

HOWARD & HOWARD ATTORNEYS PLLC

L. CHRISTOPHER ROSE, ESQ.

Nevada Bar No. 7500

KARSON D. BRIGHT, ESQ.

Nevada Bar No. 14837

3800 Howard Hughes Parkway, Suite 1000

Las Vegas, Nevada 89169

Telephone: 702.257.1483

Fax: 702.567.1568

lcr@h2law.com; kdb@h2law.com

Electronically Filed
Oct 06 2022 03:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Attorneys for Wellness Connection of Nevada, LLC

IN THE SUPREME COURT OF THE STATE OF NEVADA

In Re: D.O.T. Litigation.

Supreme Court No.: 85314

District Court Case No.:
No. A-19-787004-B

PROOF OF SERVICE

On October 5, 2022, I served a true copy of the following document(s) described as
DOCKETING STATEMENT upon Honorable Settlement Judge Lansford W. Levitt **BY E-MAIL, ELECTRONIC TRANSMISSION, AND/OR CERTIFIED MAIL:**

I caused a copy of the document(s) to be sent from e-mail address jwsd@h2law.com to Judge Levitt at the e-mail addresses of lw11@sbcglobal.net. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A true copy was also sent by certified mail.

A copy of the email and letter are attached hereto.

At the time of service, I was over 18 years of age and not a party to this action. I am employed in Clark County, Nevada. My business address is 3800 Howard Hughes Parkway, Ste. 1000, Las Vegas, Nevada 89169.

...

...

...

Howard & Howard Attorneys
9595 Wilshire Blvd., Suite 900
Beverly Hills, CA 90212
(424) 303-7700

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed on October 5, 2022, at Las Vegas, Nevada.

4
5 By: /s/ Joshua Daor
6 An employee of Howard & Howard Attorneys PLLC
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Joshua WS Daor

From: Joshua WS Daor
Sent: Wednesday, October 5, 2022 1:19 PM
To: 'LWL1@sbcglobal.net'
Cc: L. Christopher Rose; Karson D. Bright
Subject: No. 85314 - In re D.O.T. - WCN's Docketing Statement
Attachments: 2022.10.04 WCN's Docketing Statement.pdf

Good afternoon,

Attached, please find Wellness Connection Nevada, LLC's Docketing Statement filed with the Supreme Court. A copy has been placed in the mail.

Thank you

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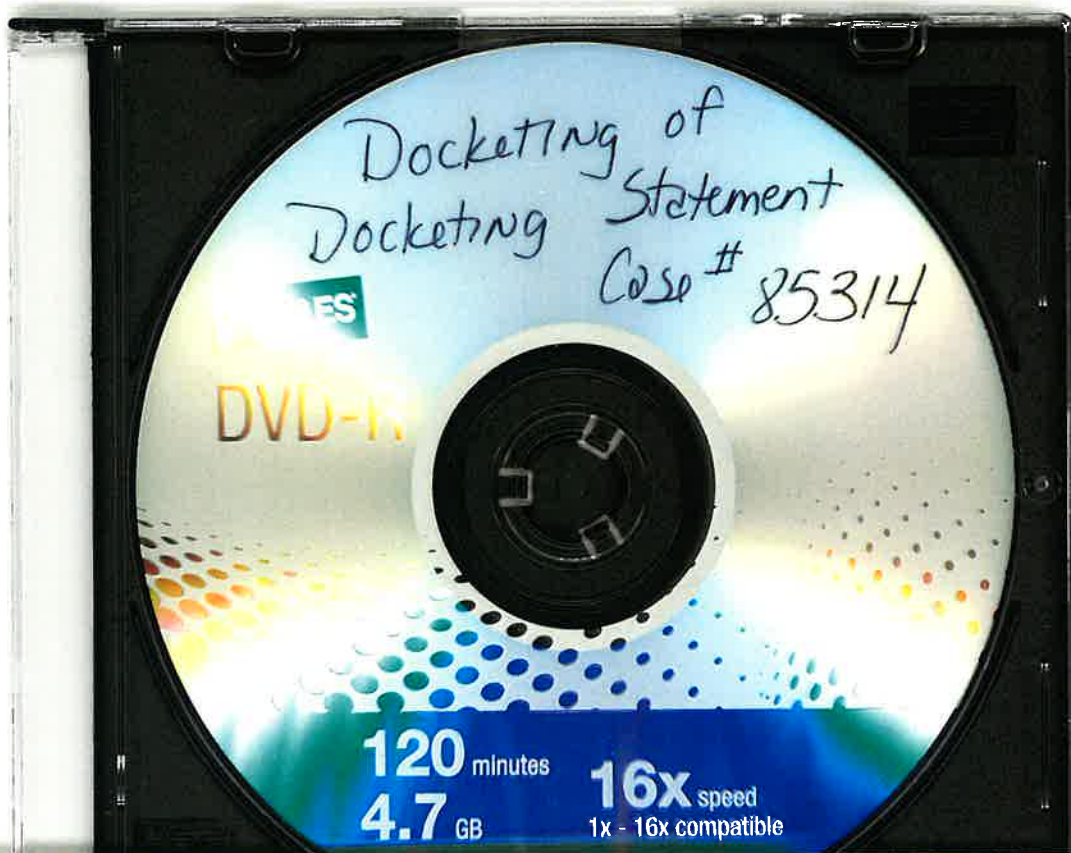
US POSTAGE

