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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**

(SECOND 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.

Appellant Wellness Connection of Nevada, LLC (“Wellness”) hereby submits this Motion for Extension of Time to File Opening Brief and Appendix. Wellness requests a 14-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 March 18, 2024. A 14-day extension would make the brief and appendix due on April 1, 2024. This is the second request for an extension.

The undersigned respectfully submits that extraordinary circumstances and extreme need warrant this additional extension (NRAP 31(b)(3)(B)), and respectfully requests that the extension be granted for several reasons.

First, the undersigned’s legal assistant/paralegal recently took an unexpected personal leave of absence for 11 days. The legal assistant’s first day back to work from the personal leave is today, March 18, 2024. At the time Wellness requested the first extension, Wellness’ counsel had not anticipated the personal leave or losing the legal assistant for such an extended period at a crucial time immediately before the filing due date for the opening brief and appendix. The undersigned’s legal assistant is the only person familiar with the various, extensive files and filings in this case and is the person with primary responsibility for assisting the undersigned in reviewing, sorting, and gathering the documents necessary to assemble the appendix for the appeal. Although the process of assembling the

appendix on appeal had begun prior to the legal assistant's personal leave, Wellness' counsel was not able to proceed with and to complete important steps and progress in determining the documents to include in the appendix and in assembling those documents to complete the appendix due to the assistant's personal leave of absence.

Second, in the first week of March, the undersigned counsel was sick and missed two days of work and part of a third day. Another family member in the undersigned's home was sick at the same time with a severe case of mononucleosis, which extended nearly two weeks. While the undersigned was fortunate to avoid contracting that virus, the undersigned's illness and general conditions at home (followed by the unexpected leave of his legal assistant) hindered the ability to proceed with and complete the opening brief and appendix.

Third, and related to points one and two, additional time is needed to complete reviewing the record and assembling the appendix. As indicated in Wellness' first request for an extension, the district court proceedings in this case are substantial and extensive, consisting of nearly 3,500 docket entries over a five-year period. The case involved a trial lasting nearly one month. Furthermore, as the caption indicates, this matter involves dozens of parties. As a result, the process of determining which parts of the record are necessary for the appendix, which are not, and how those matters affect the briefing has been lengthy and intricate. In an

effort to provide an adequate record to support the opening brief, additional time is needed to determine the items necessary to include in the appendix while excluding those items that are not needed.

Fourth, as a result of each of the reasons listed above, Wellness needs additional time to complete its opening brief. While Wellness has made substantial progress in the preparation of the brief and presentation of the facts, the law, and the issues arising therefrom, the content and assembly of the appendix (yet to be completed) will continue to influence Wellness' presentation in the 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. 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, with all appropriate arguments before it, additional time is required for preparation of the opening brief as well as the appendix.

Fifth, an extension of time will not prejudice any of the Respondents. It will also benefit the parties through a more accurate presentation of the record and issues.

For all the reasons set forth herein, Wellness respectfully submits that extraordinary circumstances and extreme need warrant this additional extension for

14 days pursuant to NRAP 31(b)(3)(B). Wellness respectfully requests that this Court grant its motion and extend the time for Wellness to file and serve its opening brief and appendix, extending the deadline by 14 days to April 1, 2024.

DATED this 18th day of March, 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

DECLARATION OF L. CHRISTOPHER ROSE

1. I am and at all relevant times have been the lead attorney for Wellness Connection of Nevada, LLC (“Wellness”) in the district court proceedings and in all appeal proceedings. I have personal knowledge of the matters set forth herein, except as to those matters stated on information and belief, which I believe to be true. I make this declaration in support of Wellness’ MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF AND APPENDIX (the “Motion”).

2. I prepared the Motion and am familiar with its contents and the statements set forth therein. The statements set forth in the Motion are true.

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I declare under penalties of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 18th day of March, 2024.

/s/ L. Christopher Rose
L. CHRISTOPHER ROSE, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of March 2024, I 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