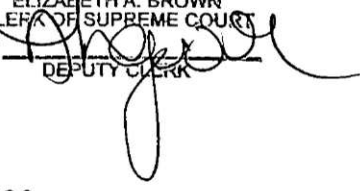


IN THE SUPREME COURT OF THE  
STATE OF NEVADA

FILED

SEP 06 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

CLARK NMSD, LLC,  
Appellant,

VS

Supreme Court Case No. 84623

JENNIFER GOLDSTEIN,  
Respondent.

Case: A-15-728510-B

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22-27733

DATED this 2nd day of September, 2022.

LAW OFFICE OF MITCHELL STIPP

/s/ Mitchell Stipp

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## MEMORANDUM OF POINTS AND AUTHORITIES

Respondent, Jennifer Goldstein (“Goldstein” or “Respondent”), former member of NuVeda, LLC, a Nevada limited liability company (“NuVeda”), has a judgment against NuVeda in the approximate amount of \$2,565,276.41 (plus interest from October 31, 2019). See Dkt. 22-15871 (including attachments thereto). The judgment arises from binding arbitration (AAA Case # 01-15-005-8574), which was supervised by Department 11. Id. Goldstein’s judgment is subject to an indemnification agreement with CWNevada, LLC, which is being administered by a receiver in Case: A-17-755479-B, in the Eighth Judicial District Court, State of Nevada. Id.

Appellant, Clark NMSD, LLC d/b/a The Sanctuary (“Appellant”), is **NOT** subject to the judgment in favor of Goldstein. Id. Goldstein does not contend otherwise. However, she (through her counsel of record, Brian Irvine) asked the clerk of the district court to issue writs of execution that she delivered to the sheriff/constable’s office in Las Vegas, Nevada to seize “all cash, currency, and other monies from the cash register, vault, safe and cash box” at a number of business locations listed therein. See id.; see also District Court Case No. A-15-728510-B, Dkt. Nos. 160 and 161 (which were electronically issued as Dkt. Nos. 164 and 165). These writs were issued by the clerk of the court in District Court Case A-15-

728510-B. The sheriff/constable's office served those writs at each of the business locations listed (regardless if NuVeda had property at those locations). Unfortunately, the writ served at The Sanctuary's cannabis dispensary addressed as 1324 S. 3rd Street, Las Vegas, Nevada 89104, actually resulted in a seizure of cash. **This money belongs to Appellant.** To summarize, Appellant was served with a writ of execution in District Court Case A-15-728510-B (serve of process), Applicant appeared in District Court Case A-15-728510-B by filing an application (joined by NuVeda) for the return of the money to Appellant (intervention),<sup>1</sup> and The Sanctuary's application was heard and denied by the district court (aggrieved). The order denying the application is the subject of this appeal.

The case of Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 448, 874 P.2d 729, 735 (1994), guides the Nevada Supreme Court on the motion before it. The case provides that in Nevada "a person or entity is not a party within the meaning of NRAP 3A(a) unless that person or entity has been served with process, appeared in the court below and has been named as a party of record in the trial court." Valley Bank, 110 Nev. 440, 448 (Nev. 1994) (citing Garaventa v. Dist. Court, 61 Nev. at

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<sup>1</sup> Appellant's application was made in accordance with NRS 31.070(5). The sole and exclusive remedy for third parties whose property is wrongfully seized is set forth in NRS 31.070. See Cooper v. Liebert, 81 Nev. 341, 344, 402 P.2d 989, 991 (1965) (confirming NRS 31.070 as exclusive remedy).

354, 128 P.2d at 267-68)). In her motion, Goldstein's argument is that Appellant is not a party because it was not named an original party of record in the district court case below. *While that may be true, her analysis is incomplete.* The Sanctuary is an intervenor in the district court case, and as this Court is well aware, an intervenor is "'afforded all the rights of a party to the action,' including a right to appeal independent from that of the original parties." Las Vegas Police Prot. Ass'n v. Dist. Ct., 122 Nev. 230, 239 (Nev. 2006) (quoting Municipality of Penn Hills, 546 A.2d 50, 52 (Pa. 1988)).

For the reasons set forth above, Goldstein's motion should be denied.

DATED this 2nd day of September, 2022.

LAW OFFICE OF MITCHELL STIPP

/s/ Mitchell Stipp

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 2nd day of September, 2022, I filed the foregoing  
**RESPONSE TO RENEWED MOTION TO DISMISS**, using the court's  
electronic filing system.

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By: /s/ Mitchell Stipp

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An employee of Law Office of Mitchell Stipp