Howard & Howard

law for business

Wells Fargo Tower
3800 Howard Hughes Parkway, Suite 1000
Las Vegas, NV 89169-5980

Lansford W. Levitt
4230 Christy Way
Reno, NV 89519

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lansford W. Levitt
4230 Christy Way
Reno, NV 89519



9590 9402 7621 2122 1248 59

2. Article

70

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| <input type="checkbox"/> Adult Signature Required | \$ | |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | |

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Sire

City

City

Lansford W. Levitt
4230 Christy Way
Reno, NV 89519

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X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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If YES, enter delivery address below: ☐ No

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IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

In Re: D.O.T. Litigation

No. 85314

Electronically Filed
Oct 04 2022 06:08 p.m.

Elizabeth A. Brown
Clerk of Supreme Court
**DOCKETING STATEMENT
CIVIL APPEALS**

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department 31
County Clark Judge Joanna S. Kishner
District Ct. Case No. A-19-787004-B

2. Attorney filing this docketing statement:

Attorney Karson D. Bright Telephone 702-285-1483
Firm Howard & Howard Attorneys, PLLC
Address 3800 Howard Hughes Parkway, Suite 1000, Las Vegas, Nevada 89169

Client(s) Wellness Connection of Nevada, LLC

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Peter S. Christiansen Telephone 702-240-7979
Firm Christiansen Trial Lawyers
Address 710 South 7th Street, Las Vegas, Nevada 89101

Client(s) Qualcan, LLC

Attorney Will Kemp Telephone 702-385-6000
Firm Kemp Jones LLP
Address 3800 Howard Hughes Parkway, Suite 1700, Las Vegas, Nevada 89169

Client(s) MM Development Company, LLC & LivFree Wellness, LLC

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Judgment after bench trial | <input checked="" type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input checked="" type="checkbox"/> Other (specify): <u>Voluntary Dismissal</u> |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input checked="" type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Nevada Supreme Court Case No. 82014

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

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

Each of these matters were consolidated into Case No. A-19-787004-B.

8. Nature of the action. Briefly describe the nature of the action and the result below:

This matter arises from various Plaintiffs' lawsuits challenging the State of Nevada's application, evaluation, and license award process in 2018 for the right to operate dispensaries in Nevada. The State did not award these Plaintiffs licenses, so they sued the State of Nevada Department of Taxation and every entity that received a license, including Wellness, claiming an assortment of mistakes and wrongdoings and arguing that the entire process needed to be redone. The various Plaintiffs' respective lawsuits were eventually consolidated into Case No. A-19-787004-B and Judge Gonzalez eventually issued Amended Trial Protocol No.2, which split the trial into three separate phases. The First Phase addressed Plaintiffs' claims for petitions for judicial review. The Second Phase addressed the 2018 recreational marijuana application process, i.e., the Plaintiffs' claims for Equal Protection, Due Process, Declaratory Relief, etc. And the Third Phase, which has not yet occurred, is intended to address certain Plaintiffs' claims against Defendant, Jorge Pupo, personally. Wellness is not involved with the Third Phase. The First and Second Phases were certified as final on August 4, 2022. Complete Description is attached hereto.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

First, after the district court rendered its decision on the First Phase and Second Phase of the trial in September of 2020, Wellness moved to recover its attorneys' fees pursuant to NRS 18.010(2)(b). The court denied Wellness' Motion, and Wellness now appeals that ruling.

