

HOWARD & HOWARD ATTORNEYS PLLC

L. CHRISTOPHER ROSE, ESQ.

Nevada Bar No. 7500

3800 Howard Hughes Parkway, Suite 1000

Las Vegas, Nevada 89169

Telephone: 702.257.1483

Fax: 702.567.1568

lcr@h2law.com

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Elizabeth A. Brown
Clerk of Supreme Court

Attorneys for Appellant Wellness Connection of Nevada, LLC

IN THE SUPREME COURT OF THE STATE OF NEVADA

In Re: D.O.T. Litigation,

WELLNESS CONNECTION OF
NEVADA, LLC,

Appellant,

vs.

QUALCAN, LLC; MM
DEVELOPMENT COMPANY, INC.;
LIVFREE WELLNESS, LLC;
NEVADA WELLNESS CENTER,
LLC; CLARK NATURAL
MEDICINAL SOLUTIONS, LLC dba
NUVEDA; NYE NATURAL
MEDICINAL SOLUTIONS, LLC dba
NUVEDA; CLARK NMSD, LLC dba
NUVEDA; INYO FINE CANNABIS
DISPENSARY LLC dba INYO FINE
CANNABIS DISPENSARY; DH
FLAMINGO INC.; SURTERRA
HOLDINGS INC.; ETW
MANAGEMENT GROUP LLC;
GLOBAL HARMONY LLC; JUST
QUALITY, LLC; LIBRA WELLNESS

Supreme Court Case No.: 85314

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

CONSOLIDATED WITH:

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

**MOTION FOR EXTENSION OF
TIME TO FILE OPENING
BRIEF AND APPENDIX**

(FIRST REQUEST)

CENTER, LLC; ROMBOUGH REAL ESTATE INC. dba MOTHER HERB; ZION GARDENS LLC; TGIG, LLC; NEVADA HOLISTIC MEDICINE, LLC; GBS NEVADA PARTNERS, LLC; FIDELIS HOLDINGS, LLC; GRAVITAS NEVADA, LLC; NEVADA PURE, LLC; MEDIFARM, LLC; MEDIFARM IV LLC; RURAL REMEDIES LLC; THC NEVADA LLC; HERBAL CHOICE INC.; TRYKE COMPANIES SO NV, LLC; NULEAF INCLINE DISPENSARY, LLC; GREEN LEAF FARMS HOLDINGS LLC; GREEN THERAPEUTICS LLC; NEVCANN LLC; RED EARTH LLC; NATURAL MEDICINE, LLC; LONE MOUNTAIN PARTNERS, LLC; INTEGRAL ASSOCIATES, LLC dba ESSENCE CANNABIS DISPENSARIES, ESSENCE TROPICANA, LLC, ESSENCE HENDERSON, LLC; THE STATE OF NEVADA DEPARTMENT OF TAXATION; NEVADA ORGANIC REMEDIES, LLC; and GREENMART OF NEVADA NLV LLC,

Respondents.

Defendant/Appellant Wellness Connection of Nevada, LLC (“Wellness”) hereby submits this Motion for Extension of Time to File Opening Brief and Appendix.¹ Wellness requests a 60-day extension of time to file the opening brief and appendix in this matter pursuant to NRAP 26(b)(1)(A) and NRAP 31(b). Wellness’ opening brief and appendix are currently due January 17, 2024. A 60-day extension would make the brief and appendix due on March 18, 2024. This is the first request for an extension.

The undersigned respectfully submits that good cause exists for this request to extend. First, additional time is needed to adequately review the record and prepare the appendix. The district court proceedings in this case were substantial and extensive, consisting of nearly 3,500 docket entries over a five-year period. This culminated in a trial lasting nearly one month, which was Phase two of the district court case, and an additional day of hearings for Phase one. As a result, the appendix may be substantial. By way of example, in a recent appeal by a group of Plaintiffs/Appellants referred to as the TGIG Parties (NSC Case No. 82014), their

¹ Two matters are relevant to the names of the parties listed in the caption. First, those parties who were co-defendants with Wellness in the district court case should be removed from the caption since the issue on appeal is now Wellness’ entitlement to attorneys’ fees, and Wellness does not seek attorneys’ fees from any co-defendant. Second, Wellness reached a settlement and resolution with a number of Respondents who were referred to in the district court proceedings as the “Settling Plaintiffs.” The parties to that settlement will be processing the appropriate stipulation for dismissal of the appellate proceedings as to those parties. Thus, the parties will submit information as necessary to amend the caption accordingly.

Joint Appendix consisted of over 300 volumes. While Wellness does not believe its appendix will approach that length, additional time is needed to determine the items necessary to include in the appendix while excluding those items that are not needed.

Second, and related, Wellness needs additional time to prepare its opening brief. The issues in this case are important and the relief Wellness seeks in recovering attorneys' fees due to having been named as a defendant in this matter is crucial given the impact this litigation had on Wellness and its business. The length of the record and proceedings (and therefore the appendix) will influence Wellness' presentation in the opening brief. To make sure the issues are properly and thoroughly presented and that this Court is able to review and decide this matter with the correct and relevant facts and law in hand, additional time is required for preparation of the opening brief as well as the appendix.

An extension of time will not prejudice any of the Respondents. Therefore, Wellness respectfully requests that this Court grant additional time for Wellness to file and serve its opening brief and appendix, extending the deadline by A 60-day extension would make the brief and appendix due on March 18, 2024.

DATED this 17th day of January, 2024.

HOWARD & HOWARD ATTORNEYS PLLC

/s/ L. Christopher Rose

L. CHRISTOPHER ROSE, ESQ.

3800 Howard Hughes Parkway, Suite 1000

Las Vegas, NV 89169

Attorneys for Appellant

Wellness Connection of Nevada, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January 2024, caused a true and correct copy of the **MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF AND APPENDIX** to be electronically filed and served with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system.

/s/ Kelly McGee

An employee of Howard & Howard Attorneys PLLC