

IN THE SUPREME COURT OF THE STATE OF NEVADA

In Re: D.O.T. Litigation,

WELLNESS CONNECTION OF  
NEVADA, LLC,

Appellant,

vs.

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.; 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;  
LONE MOUNTAIN PARTNERS, LLC;  
INTEGRAL ASSOCIATES, LLC dba  
ESSENCE CANNABIS DISPENSARIES,  
ESSENCE TROPICANA, LLC, ESSENCE  
HENDERSON, LLC; THE STATE OF  
NEVADA DEPARTMENT OF

Electronically Filed  
Apr 01 2024 11:19 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

**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

TAXATION; NEVADA ORGANIC  
REMEDIES, LLC; and GREENMART OF  
NEVADA NLV LLC,

Respondents.

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**APPELLANT’S APPENDIX – VOLUME 7 OF 14**

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## **CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX**

<b>Vol.</b>	<b>Date</b>	<b>Document</b>	<b>Pages</b>
1	01/04/2019	Complaint filed by Serenity Wellness Center, LLC; TGIG, 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; Medifarm, LLC	APP00001 – APP00017
1	01/04/2019	Complaint filed by 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; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	APP00018 – APP00166
2	01/04/2019	Complaint filed by 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; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	APP00167 – APP00332
3	2/8/2019	Amended Complaint filed by 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.	APP00333 – APP00492

		dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	
4	2/8/2019	Amended Complaint filed by 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; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	APP00493 – APP00652
5	03/19/2019	Motion for Preliminary Injunction filed in case number A-19-786962-B by TGIG Plaintiffs	APP00653 – APP00762
5	07/11/2019	Corrected First Amended Complaint filed by Serenity Wellness Center, LLC; TGIG, 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; Medifarm, LLC	APP00763 – APP00780
5	08/23/2019	Findings of Fact and Conclusions of Law Granting Preliminary Injunction filed in Preliminary Injunction filed in case number A-19-786962-B	APP00781 – APP00804
6	09/06/2019	First Amended Complaint and Petition for Judicial Review and/or Writs of Certiorari, Mandamus and Prohibition filed by D.H. Flamingo, Inc. dba The Apothecary Shoppe; Clark Natural Medicinal Solutions LLC dba NuVeda; Nye Natural Medicinal Solutions LLC dba NuVeda; Clark NMSD LLC dba	APP00805 – APP00910



		NuVeda; Inyo Fine Cannabis Dispensary LLC dba INYO Fine Cannabis Dispensary; Surterra Holdings, Inc.	
6	11/26/2019	Second Amended Complaint filed by Serenity Wellness Center, LLC; TGIG, 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; Medifarm, LLC	APP00911 – APP00933
6	12/31/2019	Order Granting Plaintiffs Leave to File Amended Complaints	APP00934
6	01/28/2020	Defendant Rural Remedies, LLC's Complaint in Intervention, Petition for Judicial Review or Writ of Mandamus	APP00935 – APP00963
7	01/29/2020	Third Amended Complaint filed by 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; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC; MMOF Vegas Retail, Inc.	APP00964 – APP01059
7	02/14/2020	Wellness Connection of Nevada LLC's Answer to Serenity Plaintiffs' Second Amended Complaint	APP01060 – APP01068
7	03/13/2020	Trial Protocol Order	APP01069 – APP01085
7	03/26/2020	Defendant Rural Remedies, LLC's Amended Complaint in Intervention,	APP01086 – APP01122

		Petition for Judicial Review or Writ of Mandamus	
7	06/22/2020	Wellness Connection of Nevada, 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; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC; MMOF Vegas Retail, Inc. Third Amended Complaint	APP01123 – APP01136
7	07/01/2020	Wellness Connection of Nevada, LLC's Answer to Defendant Rural Remedies, LLC's Amended Complaint in Intervention, Petition for Judicial Review or Writ of Mandamus	APP01137 – APP01149
7	07/17/2020	Joint Trial Exhibit 84 - 2018 Retail Marijuana Store Application Scores and Rankings	APP01150 – APP01156
8	07/17/2020	Plaintiffs' Trial Exhibit 1005 – 07/06/2018 Recreational Marijuana Establishment License Application	APP01157 – APP01190
8	07/17/2020	Plaintiffs' Trial Exhibit 1302 - E-Mail dated 8/21/2019 from Nevada Department of Taxation to District Court, Department 11 re NRS 453D.200(6)	APP01191 – APP01193
8	09/03/2020	Findings of Fact, Conclusions of Law and Permanent Injunction – Phase 2	APP01194 – APP01223
8	09/16/2020	Findings of Fact, Conclusions of Law and Permanent Injunction – Phase 1	APP01224 – APP01235
8	09/22/2020	Notice of Entry of Judgment re September 3, 2020 Findings of Fact, Conclusions of Law and Permanent Injunction	APP01236 – APP01268

8	09/22/2020	Notice of Entry of Judgment re September 16, 2020 Findings of Fact, Conclusions of Law and Permanent Injunction	APP01269 – APP01283
9	09/25/2020	Memorandum of Costs of Wellness Connection of Nevada LLC	APP01284 – APP01347
9	10/13/2020	Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01348 – APP01361
10	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume I	APP01362 – APP01555
11	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume II	APP01556 – APP01585
11	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume III	APP01586 – APP01611
11	10/21/2020	Defendant / Plaintiff-In-Intervention Rural Remedies, LLC's Opposition to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01612 – APP01622
11	10/21/2020	Exhibits to Defendant / Plaintiff-In-Intervention Rural Remedies, LLC's Opposition to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01623 – APP01717
12	10/23/2020	Notice of Appeal filed by TGIG, LLC, Nevada Holistic Medicine, LLC, GBS Nevada Partners, Fidelis Holdings, LLC; Gravitas Nevada, Nevada Pure, LLC, Medifarm, LLC and Medifarm IV, LLC	APP01718 – APP01767
12	10/23/2020	Case Appeal Statement filed by TGIG, LLC, Nevada Holistic Medicine, LLC, GBS Nevada Partners, Fidelis Holdings, LLC; Gravitas Nevada, Nevada Pure, LLC, Medifarm, LLC and Medifarm IV, LLC	APP01768 – APP01780

12	10/27/2020	Opposition to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees filed by TGIG LLC, Nevada Holistic Medicine, LLC; GBS Nevada Partners; Fidelis Holdings, LLC; Gravitas Nevada; Nevada Pure, LLC; Medifarm LLC; Medifarm IV, LLC	APP01781 – APP01789
12	10/27/2020	Plaintiffs THC Nevada LLC and Herbal Choice, Inc.'s Joinder to TGIG's Opposition to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees and Costs	APP01790 – APP01791
12	10/28/2020	Plaintiff Green Leaf Farms Holdings, LLC, Green Therapeutics, LLC, Nevcan, LLC and Red Earth LLC's Joinder to Oppositions to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01792 – APP01794
12	11/04/2020	THC Nevada, LLC and Herbal Choice, Inc.'s Joint Notice of Appeal	APP01795 – APP01797
12	11/05/2020	Notice of Appeal filed by Red Earth LLC, Nevcan LLC, Green Therapeutics, LLC and Green Leaf Farm Holdings LLC	APP01798 – APP01800
12	11/13/2020	Omnibus Reply in Support of Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01801 – APP01821
12	11/20/2020	Minute Order re Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01822
12	08/27/2021	Order Denying Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01823 – APP01834
12	08/30/2021	Notice of Entry of Order Denying Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01835 – APP01849
12	08/30/2021	Order Granting Motions to Retax	APP01850 – APP01861

12	08/04/2022	Order Granting Motion to Certify Trial Phases 1 and 2 as Final Under NRCP 54(b)	APP01862 – APP01879
12	08/04/2022	Notice of Entry of Order Granting Motion to Certify Trial Phases 1 and 2 as Final Under NRCP 54(b)	APP01880 – APP01900
13	08/09/2022	Memorandum of Costs and Disbursements of Wellness Connection of Nevada, LLC	APP01901 – APP01964
13	09/02/2022	Wellness Connection of Nevada, LLC's Notice of Appeal	APP01965 – APP02024
13	02/04/2023	Order re: TGIG Plaintiffs' Motion to Retax and Settle Costs and Joinders	APP02025 – APP02042
13	02/07/2023	Notice of Entry of Order re: TGIG Plaintiffs' Motion to Retax and Settle Costs and Joinders	APP02043 – APP02064
14		Register of Actions for Eighth Judicial District Court case In Re: D.O.T. Litigation; Case number: A-19-787004-B	APP02065 – APP02213

### **ALPHABETICAL INDEX OF APPELLANT'S APPENDIX**

<b>Vol.</b>	<b>Date</b>	<b>Document</b>	<b>Pages</b>
3	2/8/2019	Amended Complaint filed by 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; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	APP00333 – APP00492
4	2/8/2019	Amended Complaint filed by ETW Management Group, LLC; Global Harmony, LLC; Green Leaf Farms	APP00493 – APP00652

		Holdings LLC; Green Therapeutics LLC; Herbal Choice, Inc.; Just Quality LLC; Libra Wellness Center LLC; Rombough Real Estate, Inc. dba Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	
10	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume I	APP01362 – APP01555
11	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume II	APP01556 – APP01585
11	10/13/2020	Appendix to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees, Volume III	APP01586 – APP01611
12	10/23/2020	Case Appeal Statement filed by TGIG, LLC, Nevada Holistic Medicine, LLC, GBS Nevada Partners, Fidelis Holdings, LLC; Gravitas Nevada, Nevada Pure, LLC, Medifarm, LLC and Medifarm IV, LLC	APP01768 – APP01780
1	01/04/2019	Complaint filed by 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; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	APP00018 – APP00166
2	01/04/2019	Complaint filed by 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	APP00167 – APP00332

		Mother Herb; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC	
1	01/04/2019	Complaint filed by Serenity Wellness Center, LLC; TGIG, 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; Medifarm, LLC	APP00001 – APP00017
5	07/11/2019	Corrected First Amended Complaint filed by Serenity Wellness Center, LLC; TGIG, 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; Medifarm, LLC	APP00763 – APP00780
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7	03/26/2020	Defendant Rural Remedies, LLC's Amended Complaint in Intervention, Petition for Judicial Review or Writ of Mandamus	APP01086 – APP01122
6	01/28/2020	Defendant Rural Remedies, LLC's Complaint in Intervention, Petition for Judicial Review or Writ of Mandamus	APP00935 – APP00963
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8	09/16/2020	Findings of Fact, Conclusions of Law and Permanent Injunction – Phase 1	APP01224 – APP01235
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6	09/06/2019	First Amended Complaint and Petition for Judicial Review and/or Writs of Certiorari, Mandamus and Prohibition filed by D.H. Flamingo, Inc. dba The Apothecary Shoppe; 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; Surterra Holdings, Inc.	APP00805 – APP00910
7	07/17/2020	Joint Trial Exhibit 84 - 2018 Retail Marijuana Store Application Scores and Rankings	APP01150 – APP01156
9	09/25/2020	Memorandum of Costs of Wellness Connection of Nevada LLC	APP01284 – APP01347
13	08/09/2022	Memorandum of Costs and Disbursements of Wellness Connection of Nevada, LLC	APP01901 – APP01964
12	11/20/2020	Minute Order re Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01822
5	03/19/2019	Motion for Preliminary Injunction filed in case number A-19-786962-B by TGIG Plaintiffs	APP00653 – APP00762
12	11/05/2020	Notice of Appeal filed by Red Earth LLC, Nevcan LLC, Green Therapeutics, LLC and Green Leaf Farm Holdings LLC	APP01798 – APP01800