Second, Wellness appeals the district court granting Plaintiff's Motion to Retax Wellness' Memorandum of Costs.

Third, Wellness appeals the district court granting Plaintiff DH Flamingo's Motion for Voluntary Dismissal with Prejudice of its First Amended Complaint wherein it sought, in part, for the court to shield it from being required to reimburse any party to this action for their respective attorneys' fees and costs. Wellness opposed this Motion, but it was granted.

Fourth, Wellness appeals the district court denying its Countermotion to Clarify and/or for Additional Findings.

A Complete Description is attached hereto.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

Not Applicable.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

NRAP 17(a)(9) - Cases arising from business court.

14. Trial. If this action proceeded to trial, how many days did the trial last? 30

Was it a bench or jury trial? Bench

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
Not Applicable.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from August 4, 2022

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served August 4, 2022

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed September 2, 2022

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|--|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input checked="" type="checkbox"/> Other (specify) <u>NRAP 3A(b)(7)</u> | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:

NRAP 3A(b)(1) - Final judgment on Trial Phases 1 and 2 were entered on August 4, 2022. Pursuant to NRAP 4(a)(1), Wellness filed its Notice of Appeal on September 2, 2022.

NRAP 3A(b)(7) - The Nevada Supreme Court has ruled that an order relating to issuance of attorney's fees and costs is substantively appealable as a special order after final judgment. See, e.g., *Thomas v. City of N. Las Vegas*, 122 Nev. 82, 90, 127 P.3d 1057, 1063 (2006); *Winston Prod. Co. v. DeBoer*, 122 Nev. 517, 525, 134 P.3d 726, 731 (2006). Special orders after final judgment are subject to appeal because they affect the rights of a party growing out of the final judgment. *Id.* Here, the district court entered final judgment on August 4, 2022. Thereafter, the district court denied Wellness' Motion for Attorney's Fees and Memorandum of Costs. Thus, pursuant to *Thomas* and *Winston Prod.*, the Supreme Court holds jurisdiction of the district court's orders in question.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Wellness Connection of Nevada, LLC;

See Additional Sheet attached for a complete list of all parties involved in the underlying district court action.

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Certain parties are not included in this appeal given that they are unrelated to the orders being challenged by Wellness. Specifically, as it relates to the denial of Wellness' Motion for Attorney's Fees and Granting of Plaintiffs' Motion to Retax, Wellness is not seeking to recover its fees and costs for parties that did not bring claims against it in the lawsuit.

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Trial Phase 1 - Petitions for Judicial Review - Order Certified Ruling as Final on August 4, 2022

Trial Phase 2 - Equal Protection, Due Process, Declaratory Relief, Intentional Interference with Prospective Economic Advance, Intentional Interference with Contractual Relations, and Permanent Injunction - Order Certified Ruling as Final on August 4, 2022

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☐ Yes

☒ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

Trial Phase 3 has yet to occur; however, it is intended to address certain parties' claims against Defendant Jorge Pupo personally. Wellness has no involvement in Trial Phase 3.

(b) Specify the parties remaining below:

Nevada Wellness Center, LLC (Plaintiff) and Jorge Pupo (Defendant)

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☒ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☒ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

The district court certified the judgment as a final judgment pursuant to NRCP 54(b) for Trial Phases 1 and 2. While Trial Phase 3 remains ongoing, the Order Certifying Trial Phases 1 and 2 as final renders them subject to appeal.

