licenses no later than December 5, 2018. Lone Mountain denies the allegations in this paragraph to the extent that they impose a legal obligation on the Department that is inconsistent or outside the requirements set forth in NRS 453D.210.

29. Answering paragraph 29, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

30. Answering paragraph 30, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

31. Answering paragraph 31, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

32. Answering paragraph 32, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations contained in this paragraph.

33. Answering paragraph 33, Lone Mountain denies.

34. Answering paragraph 34, Lone Mountain denies.

35. Answering paragraph 35, Lone Mountain lacks sufficient knowledge or information as to the truth or falsity of the allegations as they related to entities who are not Lone Mountain. For the allegations that relate to Lone Mountain, Lone Mountain denies.

III. CLAIMS FOR RELIEF

First Claim for Relief

(Violation of Civil Rights; Due Process: Deprivation of Property; US Const. Amend. XIV; Nev. Const., Art. 1, Sec. 1, 8; Title 42 USC § 1983)

36. Answering paragraph 36, Lone Mountain repeats and re-alleges all prior paragraphs as though fully set forth herein.

37. Answering paragraph 37, Lone Mountain denies.

38. Answering paragraph 38, Lone Mountain denies.

39. Answering paragraph 39, Lone Mountain denies.



- 1 40. Answering paragraph 40, Lone Mountain denies.
2 41. Answering paragraph 41, Lone Mountain denies.
3 42. Answering paragraph 42, Lone Mountain denies.
4 43. Answering paragraph 43, Lone Mountain denies.
5 44. Answering paragraph 44, Lone Mountain denies.
6 45. Answering paragraph 45, Lone Mountain denies.
7 46. Answering paragraph 46, Lone Mountain denies.
8 47. Answering paragraph 47, Lone Mountain denies.
9 48. Answering paragraph 48, Lone Mountain denies.
10 49. Answering paragraph 49, Lone Mountain denies.
11 50. Answering paragraph 50 and subparagraphs 50(a)-(g), for any allegations, Lone
12 Mountain denies. Lone Mountain also denies that Plaintiff should receive any of the requested
13 relief.
14 51. Answering paragraph 51, for any allegations, Lone Mountain denies. Lone
15 Mountain also denies that Plaintiff should receive any of the requested relief.
16 52. Answering paragraph 52, Lone Mountain denies.
17 53. Answering paragraph 53, Lone Mountain denies.
18 54. Answering paragraph 54, Lone Mountain denies.
19 55. Answering paragraph 55, Lone Mountain denies.
20 56. Answering paragraph 56, Lone Mountain denies.
21 57. Answering paragraph 57, Lone Mountain denies.
22 58. Answering paragraph 58, Lone Mountain denies.
23 59. Answering paragraph 59, Lone Mountain denies.
24 60. Answering paragraph 60, Lone Mountain denies.
25 61. Answering paragraph 61, Lone Mountain denies.

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Second Claim for Relief

**(Violation of Civil Rights; Due Process: Deprivation of Liberty; US Const. Amend. XIV;
Nev. Const., Art. 1, Sec. 1, 8; Title 42 USC § 1983)**

62. Answering paragraph 62, Lone Mountain repeats and re-alleges all prior paragraphs as though fully set forth herein.

63. Answering paragraph 63, Lone Mountain denies.

64. Answering paragraph 64, Lone Mountain denies.

65. Answering paragraph 65, Lone Mountain denies.

66. Answering paragraph 66, Lone Mountain denies.

67. Answering paragraph 67, Lone Mountain denies.

68. Answering paragraph 68, Lone Mountain denies.

69. Answering paragraph 69, Lone Mountain denies.

Third Claim for Relief

**(Violation of Civil Rights; Equal Protection; US Const. Amend. XIV; Nev. Const., Art. 1,
Sec. 1, 8; Title 42 USC § 1983)**

70. Answering paragraph 70, Lone Mountain repeats and re-alleges all prior paragraphs as though fully set forth herein.

71. Answering paragraph 71, Lone Mountain denies.

72. Answering paragraph 72, Lone Mountain denies.

73. Answering paragraph 73, Lone Mountain denies.

74. Answering paragraph 74, Lone Mountain denies.

Fourth Claim for Relief

75. (Petition for Judicial Review)

76. Answering paragraph 75, Lone Mountain repeats and re-alleges all prior paragraphs as though fully set forth herein.

77. Answering paragraph 76, Lone Mountain denies.

78. Answering paragraph 77, Lone Mountain denies.



1 79. Answering paragraph 78, Lone Mountain denies.

2 80. Answering paragraph 79 and subparagraphs 79(a)-(c), for all allegations, Lone
3 Mountain denies. Lone Mountain also denies that Plaintiff is entitled to the requested relief.

4 81. Answering paragraph 80, Lone Mountain denies.