12	10/23/2020	Notice of Appeal filed by TGIG, LLC, Nevada Holistic Medicine, LLC, GBS Nevada Partners, Fidelis Holdings, LLC; Gravitas Nevada, Nevada Pure, LLC, Medifarm, LLC and Medifarm IV, LLC	APP01718 – APP01767
8	09/22/2020	Notice of Entry of Judgment re September 3, 2020 Findings of Fact, Conclusions of Law and Permanent Injunction	APP01236 – APP01268
8	09/22/2020	Notice of Entry of Judgment re September 16, 2020 Findings of Fact, Conclusions of Law and Permanent Injunction	APP01269 – APP01283
12	08/30/2021	Notice of Entry of Order Denying Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01835 – APP01849
12	08/04/2022	Notice of Entry of Order Granting Motion to Certify Trial Phases 1 and 2 as Final Under NRCP 54(b)	APP01880 – APP01900
13	02/07/2023	Notice of Entry of Order re: TGIG Plaintiffs' Motion to Retax and Settle Costs and Joinders	APP02043 – APP02064
12	11/13/2020	Omnibus Reply in Support of Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01801 – APP01821
12	10/27/2020	Opposition to Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees filed by TGIG LLC, Nevada Holistic Medicine, LLC; GBS Nevada Partners; Fidelis Holdings, LLC; Gravitas Nevada; Nevada Pure, LLC; Medifarm LLC; Medifarm IV, LLC	APP01781 – APP01789
12	08/27/2021	Order Denying Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01823 – APP01834

12	08/04/2022	Order Granting Motion to Certify Trial Phases 1 and 2 as Final Under NRCP 54(b)	APP01862 – APP01879
12	08/30/2021	Order Granting Motions to Retax	APP01850 – APP01861
6	12/31/2019	Order Granting Plaintiffs Leave to File Amended Complaints	APP00934
13	02/04/2023	Order re: TGIG Plaintiffs’ Motion to Retax and Settle Costs and Joinders	APP02025 – APP02042
12	10/28/2020	Plaintiff Green Leaf Farms Holdings, LLC, Green Therapeutics, LLC, Nevcan, LLC and Red Earth LLC’s Joinder to Oppositions to Wellness Connection of Nevada, LLC’s Motion for Attorneys’ Fees	APP01792 – APP01794
12	10/27/2020	Plaintiffs THC Nevada LLC and Herbal Choice, Inc.’s Joinder to TGIG’s Opposition to Wellness Connection of Nevada, LLC’s Motion for Attorneys’ Fees and Costs	APP01790 – APP01791
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8	07/17/2020	Plaintiffs’ Trial Exhibit 1302 - E-Mail dated 8/21/2019 from Nevada Department of Taxation to District Court, Department 11 re NRS 453D.200(6)	APP01191 – APP01193
14		Register of Actions for Eighth Judicial District Court case In Re: D.O.T. Litigation; Case number: A-19-787004-B	APP02065 – APP02213
6	11/26/2019	Second Amended Complaint filed by Serenity Wellness Center, LLC; TGIG, LLC; Nuleaf Incline Dispensary, LLC; Nevada Holistic Medicine, LLC; Tryke Companies So. NV, LLC; Tryke Companies	APP00911 – APP00933

		Reno, LLC; Paradise Wellness Center, LLC; GBS Nevada Partners, LLC; Fidelis Holdings, LLC; Gravitas Nevada, LLC; Nevada Pure, LLC; Medifarm, LLC	
12	11/04/2020	THC Nevada, LLC and Herbal Choice, Inc.'s Joint Notice of Appeal	APP01795 – APP01797
7	01/29/2020	Third Amended Complaint filed by 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; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC; MMOF Vegas Retail, Inc.	APP00964 – APP01059
7	03/13/2020	Trial Protocol Order	APP01069 – APP01085
7	07/01/2020	Wellness Connection of Nevada, LLC's Answer to Defendant Rural Remedies, LLC's Amended Complaint in Intervention, Petition for Judicial Review or Writ of Mandamus	APP01137 – APP01149
7	06/22/2020	Wellness Connection of Nevada, 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; Nevcan LLC; Red Earth LLC; THC Nevada LLC; Zion Gardens LLC; MMOF Vegas Retail, Inc. Third Amended Complaint	APP01123 – APP01136

7	02/14/2020	Wellness Connection of Nevada LLC's Answer to Serenity Plaintiffs' Second Amended Complaint	APP01060 – APP01068
9	10/13/2020	Wellness Connection of Nevada, LLC's Motion for Attorneys' Fees	APP01348 – APP01361
13	09/02/2022	Wellness Connection of Nevada, LLC's Notice of Appeal	APP01965 – APP02024

Dated this 1st day of April, 2024.

### **HOWARD & HOWARD ATTORNEYS PLLC**

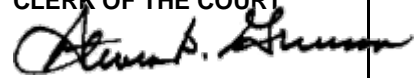
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3800 Howard Hughes Parkway, Suite 1000  
Las Vegas, Nevada 89169  
Attorneys for Appellant Wellness Connection of Nevada, LLC

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 1st day of April 2024, I caused a true and correct copy of the **APPELLANT'S APPENDIX, VOLUME 7 OF 14** 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



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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

In Re: D.O.T. Litigation,

Case No.: A-19-787004-B  
Consolidated with: A-785818  
A-786357  
A-786962  
A-787035  
A-787540  
A-787726  
A-801416

Dept No.: XI

**THIRD AMENDED COMPLAINT**

Plaintiffs ETW MANAGEMENT GROUP LLC (“ETW”), GLOBAL HARMONY LLC (“Global Harmony”), GREEN LEAF FARMS HOLDINGS LLC (“GLFH”), GREEN THERAPEUTICS LLC (“GT”), HERBAL CHOICE INC. (“Herbal Choice”), JUST QUALITY, LLC (“Just Quality”), LIBRA WELLNESS CENTER, LLC (“Libra”), ROMBOUGH REAL ESTATE INC. dba MOTHER HERB (“Mother Herb”), NEVCANN LLC (“NEVCANN”), RED EARTH LLC (“Red Earth”), THC NEVADA LLC (“THCNV”), ZION GARDENS LLC (“Zion”), and MMOF VEGAS RETAIL, INC. (“MMOF”) (collectively, the “Plaintiffs”), by and

through their undersigned counsel of record Adam K. Bult, Esq., Maximilien D. Fetaz, Esq., and Travis F. Chance, Esq., of the law firm of Brownstein Hyatt Farber Schreck, LLP, and Adam R. Fulton, Esq., of the law firm of Jennings & Fulton, Ltd., hereby file their Third Amended Complaint against the STATE OF NEVADA, DEPARTMENT OF TAXATION (the "DOT"); CHEYENNE MEDICAL, LLC; CIRCLE S FARMS, LLC; CLEAR RIVER, LLC; COMMERCE PARK MEDICAL L.L.C.; DEEP ROOTS MEDICAL LLC; ESSENCE HENDERSON, LLC, ESSENCE TROPICANA, LLC; EUREKA NEWGEN FARMS LLC; GREEN THERAPEUTICS LLC; GREENMART OF NEVADA NLV, LLC; HELPING HANDS WELLNESS CENTER, INC.; LONE MOUNTAIN PARTNERS, LLC; NEVADA ORGANIC REMEDIES LLC; POLARIS WELLNESS CENTER L.L.C.; PURE TONIC CONCENTRATES LLC; TRNVP098; WELLNESS CONNECTION OF NEVADA, LLC; DOES 1 through 20 inclusive, and ROE CORPORATIONS 19 through 20, inclusive, alleging and complaining as follows:

**PARTIES**

1. At all times relevant hereto, ETW is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

2. At all times relevant hereto, Global Harmony is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

3. At all times relevant hereto, GLFH is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

4. At all times relevant hereto, GT is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

5. At all times relevant hereto, Herbal Choice is and was a Nevada corporation authorized to do business in Clark County, Nevada.

6. At all times relevant hereto, Just Quality is and was a limited liability company

1 organized and existing under the laws of the State of Nevada and authorized to do business in  
2 Clark County, Nevada.

3 7. At all times relevant hereto, Libra is and was a limited liability company organized  
4 and existing under the laws of the State of Nevada and authorized to do business in Clark County,  
5 Nevada.

6 8. At all times relevant hereto, Mother Herb is and was a Nevada corporation and  
7 authorized to do business in Clark County, Nevada.

8 9. At all times relevant hereto, NEVCANN is and was a limited liability company  
9 organized and existing under the laws of the State of Nevada and authorized to do business in  
10 Clark County, Nevada.

11 10. At all times relevant hereto, Red Earth is and was a limited liability company  
12 organized and existing under the laws of the State of Nevada and authorized to do business in  
13 Clark County, Nevada.

14 11. At all times relevant hereto, THCNV is and was a limited liability company  
15 organized and existing under the laws of the State of Nevada and authorized to do business in  
16 Clark County, Nevada.

17 12. At all times relevant hereto, Zion is and was a limited liability company organized  
18 and existing under the laws of the State of Nevada and authorized to do business in Clark County,  
19 Nevada.

20 13. At all times relevant hereto, MMOF is and was a Nevada corporation authorized to  
21 do business in Clark County, Nevada.

22 14. At all times relevant hereto, the DOT is and was an agency and political  
23 subdivision of the State of Nevada.

24 15. The true name and capacity of ROE CORPORATION 1 is Cheyenne Medical,  
25 LLC. At all times relevant hereto, Cheyenne Medical, LLC is and was a limited liability  
26 company organized and existing under the laws of the State of Nevada and authorized to do  
27 business in Clark County, Nevada.

28 16. The true name and capacity of ROE CORPORATION 2 is Circle S Farms, LLC.

At all times relevant hereto, Circle S Farms, LLC is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

17. The true name and capacity of ROE CORPORATION 3 is Clear River, LLC. At all times relevant hereto, Clear River, LLC is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

18. The true name and capacity of ROE CORPORATION 4 is Commerce Park Medical L.L.C. At all times relevant hereto, Commerce Park Medical L.L.C. is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

19. The true name and capacity of ROE CORPORATION 5 is Deep Roots Medical LLC. At all times relevant hereto, Deep Roots Medical LLC is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

20. The true name and capacity of ROE CORPORATION 6 is Essence Henderson, LLC. At all times relevant hereto, Essence Henderson, LLC is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

21. The true name and capacity of ROE CORPORATION 7 is Essence Tropicana, LLC. At all times relevant hereto, Essence Tropicana, LLC is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

22. The true name and capacity of ROE CORPORATION 8 is Eureka NewGen Farms LLC. At all times relevant hereto, Eureka NewGen Farms LLC is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

23. The true name and capacity of ROE CORPORATION 9 is Green Therapeutics



1 LLC. At all times relevant hereto, Green Therapeutics LLC is and was a limited liability  
2 company organized and existing under the laws of the State of Nevada and authorized to do  
3 business in Clark County, Nevada.