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Wellness Connection of Nevada, LLC
Name of appellant

Karson D. Bright
Name of counsel of record

October 4, 2022
Date

Karson D. Bright
Signature of counsel of record

Clark County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 4th day of October, 2022, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Peter Christiansen, 710 South 7th Street, Las Vegas, Nevada 89101 – Attorney for Qualcan, LLC

Will Kemp, 3800 Howard Hughes Parkway, Suite 1700, Las Vegas, Nevada 89169 – Attorney for MM Development Company, LLC & LivFree Wellness, LLC

Additional names and addresses on attached separate sheet.

Dated this 4th day of October, 2022

Karson D. Bright
Signature

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EXHIBIT PAGE ONLY

EXHIBIT 1
Additional Information Sheet

IN THE SUPREME COURT OF THE STATE OF NEVADA

In Re: D.O.T. Litigation.

Supreme Court No. 85314

District Court Case
No. A-19-787004-B

EXHIBIT 1

DOCKETING STATEMENT – ADDITIONAL INFORMATION

HOWARD & HOWARD ATTORNEYS PLLC

L. Christopher Rose, Esq., Nevada Bar No. 7500

Karson D. Bright, Esq., Nevada Bar No. 14837

3800 Howard Hughes Parkway, Suite 1000

Las Vegas, Nevada 89169

Telephone: (702) 257-1483; Facsimile: (702) 567-1568

lcr@h2law.com; kdb@h2law.com

Attorneys for Appellant

Wellness Connection of Nevada, LLC

Additional Attorneys Representing Respondents and Certificate of Service:¹

A.

Attorney	Theodore Parker, III
Telephone	702-868-8000
Firm	Parker Nelson & Associates, CHTD.
Address	2460 Professional Court, Suite 2000, Las Vegas, Nevada 89128
Client(s)	Nevada Wellness Center, LLC

B.

Attorney	Craig Slater
Telephone	702-367-8899
Firm	Luh & Associates
Address	8987 W. Flamingo Road, Suite 1000, Las Vegas, Nevada 89147
Client(s)	Clark County Natural Medicinal Solutions, LLC d/b/a NuVeda; Nye Natural Medicinal Solutions, LLC d/b/a NuVeda; Clark NMSD, LLC d/b/a NuVeda; INYO Fine Cannabis Dispensary, LLC d/b/a INYO Fine Cannabis Dispensary

C.

Attorney	James A. Beckstrom
Telephone	725-300-0599
Firm	Beckstrom & Beckstrom, LLP
Address	400 South 4 th Street, Las Vegas, Nevada 89101

¹ Each of the listed parties were similarly served and are listed pursuant to the Certificate of Service included in the Docketing Statement.

Client(s)	ETW Management Group, LLC; Global Harmony, LLC, Just Quality, LLC, Libra Wellness Center, LLC, Rombough Real Estate, Inc. d/b/a Mother Herb, and Zion Gardens, LLC
------------------	--

D.

Attorney	Dominic Gentile
Telephone	702-862-8300
Firm	Clark Hill, PLLC
Address	3800 Howard Hughes Parkway, Suite 500, Las Vegas, Nevada 89169
Client(s)	TGIG, LLC; Nevada Holistic Medicine, LLC; GBS Nevada Partners; Fidelis Holdings, LLC; Gravitas Nevada; Nevada Pure, LLC; Medifarm, LLC, and Medifarm IV, LLC

E.

Attorney	Clarence Gamble
Telephone	303-733-6353
Firm	Ramos Law
Address	10190 Bannock Street, Suite 200, Northglenn, CO 80260
Client(s)	Rural Remedies, LLC

F.

Attorney	Amy Sugden
Telephone	702-625-3605
Firm	Sugden Law
Address	9728 Gilespe Street, Las Vegas, Nevada 89183
Client(s)	THC Nevada, LLC

G.

Attorney	Sigal Chattah
Telephone	702-360-6200
Firm	Chattah Law Group
Address	5875 S. Rainbow Boulevard, Suite 203, Las Vegas, Nevada 89118
Client(s)	Herbal Choice, LLC

H.