5 **Fifth Claim for Relief**

6 82. (Petition for Writ of Mandamus)

7 83. Answering paragraph 81, Lone Mountain repeats and re-alleges all prior
8 paragraphs as though fully set forth herein.

9 84. Answering paragraph 82, state that Nev. Rev. Stat. § 34.160 speaks for itself and
10 no response is required. To the extent a response is required, Lone Mountain denies.

11 85. Answering paragraph 83 and subparagraphs 83(a)-(b), Lone Mountain denies.

12 86. Answering paragraph 84 and subparagraphs 84(a)-(b), Lone Mountain denies.

13 87. Answering paragraph 85, Lone Mountain denies.

14 88. Answering paragraph 86, Lone Mountain denies.

15 89. WHEREFORE, Lone Mountain requests that Plaintiffs take nothing by way of
16 their complaint.

17 **AFFIRMATIVE DEFENSES**

18 **First Affirmative Defense**

19 Lone Mountain adopts and incorporates herein all affirmative defenses plead by
20 Defendants and other Intervenors in this matter.

21 **Second Affirmative Defense**

22 The complaint fails to state a claim upon which relief can be granted.

23 **Third Affirmative Defense**

24 Plaintiffs have not been damaged directly, indirectly, proximately or in any manner
25 whatsoever by any conduct of Defendants.

26 **Fourth Affirmative Defense**

27 The State of Nevada, Department of Taxation is immune from suit when performing the
28



1 functions at issue in this case.

2 **Fifth Affirmative Defense**

3 The actions of the State of Nevada, Department of Taxation were all official acts that
4 were done in compliance with applicable laws and regulations.

5 **Sixth Affirmative Defense**

6 Plaintiffs' claims are barred because Plaintiffs have failed to exhaust administrative
7 remedies, if any.

8 **Seventh Affirmative Defense**

9 Plaintiffs have failed to join necessary and indispensable parties to this litigation under
10 NRCP 19 as the Court cannot grant any of Plaintiffs' claims without affecting the rights and
11 privileges of those parties who received the licenses at issue as well as other third parties.

12 **Eighth Affirmative Defense**

13 The occurrences referred to in the First Amended Complaint and all alleged damages, if
14 any, resulting therefrom, were caused by a third party of which Defendants had no control.

15 **Ninth Affirmative Defense**

16 The actions of the State of Nevada, Department of Taxation were not arbitrary or
17 capricious, and the State of Nevada, Department of Taxation had a rational basis for all of the
18 actions taken in the licensing process at issue.

19 **Tenth Affirmative Defense**

20 Plaintiffs' claims are barred, in whole or in part, by their failure to perform or satisfy
21 required conditions precedent and by their own bad acts.

22 **Eleventh Affirmative Defense**

23 Plaintiffs are not in possession and/or control of the documents and/or witnesses
24 necessary to prove its alleged causes of action against Defendants.

25 **Twelfth Affirmative Defense**

26 The claims, and each of them, are barred by the failure of Plaintiffs to plead those claims
27 with sufficient particularity.



Thirteenth Affirmative Defense

Plaintiffs have failed to allege sufficient facts and cannot carry the burden of proof imposed on it by law to recover attorney's fees incurred to bring this action.

Fourteenth Affirmative Defense

Injunctive relief is unavailable to Plaintiffs, because the State of Nevada, Department of Taxation has already completed the tasks of issuing the conditional licenses.

Fifteenth Affirmative Defense

Plaintiffs have no constitutional rights to obtain privileged licenses.

Sixteenth Affirmative Defense

Mandamus is not available to compel the members of the executive branch to perform nonministerial, discretionary tasks.

Seventeenth Affirmative Defense

Plaintiffs are not entitled to judicial review on the denial of a license.

Eighteenth Affirmative Defense

Declaratory relief will not give the Plaintiffs the relief that they are seeking.

Nineteenth Affirmative Defense

Plaintiffs lack standing to seek the relief they request.

Twentieth Affirmative Defense

Pursuant to Nevada Rules of Civil Procedure, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of this answer and, therefore, Lone Mountain reserves the right to amend this answer to allege additional affirmative defenses if subsequent investigation warrants.

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1 Dated this 5th day of May 2019.

2 H1 LAW GROUP

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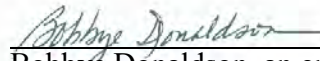
9 Phone 702-608-3720

10 Fax 702-608-3759

11 Attorneys for Defendant/Intervenor
12 Lone Mountain Partners, LLC

13 **CERTIFICATE OF SERVICE**

14 The undersigned, an employee of H1 Law Group, hereby certifies that on the 5th day of
15 June 2019, she caused a copy of the foregoing, to be transmitted by electronic service in accordance
16 with Administrative Order 14.2, to all interested parties, through the Court's **Odyssey E-File &**
17 **Serve** system.

18 
Bobbye Donaldson, an employee of
19 H1 LAW GROUP