4 24. The true name and capacity of ROE CORPORATION 10 is Greenmart of Nevada  
5 NLV. At all times relevant hereto, Greenmart of Nevada NLV is and was a limited liability  
6 company organized and existing under the laws of the State of Nevada and authorized to do  
7 business in Clark County, Nevada.

8 25. The true name and capacity of ROE CORPORATION 11 is Helping Hands  
9 Wellness Center, Inc. At all times relevant hereto, Helping Hands Wellness Center, Inc. is and  
10 was a limited liability company organized and existing under the laws of the State of Nevada and  
11 authorized to do business in Clark County, Nevada.

12 26. The true name and capacity of ROE CORPORATION 12 is Lone Mountain  
13 Partners, LLC. At all times relevant hereto, Lone Mountain Partners, LLC is and was a limited  
14 liability company organized and existing under the laws of the State of Nevada and authorized to  
15 do business in Clark County, Nevada.

16 27. The true name and capacity of ROE CORPORATION 13 is Nevada Organic  
17 Remedies LLC. At all times relevant hereto, Nevada Organic Remedies LLC is and was a limited  
18 liability company organized and existing under the laws of the State of Nevada and authorized to  
19 do business in Clark County, Nevada.

20 28. The true name and capacity of ROE CORPORATION 14 is Polaris Wellness  
21 Center L.L.C. At all times relevant hereto, Polaris Wellness Center L.L.C. is and was a limited  
22 liability company organized and existing under the laws of the State of Nevada and authorized to  
23 do business in Clark County, Nevada.

24 29. The true name and capacity of ROE CORPORATION 15 is Pure Tonic  
25 Concentrates LLC. At all times relevant hereto, Pure Tonic Concentrates LLC is and was a  
26 limited liability company organized and existing under the laws of the State of Nevada and  
27 authorized to do business in Clark County, Nevada.

28 30. The true name and capacity of ROE CORPORATION 16 is TRNVP098. At all

1 times relevant hereto, TRNVP098 is and was a limited liability company organized and existing  
2 under the laws of the State of Nevada and authorized to do business in Clark County, Nevada.

3 31. The true name and capacity of ROE CORPORATION 17 is Wellness Connection  
4 of Nevada, LLC. At all times relevant hereto, Wellness Connection of Nevada, LLC is and was a  
5 limited liability company organized and existing under the laws of the State of Nevada and  
6 authorized to do business in Clark County, Nevada.

7 32. Upon information and belief, Defendants identified in Paragraphs 15-31 were  
8 granted conditional recreational dispensary licenses by the DOT on or after December 5, 2018  
9 (the "Successful Applicants").

10 33. The true names and capacities, whether individual, corporate, associate or  
11 otherwise, of Defendants Does 1-20, inclusive, and Roe Corporations 18-20, inclusive, are  
12 unknown to Plaintiffs, which therefore sue said Defendants by such fictitious names. Plaintiffs  
13 will amend this Third Amended Complaint to state the true names and capacities of said fictitious  
14 Defendants when they have been ascertained.

15 34. Plaintiffs are informed and believe, and thereon allege, that each of the fictitiously  
16 named Defendants are responsible in some manner for the occurrences herein alleged, and that  
17 Plaintiffs' damages as herein alleged were proximately caused by Defendants' acts. Each  
18 reference in this Complaint to "Defendant" or "Defendants," or a specifically named Defendant  
19 refers also to all Defendants sued under fictitious names.

20 **JURISDICTION AND VENUE**

21 35. Jurisdiction is proper in this Court pursuant to the Nevada Constitution, Article 6,  
22 § 6, NRS 4.370(2), NRS 30, and because the acts and omissions complained of herein occurred  
23 and caused harm within Clark County, Nevada. Further, the amount in controversy exceeds  
24 \$15,000.00.

25 36. Venue is proper in this Court pursuant to NRS 13.020(2)-(3).

26 **GENERAL ALLEGATIONS**

27 37. Plaintiffs incorporate and reallege Paragraphs 1 through 18 as though fully set  
28 forth herein.

*The Statutory Scheme Governing Retail Marijuana Licenses*

38. In or around November 2016, the citizens of the State of Nevada approved a statutory ballot initiative that, *inter alia*, legalized the recreational use of marijuana and allowed for the licensing of recreational marijuana dispensaries.

39. The statutory scheme approved by the voters was codified in NRS Chapter 453D and vested authority for the issuance of licenses for retail marijuana dispensaries in the DOT.

40. NRS 453D.200(1) required the DOT to “adopt all regulations necessary or convenient to carry out the provisions of” that Chapter, including procedures for the issuance of retail marijuana licenses, no later than January 1, 2018.

41. NRS 453D.200(6) provides that the “[DOT] shall conduct a background check of each prospective owner, officer, and board member of a marijuana establishment license applicant.”

42. NRS 453D.210(5)(b) required that for an application to be complete, the applicant must include the “physical address where the proposed marijuana establishment will operate” and the proposed marijuana establishment “is owned by the applicant or the applicant has the written permission of the property owner to operate the proposed marijuana establishment on that property.”

43. NRS 453D.210(4)-(5) permits the DOT to issue a retail marijuana license only to those entities or persons that have submitted a complete license application to the DOT in compliance with regulations adopted by the DOT. The circumstances under which an application was to be considered complete were to be promulgated into regulations by the DOT, pursuant to NRS 453D.200(1)(a).

44. NRS 453D.210(5)(d) limits the number of retail marijuana licenses that may be issued by the DOT in the various counties across the State of Nevada.

45. However, NRS 453D.210(d)(5) provides that a county government may request that the DOT issue retail marijuana licenses above the limits set forth in NRS 453D.210(5)(d).

46. As mandated by NRS 453D.210(6), “[w]hen competing applications are submitted for a proposed retail marijuana store within a single county, the Department **shall use an**

1 **impartial and numerically scored competitive bidding process** to determine which application  
2 or applications among those competing will be approved.” (emphasis added).

3 ***The DOT’s Adoption of Flawed Regulations that Do Not Comply with Chapter 453D***

4 47. On or around May 8, 2017, the DOT adopted temporary regulations pertaining to,  
5 *inter alia*, the application for and the issuance of retail marijuana licenses.

6 48. The DOT continued preparing draft permanent regulations as required by NRS  
7 453D.200(1) and held public workshops with respect to the same on July 24 and July 25, 2017.

8 49. On or around December 16, 2017, the DOT issued a Notice of Intent to Adopt  
9 permanent regulations pursuant to the mandates of NRS 453D.200(1).

10 50. On or around January 16, 2018, the DOT held a public hearing on the proposed  
11 permanent regulations (LCB File No. R092-17), which was attended by numerous members of  
12 the public and marijuana business industry.

13 51. At the hearing, the DOT was informed that the licensure factors contained in the  
14 proposed permanent regulations would have the effect of favoring vertically-integrated  
15 cultivators/dispensaries and would result in arbitrary weight being placed upon certain  
16 applications that were submitted by well-known, well-connected, and longtime Nevada families.

17 52. Despite the issues raised at the hearing, on or around January 16, 2018, the DOT  
18 adopted the proposed permanent regulations in LCB File No. R092-17, which have since been  
19 codified in NAC 453D (the “Regulations”).

20 53. As required by NRS 453D.200(1)(a), the DOT issued NAC 453D.268, which sets  
21 forth a host of elements that are required to be submitted to form a complete application. NAC  
22 453D.272 relates to the DOT’s method of evaluating competing retail marijuana license  
23 applications.

24 54. NAC 453D.272(1) provides that where the DOT receives competing applications,  
25 it will “rank the applications...in order from first to last based on compliance with the provisions  
26 of this chapter and chapter 453D of NRS and on the content of the applications relating to”  
27 several enumerated factors.

28 55. The factors set forth in NAC 453D.272(1) that are used to rank competing

applications (collectively, the “Factors”) are:

- a. Whether the owners, officers or board members have experience operating another kind of business that has given them experience which is applicable to the operation of a marijuana establishment;
- b. The diversity of the owners, officers or board members of the proposed marijuana establishment;
- c. The educational achievements of the owners, officers or board members of the proposed marijuana establishment;
- d. The financial plan and resources of the applicant, both liquid and illiquid;
- e. Whether the applicant has an adequate integrated plan for the care, quality and safekeeping of marijuana from seed to sale;
- f. The amount of taxes paid and other beneficial financial contributions, including, without limitation, civic or philanthropic involvement with this State or its political subdivisions, by the applicant or the owners, officers or board members of the proposed marijuana establishment;
- g. Whether the owners, officers or board members of the proposed marijuana establishment have direct experience with the operation of a medical marijuana establishment or marijuana establishment in this State and have demonstrated a record of operating such an establishment in compliance with the laws and regulations of this State for an adequate period of time to demonstrate success;
- h. The experience of key personnel that the applicant intends to employ in operating the type of marijuana establishment for which the applicant seeks a license; and
- i. Any other criteria that the DOT determines to be relevant.

56. Aside from the Factors, there is no other competitive bidding process used by the DOT to evaluate competing applications.

57. NAC 453D.272(5) provides that the DOT will not issue more than one retail

1 marijuana license to the same person, group of persons, or entity.

2 58. NRS 453D.210(4)(b) and NAC 453D.312(4) requires the DOT to provide the  
3 specific reasons that any license application is rejected.

4 ***Plaintiffs Receive Arbitrary Denials of their Applications for Retail Marijuana Licenses***

5 59. NRS 453D.210 required the DOT to accept applications and issue licenses only to  
6 medical marijuana establishments for 18 months following the date upon which the DOT began  
7 to receive applications for recreational dispensaries (the “Early Start Program”).

8 60. Upon information and belief, the DOT began to accept applications for  
9 recreational dispensary licenses on or around May 15, 2017.

10 61. Beginning upon the expiration of the Early Start Program (or on or around  
11 November 15, 2018), the DOT was to receive and consider applications for a recreational  
12 dispensary license from any qualified applicant.

13 62. The DOT released the application package for non-Early Start Program applicants  
14 on July 6, 2018 and required those applications to be returned in complete form between  
15 September 7 and September 20, 2018. A true and correct copy of the application package is  
16 attached hereto as **Exhibit 1**.

17 63. Following that release, the DOT revised the application package. However, the  
18 DOT only notified certain applicants about the revised application package. A true and correct  
19 copy of the revised application package is attached hereto as **Exhibit 2**.

20 64. Each of the Plaintiffs submitted a complete Application for issuance of a retail  
21 marijuana license after the expiration of the Early Start Program during the period specified by  
22 the DOT and some Plaintiffs submitted multiple Applications for different localities that  
23 contained the same substantive information.

24 65. Each and every Application submitted by Plaintiffs was full, complete, and  
25 contained substantive information and data for each and every factor outlined in the application  
26 form.

27 66. Some of the information requested by the form application was “identified,” such  
28 that the reviewer would know the identity of the applicant when scoring the same, while some

1 was unidentified, such that the reviewer would not know the identity of the applicant.

2 67. Each of the Successful Applicants also submitted an application to the DOT for  
3 retail marijuana licenses.

4 68. However, some or all of the Successful Applicants' applications were not  
5 complete when submitted to the DOT as required by NAC 453D.268.