Attorney	Paul Conant & Brett Scolari
Telephone	602-508-9010; 800-908-6510 ext. 210
Firm	Conant Law Firm, PLC
Address	2398 E. Camelback Road, Suite 925, Phoenix, AZ 85016
Client(s)	Tryke Companies SO NV, LLC; Tryke Companies Reno, LLC; and NuLeaf Incline Dispensary, LLC

I.

Attorney	Nicolas Donath
Telephone	702-460-0718
Firm	N.R. Donath & Associates, PLLC
Address	871 Coronado Center Drive, Suite 200, Henderson, Nevada 89052
Client(s)	Green Leaf Farms Holdings, LLC; Green Therapeutics, LLC; NevCann, LLC, and Red Earth, LLC

J.

Attorney	Jeffrey Bendavid
Telephone	702-385-6114
Firm	Bendavid Law
Address	7301 Peak Drive, Suite 150, Las Vegas, Nevada 89128
Client(s)	Natural Medicine, LLC

K.

Attorney	Nikki Baker
Telephone	702-786-1001
Firm	Peterson Baker, PLLC
Address	701 South 7 th Street, Las Vegas, Nevada 89101
Client(s)	D.H. Flamingo, Inc., and Surterra Holdings, Inc

L.

Attorney	Eric D. Hone
Telephone	702-608-3720
Firm	Hone Law
Address	701 N. Green Valley Parkway, Suite 200, Henderson, Nevada 89074
Client(s)	Lone Mountain Partners, LLC

M.

Attorney	James Pisanelli
Telephone	702-214-2100

Firm	Pisanelli Bice, PLLC
Address	400 S. 4 th Street, Suite 300, Las Vegas, Nevada 89101
Client(s)	Integral Associates, LLC d/b/a Essence Tropicana, LLC, and Essence Henderson, LLC

N.

Attorney	Aaron Ford
Telephone	702-486-3420
Firm	Office of Attorney General
Address	555 E. Washington Avenue, Suite 3900, Las Vegas, NV 89101
Client(s)	State of Nevada ex rel. Department of Taxation and Cannabis Compliance Board

O.

Attorney	Margaret McLetchie
Telephone	702-728-5300
Firm	McLetchie Law
Address	602 S. Tenth Street, Las Vegas Nevada 89101
Client(s)	GreenMart of Nevada NLV, LLC

P.

Attorney	David Koch
Telephone	702-833-1100
Firm	King Scow Koch Durham, LLC
Address	11500 S. Eastern Ave., Suite 210, Henderson, NV 89052

Client(s)	Nevada Organic Remedies, LLC
------------------	------------------------------

8. Nature of the Action:

This matter arises from various Plaintiffs' lawsuits challenging the State of Nevada's application, evaluation, and license award process in 2018 for the right to operate dispensaries in Nevada. The State did not award these Plaintiffs licenses, so they sued the State of Nevada Department of Taxation and every entity that received a license, including Wellness, claiming an assortment of mistakes and wrongdoings and arguing that the entire process needed to be redone. The various Plaintiffs' respective lawsuits were eventually consolidated into the present matter Case No. A-19-787004-B. Judge Gonzalez eventually issued Amended Trial Protocol No.2, which split the trial into three separate phases. The First Phase addressed Plaintiffs' claims for petitions for judicial review. The Second Phase addressed the 2018 recreational marijuana application process, i.e., the Plaintiffs' claims for Equal Protection, Due Process, Declaratory Relief, Intentional Interference with Prospective Economic Advance, Intentional Interference with Contractual Relations, and Permanent Injunction. And the Third Phase, which has not yet occurred, is intended to address certain Plaintiffs' claims against Defendant, Jorge Pupo, personally. Wellness has no involvement in the Third Phase of the trial.

The district court rendered its decision on the Second Phase on September 3, 2020 after a month-long trial that required all parties to participate, then issued its decision on the First Phase on September 16, 2020, which was merely a hearing of a few hours for the judicial review claims. The district court denied all relief to Plaintiffs aside from one narrow aspect. The district court ruled that the Department of Taxation acted in excess of its authority when it improperly replaced the mandatory requirement for a background check of each prospective owner, officer and board

member with the “five percent or greater” standard. On August 4, 2022, the district court issued the Order Granting Motion to Certify Trial Phases 1 and 2 as Final Under NRCP 54(b) (the “Certification Order”).