6 69. For example, some or all of the Successful Applicants' applications failed to  
7 include the following information:

- 8 a. The physical address where the proposed establishment was to be located,  
9 which precluded a determination of the applicant's community impact;
- 10 b. The physical address of co-owned or affiliated marijuana establishments;
- 11 c. Disclosure of all owners, officers, and board members of the applicant  
12 entity, allowing for inaccurate and manipulated diversity scoring;
- 13 d. Whether those persons were had served or was currently serving as an  
14 owner, officer, or board member of another marijuana establishment;
- 15 e. Whether those persons were health care providers currently providing  
16 written documentation for medical marijuana cards;
- 17 f. Whether those persons had an ownership or financial interest in any other  
18 marijuana establishment; and
- 19 g. Documentation concerning the size of the proposed marijuana  
20 establishment, including the building and floor plan.

21 70. In addition, some or all of the Successful Applicants' applications did not include  
22 information required by NRS 453D.210(5), including, but not limited to:

- 23 a. The physical address where the establishment will operate;
- 24 b. The location of the proposed establishment in relation to schools; and
- 25 c. The identities of all owners, officers, and board members of the applicant  
26 entity, such that a background check could be performed on each as  
27 required by NRS 453D.200(6).

28 71. Further, the revised application submitted by certain applicants omitted the

1 statutorily required affirmation that the applicant either own the proposed location or have the  
2 consent of the owner to operate a marijuana establishment. *See* NRS 453D.210(5)(b).

3 72. On or around December 5, 2018, despite submission of incomplete applications,  
4 each of the Successful Applicants were awarded conditional recreational dispensary licenses by  
5 the DOT.

6 73. On or around December 5, 2018, each of the Plaintiffs' Applications was denied  
7 by identical written notices issued by the DOT.

8 74. Each of the written notices from the DOT does not contain any specific reasons  
9 why the Applications were denied and instead states merely that "NRS 453D.210 limits the total  
10 number of licenses that can be issued in each local jurisdiction. This applicant was not issued a  
11 conditional license because it did not achieve a score high enough to receive an available  
12 license..."

13 75. The DOT utilized the Factors in evaluating each of the Applications, assigning a  
14 numerical score to each Factor, but the Factors are partial and arbitrary on their face.

15 76. In addition, the DOT's review and scoring of each of the Plaintiffs' Applications  
16 was done errantly, arbitrarily, irrationally, and partially because, *inter alia*:

- 17 a. The Applications were complete but received zero scores for some Factors  
18 and the only way to receive a zero score is to fail to submit information  
19 with respect to that Factor;
- 20 b. The scoring method used by the DOT combined certain Factors into one  
21 grouping, effectively omitting certain Factors from consideration;
- 22 c. Plaintiffs that submitted multiple Applications containing the same  
23 substantive information and data for different localities received widely  
24 different scores for certain Factors; and
- 25 d. The Plaintiffs received much higher scores for the unidentified data and  
26 information when compared with the identified data and information  
27 submitted.

28 77. Moreover, the highest scored Factor was the organizational structure of the



1 application and the DOT required that Plaintiffs disclose information about the identities of “key  
2 personnel” with respect to that Factor, resulting in arbitrary and partial weight being placed upon  
3 applications from well-known and well-connected applicants.

4 78. The DOT improperly engaged Manpower US Inc. (“Manpower”) to provide  
5 temporary personnel for the review and scoring of submitted license Applications without  
6 providing them with any uniform method of review to ensure consistency and impartiality, which  
7 further contributed to the arbitrary and partial scoring of Plaintiff’s Applications.

8 79. Tthe DOT issued multiple licenses to the same entity or group of persons to the  
9 exclusion of other applicants, including Plaintiffs, in violation of the DOT’s own Regulations.

#### 10 **FIRST CLAIM FOR RELIEF**

##### 11 **Violation of Substantive Due Process – The DOT**

12 80. Plaintiffs incorporate and reallege Paragraphs 1 through 69 as though fully set  
13 forth herein.

14 81. The Fourteenth Amendment to the United States Constitution provides that “no  
15 state [may] deprive any person of life, liberty, or property, without due process of law.”

16 82. Similarly, Article 1, Section 8 of the Nevada Constitution provides that “[n]o  
17 person shall be deprived of life, liberty, or property, without due process of law.”

18 83. Plaintiffs are persons within the meaning of the United States and Nevada  
19 Constitutions’ guarantees of due process.

20 84. NRS 453D.210 mandates the DOT to issue a retail marijuana license to an  
21 applicant where a lesser number of complete applications are submitted than the statutory cap on  
22 the number of licenses for a given county.

23 85. Similarly, where a greater number of complete applications are submitted than the  
24 statutory cap on the number of licenses for a given county, NRS 453D.210 mandates the award of  
25 licenses to those applicants who score the best in an impartial and numerically scored competitive  
26 bidding process and does not permit the DOT to deny or reject all applications in such a process.

27 86. Impartial and numerically scored competitive bidding processes create a legitimate  
28 claim of entitlement to award of a contract in the lowest bid or bidders, where that process

1 requires the award to the lowest bid or bidders and does not grant the awarding body unfettered  
2 discretion to reject all bids.

3 87. Thus, the right to a retail marijuana license under a statutory scheme with limited  
4 discretion and under an impartial and numerically scored competitive bidding process constitute  
5 protectable property interests under the Nevada and United States Constitutions.

6 88. Here, either a lesser number of complete applications than the statutory cap were  
7 submitted to the DOT due to the Successful Applicants' omission of information as described  
8 herein or Plaintiffs were, or should have been, among the lowest bidders (i.e., the highest scoring  
9 applicants) in the impartial and numerically scored bidding process.

10 89. As a result, Plaintiffs had a protected property interest in the approval of their  
11 Applications and the issuance of a license to them.

12 90. The denials of Plaintiffs' complete Applications were arbitrary and irrational  
13 because a lesser number of complete applications was received than the statutory cap, requiring a  
14 license to be issued to the Plaintiffs.

15 91. Alternatively, the denials of Plaintiffs' Applications were based upon the Factors.

16 92. The Factors are arbitrary, irrational, and lack impartiality on their face.

17 93. As a result of the DOT's use of the Factors in denying Plaintiffs' Applications,  
18 Plaintiffs have been deprived of their fundamental property rights in violation of the substantive  
19 due process guarantees of the Nevada and United States Constitutions.

20 94. In addition, the Factors violate due process as applied to Plaintiffs' Applications  
21 because, *inter alia*:

22 a. The Applications were complete but received zero scores for some Factors  
23 and the only way to receive a zero score is to fail to submit information  
24 with respect to that Factor;

25 b. The scoring method used by the DOT combined certain Factors into one  
26 grouping, effectively omitting certain Factors from consideration;

27 c. Plaintiffs that submitted multiple Applications containing the same  
28 substantive information and data for different localities received widely

different scores for certain Factors;

d. The Plaintiffs received much higher scores for the unidentified data and information when compared with the identified data and information submitted;

e. The DOT placed improper weight upon other applications simply because they were submitted by well-known and well-connected persons; and

f. The DOT improperly utilized Manpower temporary workers who had little to no experience in retail marijuana licensure to review the Applications and failed to provide those persons with a uniform system of review to ensure consistency and impartiality in the scoring process.

95. As a result of the DOT's arbitrary, irrational, and partial application of the Factors to Plaintiffs' applications, Plaintiffs have been deprived of their fundamental property rights in violation of the substantive due process guarantees of the Nevada and United States Constitutions, as applied.

96. As a direct and proximate result of the DOT's constitutional violations, as set forth hereinabove, Plaintiffs have sustained damages in an amount in excess of \$15,000.00.

97. Plaintiffs have been forced to retain counsel to prosecute this action and are thus entitled to an award of attorneys' fees and costs as provided by applicable law.

## **SECOND CLAIM FOR RELIEF**

### **Violation of Procedural Due Process – The DOT**

98. Plaintiffs incorporate and reallege Paragraphs 1 through 81 as though fully set forth herein.

99. The Fourteenth Amendment to the United States Constitution provides that "no state [may] deprive any person of life, liberty, or property, without due process of law."

100. Similarly, Article 1, Section 8 of the Nevada Constitution provides that "[n]o person shall be deprived of life, liberty, or property, without due process of law."

101. Plaintiffs are persons within the meaning of the United States and Nevada Constitutions' guarantees of due process.

102. NRS 453D.210 mandates the DOT to issue a retail marijuana license to an applicant where a lesser number of complete applications are submitted than the statutory cap on the number of licenses for a given county.

103. Similarly, where a greater number of complete applications are submitted than the statutory cap on the number of licenses for a given county, NRS 453D.210 mandates the award of licenses to those applicants who score the best in an impartial and numerically scored competitive bidding process and does not permit the DOT to deny or reject all applications in such a process.

104. Impartial and numerically scored competitive bidding processes create a legitimate claim of entitlement to award of a contract in the lowest bid or bidders, where that process requires the award to the lowest bid or bidders and does not grant the awarding body unfettered discretion to reject all bids.

105. Thus, the right to a retail marijuana license under a statutory scheme with limited discretion and under an impartial and numerically scored competitive bidding process constitute protectable property interests under the Nevada and United States Constitutions.

106. Here, either a lesser number of complete applications than the statutory cap were submitted to the DOT due to the Successful Applicants' omission of information as described herein or Plaintiffs were, or should have been, among the lowest bidders (i.e., the highest scoring applicants) in the impartial and numerically scored bidding process.

107. As a result, Plaintiffs had a protected property interest in the approval of their Applications and the issuance of a license to them.

108.

109. NRS 453D, in conjunction with the Regulations, govern the application for and the issuance of retail marijuana licenses within the State of Nevada.

110. Under those provisions, the DOT denied Plaintiffs' Applications for a retail marijuana license without notice or a hearing.

111. The denial notices sent by the DOT did not comply with NRS 453D.210(4)(b) or procedural due process because they do not specify the substantive reasons that Plaintiffs' Applications were denied.

112. Neither NRS 453D nor the Regulations provide for a mechanism through which Plaintiffs may have their Applications fully and finally determined, either before or after denial of the same.

113. As a result of the denial of Plaintiffs' Applications without notice or a hearing, Plaintiffs have been denied their right to procedural due process guaranteed by the Nevada and United States Constitutions.

114. As a direct and proximate result of the DOT's constitutional violations, as set forth hereinabove, Plaintiffs have sustained damages in an amount in excess of \$15,000.00.

115. Plaintiffs have been forced to retain counsel to prosecute this action and are thus entitled to an award of attorneys' fees and costs as provided by applicable law.

### **THIRD CLAIM FOR RELIEF**

#### **Violation of Equal Protection – The DOT**

116. Plaintiffs incorporate and reallege Paragraphs 1 through 93 as though fully set forth herein.

117. The Fourteenth Amendment to the United States Constitution provides that no "state [may]...deny to any person within its jurisdiction the equal protection of the laws."

118. Similarly, Article 4, Section 21 of the Nevada Constitution requires that all laws be "general and of uniform operation throughout the State."

119. Plaintiffs are persons within the meaning of the Nevada and United States Constitutions' guarantees of equal protection.