9. Issues on Appeal:

First, after the district court rendered its decision on the First Phase and Second Phase of the trial in September of 2020, Wellness moved to recover its attorneys’ fees pursuant to NRS 18.010(2)(b). The district court denied Wellness’ Motion, and Wellness now appeals that ruling.

Second, Wellness filed its Memorandum of Costs to recover its costs after the district court rendered its decision on the First Phase and Second Phase of trial. Thereafter, the Plaintiffs filed their respective Motions to Retax Wellness’ Memorandum of Costs. The district court granted the Motions to Retax, and Wellness now appeals that ruling.

Third, Plaintiff DH Flamingo filed its Motion for Voluntary Dismissal with Prejudice of its First Amended Complaint wherein it sought, in part, for the district court to shield it from being required to reimburse any party to this action for their respective attorneys’ fees and costs. Wellness opposed this Motion. The district court granted the Motion and ruled, in part, that “no Party to the Consolidated Action shall be entitled to reimbursement of any costs or attorneys’ fees from DH Flamingo.” Wellness now appeals that ruling.

Fourth, Wellness filed a Countermotion to Clarify and/or for Additional Findings, which the district court denied. Specifically, Wellness requested for the Court to amend its ruling and to order all those applicants who properly obtained licenses for dispensaries to be named in the findings of the order. The district court denied this request. Wellness appeals that ruling.

22. List of All Parties in the Action or Consolidated Actions in the District Court:

- a. Wellness Connection of Nevada, LLC

- b. Dotan Y. Melech
- c. ETW Management Group, LLC
- d. Global Harmony, LLC
- e. Green Leaf Farms Holdings, LLC
- f. Herbal Choice, Inc.
- g. Just Quality, LLC
- h. Libra Wellness Center, LLC
- i. Rombough Real Estate, Inc.
- j. NEVCANN, LLC
- k. Red Earth, LLC
- l. THC Nevada, LLC
- m. Zion Gardens, LLC
- n. Green Therapeutics, LLC MMOF Vegas Retail, Inc.
- o. Tryke Companies Reno, LLC
- p. Tryke Companies SO NV, LLC
- q. NuLeaf Incline Dispensary, LLC
- r. Qualcan, LLC
- s. Nevada Organic Remedies, LLC
- t. Integral Associates, LLC
- u. Essence Tropicana, LLC
- v. Essence Henderson, LLC
- w. CPCM Holdings, LLC
- x. Commerce Park Medical, LLC

- y. Cheyenne Medical, LLC
- z. Lone Mountain Partners, LLC
- aa. GreenMart of Nevada NLV, LLC
- bb. Nevada Department of Taxation
- cc. Deep Roots Medical, LLC
- dd. Circle S Farms, LLC
- ee. Clear River, LLC
- ff. Eureka NewGen Farms, LLC
- gg. Green Therapeutics, LLC
- hh. Helping Hands Wellness Center, Inc.
- ii. Polaris Wellness Center, LLC
- jj. TRNVP098
- kk. Jorge Pupo
- ll. Pure Tonic Concentrates, LLC
- mm. Nevada Cannabis Compliance Board
- nn. Compassionate Team of Las Vegas, LLC
- oo. MM Development Company, Inc.
- pp. LivFree Wellness, LLC
- qq. Fidelis Holdings, LLC
- rr. GBS Nevada Partners, LLC
- ss. Gravitas Nevada, LLC
- tt. Medifarm, LLC
- uu. Nevada Holistic Medicine, LLC

vv. Nevada Pure, LLC

ww. Paradise Wellness Center, LLC

xx. Serenity Wellness Center, LLC

yy. TGIG, LLC

zz. Bioneva Innovations of Carson City, LLC

aaa. Blue Coyote Ranch, LLC

bbb. Clark County Natural Medicinal Solutions, LLC

ccc. Clark NMSD, LLC

ddd. DP Holdings, Inc.