120. Plaintiffs have a fundamental right to engage in a profession or business, including that of retail marijuana establishments.

121. The DOT utilized the Factors when evaluating Plaintiffs' Applications.

122. The Factors violate equal protection on their face because they contain arbitrary, partial, and unreasonable classifications that bear no rational relationship to a legitimate governmental interest.

123. Specifically, these Factors favor those entities that already have retail marijuana licenses, to the detriment of those entities that have only a cultivation licenses, production license,

1 or no license at all.

2 124. Additionally, the Factors favor those entities that are vertically-integrated and  
3 allow for the winners to easily vertically integrate and crowd out the market, thereby creating a  
4 regulatory scheme that encourages a monopolistic market.

5 125. These Factors were promulgated by the DOT for the sake of economic  
6 protectionism, and therefore the Factors are *de facto* irrational.

7 126. The Factors further violate equal protection on their face because they contain  
8 arbitrary, partial, and unreasonable classifications that are not narrowly tailored to the  
9 advancement of any compelling interest.

10 127. In addition, the application of the Factors to Plaintiffs' Applications violates equal  
11 protection because it was arbitrary, partial and unreasonable, bearing no rational relationship to a  
12 legitimate governmental interest and/or failing to be narrowly tailored to any compelling  
13 government interest, to wit:

- 14 a. The Applications were complete but received zero scores for some Factors  
15 and the only way to receive a zero score is to fail to submit information  
16 with respect to that Factor;
- 17 b. The scoring method used by the DOT combined certain Factors into one  
18 grouping, effectively omitting certain Factors from consideration;
- 19 c. Plaintiffs that submitted multiple Applications containing the same  
20 substantive information and data for different localities received widely  
21 different scores for certain Factors;
- 22 d. The Plaintiffs received much higher scores for the unidentified data and  
23 information when compared with the identified data and information  
24 submitted;
- 25 e. The DOT placed improper weight upon other applications simply because  
26 they were submitted by well-known and well-connected persons; and
- 27 f. The DOT improperly utilized Manpower temporary workers who had little  
28 to no experience in retail marijuana licensure to review the Applications

and failed to provide those persons with a uniform system of review to ensure consistency and impartiality in the scoring process.

128. As a result of the DOT's actions as set forth herein, Plaintiffs' rights to equal protection of the law were violated.

129. As a direct and proximate result of the DOT's constitutional violations, as set forth hereinabove, Plaintiffs have sustained damages in an amount in excess of \$15,000.00.

130. Plaintiffs have been forced to retain counsel to prosecute this action and are thus entitled to an award of attorneys' fees and costs as provided by applicable law.

#### **FOURTH CLAIM FOR RELIEF**

##### **Declaratory Judgment – All Defendants**

131. Plaintiffs incorporate and reallege Paragraphs 1 through 105 as though fully set forth herein.

132. Under NRS 30.010, *et seq.*, the Uniform Declaratory Judgment Act, any person whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

133. Plaintiffs and the Successful Applicants submitted Applications for issuance of a retail marijuana license between September 7 and September 20, 2018.

134. Some Plaintiffs and the Successful Applicants submitted multiple Applications for different localities that contained the same substantive information.

135. NRS 453D.210(4)-(5)(a) permits the DOT to approve an application only if it is complete, as defined in NRS 453D.210(4)-(5)(a) and NAC 453D.268.

136. NRS 453D.210(5) sets forth additional objective factors that must be met in order for the DOT to approve a given application.

137. Further, the DOT enacted the Regulations, including the Factors and NAC 453D.272(5), pursuant to NRS 453D.200 and NRS 453D.210(6).

138. NRS 453D.210(6) requires that the Factors be "an impartial and numerically

scored competitive bidding process.”

139. Plaintiffs contend that:

- a. Each and every Application submitted by Plaintiffs was full and complete as defined by NRS 453D.210 and NAC 453D.268, and contained substantive information and data for each and every factor outlined in the application form;
- b. Some or all of the Applications submitted by the Successful Applicants were not full and complete as defined by NRS 453D.210 and NAC 453D.268, and failed to contain substantive information and data for each and every factor outlined in the application form;
- c. Some or all of the Applications submitted by the Successful Applicants also omitted statutorily required information outlined in NRS 453D.200 and NRS 453D.210;
- d. The denials of Plaintiffs’ Applications were based upon the Factors, which were are arbitrary, irrational, and lack impartiality on their face;
- e. As a result of the DOT’s use of the Factors in denying Plaintiffs’ Applications, Plaintiffs were arbitrarily denied retail marijuana licenses;
- f. The Factors were not applied equally and fairly to all applicants;
- g. The DOT violated NRS 453D.210(6) because the Factors are not impartial and are instead partial, arbitrary, and discretionary, in contravention of NRS 453D.210(6);
- h. The DOT applied the Factors to their Applications in an arbitrary and partial manner, including because:
  - i. The Applications were complete but received zero scores for some Factors and the only way to receive a zero score is to fail to submit information with respect to that Factor;
  - ii. The scoring method used by the DOT combined certain Factors into one grouping, effectively omitting certain Factors from



- 1 consideration;
- 2 iii. Plaintiffs that submitted multiple Applications containing the same
- 3 substantive information and data for different localities received
- 4 widely different scores for certain Factors;
- 5 iv. The Plaintiffs received much higher scores for the unidentified data
- 6 and information when compared with the identified data and
- 7 information submitted;
- 8 v. The DOT placed improper weight upon other applications simply
- 9 because they were submitted by well-known and well-connected
- 10 persons; and
- 11 vi. The DOT improperly utilized Manpower temporary workers who
- 12 had little to no experience in retail marijuana licensure to review the
- 13 Applications and failed to provide those persons with a uniform
- 14 system of review to ensure consistency and impartiality in the
- 15 scoring process;
- 16 i. The DOT violated NRS 453D.210(6) because the Factor evaluation
- 17 procedure is not a competitive bidding process, as required by NRS
- 18 453D.210(6);
- 19 j. The DOT violated NAC 453D.272(5) because multiple retail marijuana
- 20 licenses were issued to the same entity or group of persons, including
- 21 certain of the Successful Applicants; and
- 22 k. The denial notices sent by the DOT failed to comply with NRS
- 23 453D.210(4)(b) because they do not give the specific substantive reasons
- 24 for the denial of Plaintiffs' Applications.
- 25 140. The DOT contends that:
- 26 a. The Factors are compliant with NRS 453D.210(6);
- 27 b. All applications it approved were complete and were done so in a valid
- 28 manner; and

c. The denial notices complied with NRS 453D.210(4)(b).

141. The Successful Applicants contend that:

a. Each and every Application submitted by Successful Applicants was full, complete, and contained substantive information and data for each and every factor outlined in the application form and as required by NRS 453D.210; and

b. The Factors were applied equally and fairly to all applicants.

142. The foregoing issues are ripe for judicial determination because there is a substantial controversy between parties having adverse legal interests of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

143. Accordingly, Plaintiffs request a declaratory judgment from this Court that: (1) the Factors do not comply with NRS 453D.210(6) because they are not impartial or a competitive bidding process; (2) the DOT applied the Factors to Plaintiffs' Applications in a wholly arbitrary and irrational manner; (3) the Factors were not applied equally and fairly to all applicants; (4) several of the Successful Applicants had incomplete or deficient applications, making the grant of a conditional license to them void; (5) the DOT violated NAC 453D.272(5) by issuing multiple retail marijuana licenses to the same entity or group of persons; and (6) the denial notices did not comply with NRS 453D.210(4)(b).

### **FIFTH CLAIM FOR RELIEF**

#### **Petition for Judicial Review – All Defendants**

144. Plaintiffs incorporate and reallege Paragraphs 1 through 116 as though fully set forth herein.

145. The DOT exceeded its jurisdiction when it misinterpreted and incorrectly applied the provisions of NRS 453D, NAC 453D and the related Nevada laws or regulations and improperly issued licenses to the applicants that do not merit licenses under the provisions of NRS 453D, NAC 453D, and the related Nevada laws or regulations.

146. Plaintiffs are aggrieved by the decision of the DOT to deny Plaintiffs' Applications without proper notice, substantial evidence, or compliance with NRS 453D, NAC

453D, and the related Nevada laws or regulations.

147. There is no provision in NRS 453D, NAC 453D, and the related Nevada laws or regulations allowing for an administrative appeal of the DOT's decision, and apart from injunctive relief, no plain, speedy, and adequate remedy for the DOT's improper actions.

148. Accordingly, Plaintiff petitions this Court for judicial review of the record on which the DOT's denials were based, and an order providing *inter alia*:

- a. A determination that the DOT's decision lacked substantial evidence;
- b. A determination that the DOT's denials are void *ab initio* for non-compliance with NRS 453D, NAC 453D, and the related Nevada laws or regulations; and
- c. Such other relief as is consistent with those determinations.

149. Plaintiffs have been forced to retain counsel to prosecute this action and are thus entitled to an award of attorneys' fees and costs as provided by applicable law.

#### **SIXTH CLAIM FOR RELIEF**

##### **Petition for Writ of Mandamus – The DOT**

150. Plaintiffs incorporate and reallege Paragraphs 1 through 122 as though fully set forth herein.

151. When a governmental body fails to perform an act "that the law requires" or acts in an arbitrary or capricious manner, a writ of mandamus shall issue to correct the action.

152. The DOT failed to perform various acts that the law requires including but not limited to:

- a. Providing proper pre-hearing notice of the denial; and
- b. Arbitrarily and capriciously denying the Applications for no legitimate reason.

153. The DOT acted arbitrarily and capriciously in the denial by performing and/or failing to perform the acts set forth supra, and because, *inter alia*:

- a. The DOT lacked substantial evidence to deny Plaintiffs' Applications; and
- b. The DOT denied Plaintiffs' Applications in order to approve the

Applications of other competing applicants without regard to the merit or completeness of Plaintiffs' Applications and the lack of merit or completeness of the Applications of other competing applicants.

154. These violations of the DOT's legal duties were arbitrary and capricious actions that compel this Court to issue a writ of mandamus directing the DOT to review Plaintiffs' Applications on their completeness and merits and/or approve them.

155. Plaintiffs have been forced to retain counsel to prosecute this action and are thus entitled to an award of attorneys' fees and costs as provided by applicable law, including but not limited to NRS 34.270.

**WHEREFORE**, Plaintiffs pray for relief from this Court as follows:

1. For an award of compensatory damages in an amount to be determined at trial for the DOT's violation of Plaintiffs' substantive due process rights, as set forth herein;
2. For an award of compensatory damages in an amount to be determined at trial for the DOT's violation of Plaintiffs' procedural due process rights, as set forth herein;
3. For an award of compensatory damages in an amount to be determined at trial for the DOT's violation of Plaintiffs' rights to equal protection of the law, as set forth herein;
4. For relief in the form of a judgment from this Court that: (1) the Factors do not comply with NRS 453D.210(6) because they are not impartial or a competitive bidding process; (2) the DOT applied the Factors to Plaintiffs' Applications in a wholly arbitrary and irrational manner; (3) the Factors were not applied equally and fairly to all applicants; (4) several of the Successful Applicants had incomplete applications or deficient, making the grant of a conditional license to them void; (5) the DOT violated NAC 453D.272(5) by issuing multiple retail marijuana licenses to the same entity or group of persons; and (6) the denial notices did not comply with

1 NRS 453D.210(4)(b);

2 5. For judicial review of the record and history on which the denial of those  
3 Applications was based;

4 6. For the issuance of a writ of mandamus;

5 7. For preliminary and permanent injunctive relief to cease, abate, and/or  
6 remedy the unconstitutional, unlawful, and/or wrongful conduct as  
7 described herein;

8 8. For an award of attorneys' fees and costs in bringing the instant action as  
9 provided by applicable law; and

10 9. For any additional relief this Court deems just and proper.

11 DATED this 29<sup>th</sup> day of January, 2020.

12 BROWNSTEIN HYATT FARBER SCHRECK, LLP

13 /s/ Adam K. Bult

14 ADAM K. BULT, ESQ., Nevada Bar No. 9332

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19 *Attorneys for Plaintiffs*  
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22  
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24  
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27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **THIRD AMENDED COMPLAINT** to be submitted electronically for filing and/or service with the Eighth Judicial District Court's Electronic Filing System on the 29<sup>th</sup> day of January, 2020, to the following:

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# EXHIBIT 1



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Chair, Nevada Tax Commission  
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Executive Director

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# **Recreational Marijuana Establishment License Application**

## **Recreational Retail Marijuana Store Only**

**Release Date: July 6, 2018**

**Application Period: September 7, 2018 through September 20, 2018**

***(Business Days M-F, 8:00 A.M. - 5:00 P.M.)***

For additional information, please contact:

Marijuana Enforcement Division  
State of Nevada Department of Taxation  
1550 College Parkway, Suite 115  
Carson City, NV 89706

[marijuana@tax.state.nv.us](mailto:marijuana@tax.state.nv.us)





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## APPLICANT INFORMATION

Provide all requested information in the space next to each numbered question. The information in Sections V1 through V10 will be used for application questions and updates. Type or print responses. **Include this applicant information sheet in Tab III of the Identified Criteria Response (Page 10).**

V1	Company Name:	
V2	Street Address:	
V3	City, State, ZIP:	
V4	Telephone: (        ) _____ - _____ ext: _____	
V5	Email Address:	
V6	Toll Free Number: (        ) _____ - _____ ext: _____	
<b>Contact person who will provide information, sign, or ensure actions are taken pursuant to R092-17 &amp; NRS 453D</b>		
V7	Name:	
	Title:	
	Street Address:	
	City, State, ZIP:	
V8	Email Address:	
V9	Telephone number for contact person: (        ) _____ - _____ ext: _____	
V10	Signature: _____	Date: _____



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## 1. TERMS AND DEFINITIONS

*For the purposes of this application, the following acronyms/definitions will be used.*

TERMS	DEFINITIONS
<b><i>Applicant</i></b>	Organization/individual submitting an application in response to this request for application.
<b><i>Awarded applicant</i></b>	The organization/individual that is awarded and has an approved conditional license with the State of Nevada for the establishment type identified in this application.
<b><i>Confidential information</i></b>	Any information relating to building or product security submitted in support of a recreational marijuana establishment license.
<b><i>Department</i></b>	The State of Nevada Department of Taxation.
<b><i>Edible marijuana products</i></b>	Products that contain marijuana or an extract thereof and are intended for human consumption by oral ingestion and are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.
<b><i>Enclosed, locked facility</i></b>	A closet, display case, room, greenhouse, or other enclosed area equipped with locks or other security devices which allow access only by a recreational marijuana establishment agent and the holder of a valid registry identification card.
<b><i>Establishment license approval to operate date</i></b>	The date the State Department of Taxation officially gives the approval to operate based on approval of the local jurisdiction and successful fulfillment of all approval-to-operate instructions between the Department and the successful applicant.
<b><i>Conditional establishment license award date</i></b>	The date when applicants are notified that a recreational marijuana establishment conditional license has been successfully awarded and is awaiting approval of the local jurisdiction and successful fulfillment of all approval-to-operate instructions.
<b><i>Evaluation committee</i></b>	An independent committee comprised of state officers or employees and contracted professionals established to evaluate and score applications submitted in response to this request for applications.
<b><i>Excluded felony offense</i></b>	A crime of violence or a violation of a state or federal law pertaining to controlled substances if the law was punishable as a felony in the jurisdiction where the person was convicted. The term does not include a criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed more than 10 years before or an offense involving conduct that would be immune from arrest, prosecution or penalty, except that the conduct occurred before April 1, 2014 or was prosecuted by an authority other than the State of Nevada.



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<b><i>Facility for the production of edible marijuana products or marijuana infused products</i></b>	A business that is registered/licensed with the Department and acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells edible marijuana products or marijuana-infused products to recreational marijuana retail stores.
<b><i>Identifiers or Identified Criteria Response</i></b>	A non-identified response, such as assignment of letters, numbers, job title or generic business type, to assure the identity of a person or business remains unidentifiable. Assignment of identifiers will be application-specific and will be communicated in the application in the identifier legend.
<b><i>Marijuana Testing Facility</i></b>	Means an entity licensed to test marijuana and marijuana products, including for potency and contaminants.
<b><i>Inventory control system</i></b>	A process, device or other contrivance that may be used to monitor the chain of custody of marijuana used for recreational purposes from the point of cultivation to the end consumer.
<b><i>Marijuana</i></b>	All parts of any plant of the genus Cannabis, whether growing or not, and the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted there from), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. "Marijuana" does not include industrial hemp as defined in NRS 557.040, and grown or cultivated pursuant to Chapter 557 of NRS.
<b><i>Marijuana-infused products</i></b>	Products that are infused with marijuana or an extract thereof and are intended for use or consumption by humans through means other than inhalation or oral ingestion. The term includes topical products, ointments, oils and tinctures.
<b><i>May</i></b>	Indicates something that is recommended but not mandatory. If the applicant fails to provide recommended information, the Department may, at its sole discretion, ask the applicant to provide the information or evaluate the application without the information.
<b><i>Medical use of marijuana</i></b>	The possession, delivery, production or use of marijuana; the possession, delivery or use of paraphernalia used to administer marijuana, as necessary, for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition.



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<b>Must</b>	Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of an application as non-responsive.
<b>NAC</b>	Nevada Administrative Code. All applicable NAC documentation may be reviewed via the internet at: <a href="http://www.leg.state.nv.us/NAC/CHAPTERS.HTML">http://www.leg.state.nv.us/NAC/CHAPTERS.HTML</a>
<b>Non-Identified Criteria Response</b>	A response to the application in which no information is included pertaining to identifiable information for any and all owners, officers, board members or employees and business details (proposed business name(s), D/B/A, current or previous business names or employers). Identifiers that must be removed from the application include all names; specific geographic details including street address, city, county, precinct, ZIP code, and their equivalent geocodes; telephone numbers; fax numbers; email addresses; social security numbers; financial account numbers; certificate/license numbers; vehicle identifiers and serial numbers including license plate numbers; Web Universal Resource Locators (URLs); Internet Protocol (IP) addresses; biometric identifiers including finger and voice prints, full-face photographs and any comparable images; previous or proposed company logos, images or graphics; and, any other unique identifying information, images, logos, details, numbers, characteristics, or codes.
<b>NRS</b>	Nevada Revised Statutes. All applicable NRS documentation may be reviewed via the internet at: <a href="http://www.leg.state.nv.us/NRS/">http://www.leg.state.nv.us/NRS/</a> .
<b>Pacific Time (PT)</b>	Unless otherwise stated, all references to time in this request for applications and any subsequent award of license are understood to be Pacific Time.
<b>Recreational marijuana retail store</b>	Means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.
<b>Recreational marijuana establishment</b>	Means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.
<b>Recreational marijuana establishment agent</b>	Means an owner, officer, board member, employee or volunteer of a marijuana establishment, an independent contractor who provides labor relating to the cultivation, processing or distribution of marijuana or the production of marijuana or marijuana products for a marijuana establishment or an employee of such an independent contractor. The term does not include a consultant who performs professional services for a recreational marijuana establishment.



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<b><i>Recreational marijuana establishment agent registration card</i></b>	A registration card that is issued by the Department pursuant to R092-17, Sec. 94 to authorize a person to volunteer or work at a recreational marijuana establishment.
<b><i>Recreational marijuana establishment license</i></b>	A license that is issued by the Department pursuant to NRS 453D and R092-17 to authorize the operation of a recreational marijuana establishment.
<b><i>Shall</i></b>	Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of an application as non-responsive.
<b><i>Should</i></b>	Indicates something that is recommended but not mandatory. If the applicant fails to provide recommended information the Department may, at its sole discretion, ask the applicant to provide the information or evaluate the application without the information.
<b><i>State</i></b>	The State of Nevada and any agency identified herein.
<b><i>Will</i></b>	Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of an application as non-responsive.



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## 2. APPLICATION OVERVIEW

*The Nevada State Legislature passed a number of bills during the 2017 session which affect the licensing, regulation and operation of recreational marijuana establishments in the state. In addition, the Department of Taxation has approved regulations effective February of 2018. Legislation changes relevant to this application include but are not limited to the following:*

### **Assembly Bill 422 (AB422):**

- Transfers responsibility for registration/licensing and regulation of marijuana establishments from the State of Nevada's Division of Public and Behavioral Health (DPBH) to the Department of Taxation.
- Adds diversity of race, ethnicity, or gender of applicants (owners, officers, board members) to the existing merit criteria for the evaluation of marijuana establishment registration certificates.

### **LCB File No. Regulation R092-17:**

- On or before November 15, 2018, a person who holds a medical marijuana establishment registration certificate may apply for one or more licenses, in addition to a license issued pursuant to section 77 of the regulation, for a marijuana establishment of the same type or for one or more licenses for a marijuana establishment of a different type.

**No applicant may be awarded more than 1 (one) retail store license in a jurisdiction/locality, unless there are less applicants than licenses allowed in the jurisdiction.**

The Department is seeking applications from qualified applicants in conjunction with this application process for recreational marijuana retail store license. If a marijuana establishment has not received a final inspection within 12 months after the date on which the Department issued a license, the establishment must surrender the license to the Department. The Department may extend the period specified in R092-17, Sec. 87 if the Department, in its discretion, determines that extenuating circumstances prevented the marijuana establishment from receiving a final inspection within the period.

## 3. APPLICATION TIMELINE

The following represents the timeline for this project. All times stated are in Pacific Time (PT).

Task	Date/Time
Request for application date	July 6, 2018
Opening of 10-day window for receipt of applications	September 7, 2018
Deadline for submission of applications	September 20, 2018 – 5:00 p.m.
Application evaluation period	September 7, 2018 – December 5, 2018
Conditional licenses award notification	Not later than December 5, 2018
Anticipated approximate fully operational deadline	12 months after notification date of conditional license



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JAMES DEVOLLO  
Chair, Nevada Tax Commission  
WILLIAM D. ANDERSON  
Executive Director

## STATE OF NEVADA DEPARTMENT OF TAXATION

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555 E. Washington Avenue  
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HENDERSON OFFICE  
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Henderson, Nevada 89074  
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Fax: (702) 486-3377

### 4. APPLICATION INSTRUCTIONS

The State of Nevada Department of Taxation is seeking applications from qualified applicants to award recreational marijuana retail store licenses.