eee. Euphoria Wellness, LLC

fff. Franklin Bioscience NV, LLC

ggg. Good Chemistry Nevada, LLC

hhh. Greenleaf Wellness, Inc.

iii. Harvest of Nevada, LLC

jjj. Inyo Fine Cannabis Dispensary, LLC

kkk. Las Vegas Wellness and Compassion, LLC

lll. Miller Farms, LLC

mmm. NCMM, LLC

nnn. Nye Natural Medicinal Solutions, LLC

ooo. WaveSeer of Nevada, LLC

ppp. Nevada Wellness Center, LLC

qqq. GTI Nevada, LLC

rrr. Physics One, LLC

sss. Thompson Farm One, LLC

ttt. Nevada Botanical Science, Inc.

uuu. Alternative Medicine Association, LC

vvv. Bloosom Group, LLC

www. Diversified Modalities Marketing, Ltd.

xxx. 3AP, LLC

yyy. Forever Green, LLC

zzz. NLVG, LLC

Exhibits Attached to Docketing Statement:

1. Additional Information Sheet
2. The Latest Filed Complaint, Counterclaims, Cross-Claims, and Third-Party Claims
 - a. D.H. Flamingo, Inc., et al.'s First Amended Complaint
 - b. Serenity Wellness Center, LLC, et al.'s Second Amended Complaint
 - c. ETW Management Group, LLC's Third Amended Complaint
 - d. MM Development Company, Inc., et al.'s Second Amended Complaint
 - e. Natural Medicine, LLC's Complaint-in-Intervention
 - f. Qualcan, LLC's Second Amended Complaint
 - g. Nevada Wellness Center, LLC's Second Amended Complaint
 - h. Rural Remedies, LLC's Amended Complaint-in-Intervention
3. Orders of NRCP 41(a) Dismissals
 - a. Notice of Entry of Order Granting Motion for (1) Voluntary Dismissal of Certain Defendants/ Respondents With Prejudice; and (2) Allowing Service by Electronic Means – March 11, 2020

- b. Notice of Entry of Order Granting DH Flamingo, Inc.’s Motion for Voluntary Dismissal With Prejudice of First Amended Complaint and Petition for Judicial Review and/or Writs of Certiorari, Mandamus, and Prohibition – March 30, 2020
- 4. Orders Challenged on Appeal
 - a. Order Granting DH Flamingo’s Motion for (1) Voluntary Dismissal of Certain Defendants/ Respondents With Prejudice; and (2) Allowing Service by Electronic Means – March 11, 2020;
 - b. Order Granting DH Flamingo’s Motion for Voluntary Dismissal With Prejudice of First Amended Complaint and Petition for Judicial Review and/or Writs of Certiorari, Mandamus, and Prohibition – March 30, 2020;
 - c. Order Denying Wellness’ Motion to Amend and Countermotion to Clarify Findings of Fact and Conclusions of Law – October 27, 2020;
 - d. Order Denying Wellness’ Motion for Attorneys’ Fees and Costs – August 27, 2021;
 - e. Order Granting Plaintiffs’ Motions to Retax related to Wellness’ Memorandum of Costs and Disbursements – August 30, 2021;
- 5. Notices of Entry for Orders Challenged on Appeal
 - a. Notice of Entry for Order Granting DH Flamingo’s Motion for (1) Voluntary Dismissal of Certain Defendants/ Respondents With Prejudice; and (2) Allowing Service by Electronic Means – March 11, 2020;
 - b. Notice of Entry for Order Granting DH Flamingo’s Motion for Voluntary Dismissal With Prejudice of First Amended Complaint and Petition for Judicial Review and/or Writs of Certiorari, Mandamus, and Prohibition – March 30, 2020;

- c. Notice of Entry for Order Denying Wellness' Motion to Amend and
Counter-motion to Clarify Findings of Fact and Conclusions of Law – October 27,
2020;
- d. Notice of Entry for Order Denying Wellness' Motion for Attorneys' Fees and
Costs – August 27, 2021;
- e. Notice of Entry for Order Granting Plaintiffs' Motions to Retax related to
Wellness' Memorandum of Costs and Disbursements – August 30, 2021.