The Department anticipates awarding a recreational marijuana retail store license in conjunction with this application as determined by the applicant's establishment type, geographic location and the best interest of the State. Therefore, applicants are encouraged to be as specific as possible regarding services provided, geographic location, and information submitted for each application merit criteria category.

Pursuant to section 78 subsection 12 of R092-17, the application must include the signature of a natural person for the proposed marijuana establishment as described in subsection 1 of section 74 of R092-17.

### 5. APPLICATION REQUIREMENTS, FORMAT AND CONTENT

#### 5.1. General Submission Requirements

- 5.1.1. Applications must be packaged and submitted in counterparts; therefore, applicants must pay close attention to the submission requirements. Applications will have an Identified Criteria Response and a Non-Identified Criteria Response. Applicants must submit their application separated into the two (2) required sections, Identified Criteria Responses and Non-Identified Criteria Responses, recorded to separate electronic media (CD-Rs or USB thumb drives).
- 5.1.2. The required electronic media must contain information as specified in Section 5.4, and must be packaged and submitted in accordance with the requirements listed at Section 5.5.
- 5.1.3. Detailed instructions on application submission and packaging are provided below. Applicants must submit their applications as identified in the following sections.
- 5.1.4. All information is to be completed as requested.
- 5.1.5. Each section within the Identified Criteria Response and the Non-Identified Criteria Response must be saved as separate PDF files, one for each required "Tab". The filename will include the tab number and title (e.g., 5.2.1 Tab I – Title Page.pdf).
- 5.1.6. For ease of evaluation, the application must be presented in a format that corresponds to and references the sections outlined within the submission requirements section and must be presented in the same order. Written responses must be typed and placed immediately following the applicable criteria question, statement and/or section.
- 5.1.7. Applications are to be prepared in such a way as to provide a straightforward, concise delineation of information to satisfy the requirements of this application.
- 5.1.8. In a Non-Identified Criteria Response, when a specific person or company is referenced the identity must remain confidential. A person may be addressed through their position, discipline or job title, or assigned an identifier. Identifiers assigned to people or companies must be detailed in a legend (Attachment H) to be submitted in the Identified Criteria Response section.
- 5.1.9. Materials not requested in the application process will not be reviewed.





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### 5.2. Part I – General Criteria Response

The IDENTIFIED CRITERIA RESPONSE must include:

- Electronic media (CD-R or thumb drive) containing only the Identified Criteria Response.
- Do not password protect electronic media or individual files.
- The response must contain separate PDF files for each of the tabbed sections as described below.

#### 5.2.1. Tab I – Title Page

The title page must include the following:

Part I – Identified Criteria Response	
Application Title:	A Recreational Marijuana Establishment License
Applicant Name:	
Address:	
Application Opening Date and Time:	September 7, 2018
Application Closing Date and Time:	September 20, 2018

#### 5.2.2. Tab II – Table of Contents

An accurate table of contents must be provided in this tab.

#### 5.2.3. Tab III – Applicant Information Sheet (Page 2)

The completed Applicant Information Sheet signed by the contact person who is responsible for providing information, signing documents, or ensuring actions are taken pursuant to R092-17, Sec. 94 must be included in this tab.

#### 5.2.4. Tab IV – Recreational Marijuana Establishment License Application (Attachment A)

The completed and signed Recreational Marijuana Establishment License Application must be included in this tab.

#### 5.2.5. Tab V – Multi-Establishment Limitations Form (Attachment F)

If applicable, a copy of the Multi-Establishment Limitations Form must be included in this tab. If not applicable, please insert a plain page with the words “**Not applicable.**”

#### 5.2.6. Tab VI – Identifier Legend (Attachment H)

If applicable, a copy of the Identifier Legend must be included in this tab. If not applicable, please insert a page with the words “**Not Applicable**”.



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5.2.7. **Tab VII – Confirmation that the applicant has registered with the Secretary of State**  
Documentation that the applicant has registered as the appropriate type of business and the Articles of Incorporation, Articles of Organization, Operating Agreements, or partnership or joint venture documents of the applicant must be included in this tab.

5.2.8. **Tab VIII– Documentation of liquid assets**  
Documentation demonstrating the liquid assets and the source of those liquid assets from a financial institution in this state or in any other state or the District of Columbia must be included in this tab and demonstrate the following criteria :

5.2.8.1. That the applicant has at least \$250,000 in liquid assets which are unencumbered and can be converted within 30 days after a request to liquidate such assets; and

5.2.8.2. The source of those liquid assets.

*Note: If applying for more than one recreational marijuana establishment license, available funds must be shown for each establishment application.*

5.2.9. **Tab IX – Evidence of taxes paid; other beneficial financial contributions**  
Evidence of the amount of taxes paid and/or other beneficial financial contributions made to the State of Nevada or its political subdivisions within the last five years by the applicant or the persons who are proposed to be owners, officers or board members of the establishment must be included in this tab.

5.2.10. **Tab X – Organizational structure and owner, officer or board member information**

The description of the proposed organizational structure of the proposed recreational marijuana establishment and information concerning each owner, officer and board member of the proposed recreational marijuana establishment must be included in this tab and demonstrate the following criteria:

5.2.10.1. An organizational chart showing all owners, officers and board members of the recreational marijuana establishment including percentage of ownership for each individual.

5.2.10.2. An Owner, Officer and Board Member Attestation Form must be completed for each individual named in this application (Attachment B).

5.2.10.3. The supplemental Owner, Officer and Board Member Information Form should be completed for each individual named in this application. This attachment must also include the diversity information required by R092-17, Sec. 80.1(b) (Attachment C).

5.2.10.4. A resume, including educational level and achievements for each owner, officer and board member must be completed for each individual named in this application.

5.2.10.5. A narrative description not to exceed 750 words demonstrating the following:

5.2.10.5.1. Past experience working with government agencies and highlighting past community involvement.



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- 5.2.10.5.2. Any previous experience at operating other businesses or non-profit organizations, including marijuana industry experience.
- 5.2.10.6. A Request and Consent to Release Application Form for Recreational Marijuana Establishment License(s) for each owner, officer and board member should be completed for each individual named in this application (Attachment D).
- 5.2.10.7. A copy of each individual's completed fingerprint submission form demonstrating he or she has submitted fingerprints to the Nevada Department of Public Safety.

## 5.2.11. **Tab XI**– *Financial plan*

A financial plan must be included in this tab which includes:

- 5.2.11.1. Financial statements showing the resources of the applicant, both liquid and illiquid.
- 5.2.11.2. If the applicant is relying on funds from an owner, officer, board member or any other source, evidence that such person has unconditionally committed such funds to the use of the applicant in the event the Department awards a recreational marijuana establishment license to the applicant.
- 5.2.11.3. Proof that the applicant has adequate funds to cover all expenses and costs of the first year of operation.

## 5.2.12. **Tab XII** – *Name, signage and advertising plan*

A proposal of the applicant's name, signage and advertising plan which will be used in the daily operations of the recreational marijuana establishment on the form supplied by the Department (Attachment G) must be included in this tab.

*Please note: This section will require approval, but will not be scored.*

## 5.2.13. *Application Fee*

- 5.2.13.1. Include with this packet the \$5,000.00 non-refundable application fee per NRS 453D.230(1).

*Please note: Only cash, cashier's checks and money orders made out to the "Nevada Department of Taxation" will be accepted for payment of the nonrefundable application fee.*

## 5.3. **Part II – Non-identified Criteria Response**

The NON-IDENTIFIED CRITERIA RESPONSE must include:

- Electronic media (CD-R or thumb drive) containing only the Identified Criteria Response.
- Do not password-protect electronic media or individual files.



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- The response must contain separate PDF files for each of the tabbed sections as described below:

## 5.3.1. **Tab I – Title Page**

*Please note: Title page will not be viewed by Non-Identified Criteria evaluators.*

The title page must include the following:

Part II –Non-Identified Criteria Response	
Application Title:	A Recreational Marijuana Establishment License
Applicant Name:	
Address:	
Application Opening Date and Time:	September 7, 2018
Application Closing Date and Time:	September 20, 2018

## 5.3.2. **Tab II – Table of Contents**

An accurate table of contents must be provided in this tab.

## 5.3.3. **Tab III – Building/Establishment information**

Documentation concerning the adequacy of the size of the proposed recreational marijuana establishment to serve the needs of persons who are authorized to engage in the use of marijuana must be included in this tab. The content of this response must be in a **non-identified** format and include building and general floor plans with all supporting details

*Please note: The size or square footage of the proposed establishment should include the maximum size of the proposed operation per the lease and property ownership. The start-up plans and potential expansion should be clearly stated to prevent needless misunderstandings and surrendering of certification.*

## 5.3.4. **Tab IV – Care, quality and safekeeping of marijuana from seed to sale plan**

Documentation concerning the integrated plan of the proposed recreational marijuana establishment for the care, quality and safekeeping of recreational marijuana from seed to sale must be included in this tab. The content of this response must be in a **non-identified** format and include:

- 5.3.4.1. A plan for verifying and testing recreational marijuana
- 5.3.4.2. A transportation or delivery plan
- 5.3.4.3. Procedures to ensure adequate security measures for building security
- 5.3.4.4. Procedures to ensure adequate security measures for product security

## 5.3.5. **Tab V – System and Inventory Procedures plan**



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A plan for the operating procedures for verification system and inventory control system must be included in this tab. The content of this response must be in a **non-identified** format and include:

- 5.3.5.1. A description of the operating procedures for the verification system of the proposed marijuana establishment for verifying age.
- 5.3.5.2. A description of the inventory control system of the proposed recreational marijuana establishment.

*Please note: Applicants should demonstrate a system to include thorough tracking of product movement and sales. The applicant shall demonstrate capabilities for an external interface via a secure API to allow third party software systems to report all required data into the State database to allow seamless maintenance of records and to enable a quick and accurate update on demand. The system shall account for all inventory held by an establishment in any stage of cultivation, production, display or sale as applicable for the type of establishment, and demonstrate an internal reporting system to provide the Department with comprehensive information about an establishment's inventory.*

## 5.3.6. **Tab VI**– *Operations and resources plan*

Evidence that the applicant has a plan to staff and manage the proposed marijuana establishment on a daily basis must be included in this tab. The content of this response must be in a **non-identified** format and include:

- 5.3.6.1. A detailed budget for the proposed establishment including pre-opening, construction and first year operating expenses.
- 5.3.6.2. An operations manual that demonstrates compliance with the regulations of the Department.
- 5.3.6.3. An education plan which must include providing training and educational materials to the staff of the proposed establishment.
- 5.3.6.4. A plan to minimize the environmental impact of the proposed establishment.

## 5.3.7. **Tab VII** – *Community impact and serving authorized persons in need*

A proposal demonstrating the likely impact on the community and convenience to serve the needs of persons authorized to use marijuana must be included in this tab. The content of this response must be in a **non-identified format** and include:

- 5.3.7.1. The likely impact of the proposed recreational marijuana establishment in the community in which it is proposed to be located.
- 5.3.7.2. The manner in which the proposed recreational marijuana establishment will meet the needs of the persons who are authorized to use marijuana.



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### 5.4. Electronic Media Requirements

Electronic media submitted as part of the application must include:

- 5.4.1. A separate CD-R or thumb drive which contains only the Identified Criteria Response.
- 5.4.2. A separate CD-R or thumb drive which contains only the Non-Identified Criteria Response.
  - 5.4.2.1. The electronic files must follow the format and content section for the Identified Criteria Response and Non-Identified Criteria Response.
  - 5.4.2.2. All electronic files must be saved in "PDF" format with separate files for each required "Tab". Individual filenames must comply with the naming requirements specified in 5.1.5 of the General Submission Requirements.
  - 5.4.2.3. CD-Rs or thumb drives will be labeled as either Identified or Non-Identified Criteria Response. Identified Criteria Responses and Non-Identified Criteria Responses must not be saved to the same CD-R or thumb drive.
    - 5.4.2.3.1. Part I – Identified Criteria Response
    - 5.4.2.3.2. Part II – Non-Identified Criteria Response
  - 5.4.2.4. Seal the Identified Criteria Response and Non-Identified Criteria Response electronic media in separate envelopes and affix labels to the envelopes per the example below:

CDs or Thumb Drives	
Application	A Recreational Marijuana Establishment License
Applicant Name:	
Address:	
Contents:	Part I – Identified Criteria Response <b>OR</b> Part II – Non-Identified Criteria Response



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### 5.5. Application Packaging and Instructions

- 5.5.1. Recreational Marijuana Establishment License Applications may be mailed or dropped off in person at:

**Department of Taxation**

**Marijuana Enforcement Division**

**1550 College Parkway**

**Carson City, NV 89706**

**- OR -**

**Department of Taxation**

**Marijuana Enforcement Division**

**555 E. Washington Ave. Ste 1300**

**Las Vegas, NV 89101**

- 5.5.2. Applications dropped off in person at one of the two Taxation office's must be received no later than **5:00 p.m. on September 20, 2018.**
- 5.5.3. Applications mailed in to one of the two Taxation office's must be postmarked by the United States Postal Service not later than **September 20, 2018.**
- 5.5.4. If an application is sent via a different delivery service (i.e. UPS, FedEx, etc.) and does not arrive at one of the two Taxation offices by **5:00 p.m. on September 20, 2018**, the application will not be considered.
- 5.5.5. If mailing the application, combine the separately sealed Identified and Non-Identified Criteria Response envelopes into a single package suitable for mailing.
- 5.5.6. The Department will not be held responsible for application envelopes mishandled as a result of the envelope not being properly prepared.
- 5.5.7. Email, facsimile, or telephone applications will **NOT** be considered.



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### 6. APPLICATION EVALUATION AND AWARD PROCESS

The information in this section does not need to be returned with the applicant's application.

- 6.1. Applications shall be consistently evaluated and scored in accordance with NRS 453D, NAC 453D and R092-17 based upon the following criteria and point values.

*Grey boxes are the Identified Criteria Response. White boxes are Non-Identified Criteria Response.*

Nevada Recreational Marijuana Application Criteria		Points
The description of the proposed organizational structure of the proposed marijuana establishment and information concerning each owner, officer and board member of the proposed marijuana establishment including the information provided pursuant to R092-17.		60
Evidence of the amount of taxes paid or other beneficial financial contributions made to the State of Nevada or its political subdivisions within the last five years by the applicant or the persons who are proposed to be owners, officers or board members of the proposed establishment.		25
A financial plan which includes: <ul style="list-style-type: none"> <li>Financial statements showing the resources of the applicant, both liquid and illiquid.</li> <li>If the applicant is relying on funds from an owner, officer or board member, or any other source, evidence that such source has unconditionally committed such funds to the use of the applicant in the event the Department awards a recreational marijuana establishment license to the applicant and the applicant obtains the necessary local government approvals to operate the establishment.</li> <li>Proof that the applicant has adequate funds to cover all expenses and costs of the first year of operation.</li> </ul>		30
Documentation from a financial institution in this state or in any other state or the District of Columbia which demonstrates: <ul style="list-style-type: none"> <li>That the applicant has at least \$250,000 in liquid assets which are unencumbered and can be converted within 30 days after a request to liquidate such assets.</li> <li>The source of those liquid assets.</li> </ul>		10
Documentation concerning the integrated plan of the proposed marijuana establishment for the care, quality and safekeeping of marijuana from seed to sale, including: <ul style="list-style-type: none"> <li>A plan for testing recreational marijuana.</li> <li>A transportation plan.</li> <li>Procedures to ensure adequate security measures for building security.</li> <li>Procedures to ensure adequate security measures for product security.</li> </ul> <i>Please note: The content of this response must be in a non-identified format.</i>		40
Evidence that the applicant has a plan to staff, educate and manage the proposed recreational marijuana establishment on a daily basis, which must include: <ul style="list-style-type: none"> <li>A detailed budget for the proposed establishment including pre-opening, construction and first year operating expenses.</li> <li>An operations manual that demonstrates compliance with the regulations of the Department.</li> <li>An education plan which must include providing educational materials to the staff of the proposed establishment.</li> <li>A plan to minimize the environmental impact of the proposed establishment.</li> </ul>		30





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<i>Please note: The content of this response must be in a <b>non-identified</b> format.</i>	
A plan which includes: <ul style="list-style-type: none"> <li>A description of the operating procedures for the electronic verification system of the proposed marijuana establishment.</li> <li>A description of the inventory control system of the proposed marijuana establishment.</li> </ul> <i>Please note: The content of this response must be in a <b>non-identified</b> format.</i>	20
Documentation concerning the adequacy of the size of the proposed marijuana establishment to serve the needs of persons who are authorized to engage in the use of marijuana, including: <ul style="list-style-type: none"> <li>Building and construction plans with supporting details.</li> </ul> <i>Please note: The content of this response must be in a <b>non-identified</b> format.</i>	20
A proposal demonstrating: <ul style="list-style-type: none"> <li>The likely impact of the proposed marijuana establishment in the community in which it is proposed to be located.</li> <li>The manner in which the proposed marijuana establishment will meet the needs of the persons who are authorized to use marijuana.</li> </ul> <i>Please note: The content of this response must be in a <b>non-identified</b> format.</i>	15
<b>Application Total</b>	<b>250</b>
Unweighted: <ul style="list-style-type: none"> <li>Review plan for all names and logos for the establishment and any signage or advertisement.</li> <li>Review results of background check(s). Applicant has until the end of the 90-day application period to resolve background check information which may cause the application to be rejected.</li> </ul>	

6.2. If the Department receives more than one application for a license for a retail marijuana store in response to a request for applications made pursuant to R092-17, Sec. 76 and the Department determines that more than one of the applications is complete and in compliance with R092-17, Sec. 78 and Chapter 453D of the NRS, the Department will rank the applications within each applicable locality for any applicants which are in a jurisdiction that limits the number of retail marijuana stores in order from first to last. Ranking will be based on compliance with the provisions of R092-17 Sec. 80, Chapter 453D of NRS and on the content of the applications relating to:

- 6.2.1. Operating experience of another kind of business by the owners, officers or board members that has given them experience which is applicable to the operation of a marijuana establishment.
- 6.2.2. Diversity of the owners, officers or board members.
- 6.2.3. Evidence of the amount of taxes paid and other beneficial financial contributions.
- 6.2.4. Educational achievements of the owners, officers or board members.
- 6.2.5. The applicant's plan for care, quality and safekeeping of marijuana from seed to sale.
- 6.2.6. The financial plan and resources of the applicant, both liquid and illiquid.
- 6.2.7. The experience of key personnel that the applicant intends to employ.
- 6.2.8. Direct experience of the owners, officers or board members of a medical marijuana establishment or marijuana establishment in this State.



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- 6.3. Applications that have not demonstrated a sufficient response related to the criteria set forth above will not have additional criteria considered in determining whether to issue a license and will not move forward in the application process.
- 6.4. Any findings from a report concerning the criminal history of an applicant or person who is proposed to be an owner, officer or board member of a proposed recreational marijuana establishment that disqualify that individual from serving in that capacity will also result in the disqualification of the application. The applicant will have the opportunity to resolve such an issue within the 90-day application period.
- 6.5. The Department and evaluation committee may also contact anyone referenced in any information provided for the owners, officers and board members of the proposed establishment; contact any applicant to clarify any response; solicit information from any available source concerning any aspect of an application; and, seek and review any other information deemed pertinent to the evaluation process. The evaluation committee shall not be obligated to accept any application, but shall make an award in the best interests of the State of Nevada per Regulation R092-17 and Chapter 453D of the NRS.
- 6.6. Clarification discussions may, at the Department's sole discretion, be conducted with applicants who submit applications determined to be acceptable and competitive per R092-17, Sec. 77-80 and NRS 453D.210. Applicants shall be afforded fair and equal treatment with respect to any opportunity for discussion and/or written clarifications of applications. Such clarifications may be permitted after submissions and prior to award for the purpose of obtaining best and final ranking of applications. In conducting discussions, there shall be no disclosure of any information derived from applications submitted by competing applicants. Any clarification given for the original application during the clarification discussions will be included as part of the application.
- 6.7. The Department will issue conditional recreational marijuana establishment licenses subject to final inspection in accordance with R092-17, Sec. 87 and subject to local jurisdiction to the highest ranked applicants up to the designated number of licenses the Department plans to issue.
- 6.8. If two or more applicants have the same total number of points for the last application being awarded a conditional license, the Department shall select the applicant which has scored the highest number of points as it is related to the proposed organizational structure of the proposed marijuana establishment and the information concerning each owner, officer and board member of the proposed marijuana establishment.
- 6.9. If the Department receives only one response within a specific jurisdiction; and, if the jurisdiction limits the number of a type of establishment to one; and, statewide, if there is not a limit on the number of a type of establishments to a request for applications for recreational marijuana establishments issued pursuant to R092-17, Sec. 76 (3) within 10 business days after the Department begins accepting responses to the request for applications; and, the



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Department determines that the response is complete and in compliance with the regulations, the Department will issue a conditional license to that applicant to operate a recreational marijuana establishment in accordance with R092-17.

- 6.10. The issuance by the Department of a recreational marijuana establishment license is conditional and not an approval to begin business operations until such time as:
  - 6.10.1. The marijuana establishment is in compliance with all applicable local government ordinances and rules; and
  - 6.10.2. The local government has issued a business license or otherwise approved the applicant for the operation of the establishment.
- 6.11. If the local government does not issue business licenses and does not approve or disapprove marijuana establishments in its jurisdiction, a recreational marijuana establishment license becomes an approval to begin business operations when the marijuana establishment is in compliance with all applicable local government ordinances and rules and has fulfilled all the requirements of the approval to operate by the Department.
- 6.12. Any license resulting from this application shall not be effective until approved by the Department.



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## ATTACHMENT A RECREATIONAL MARIJUANA ESTABLISHMENT APPLICATION

### GENERAL INFORMATION

Type of Marijuana Establishment: <input type="checkbox"/> Recreational Retail Marijuana Store			
Marijuana Establishment's Proposed Physical Address (this must be a Nevada address and cannot be a P.O. Box)			
City:	County:	State:	Zip Code:
Proposed Hours of Operation :			
Sunday	Monday	Tuesday	Wednesday
Thursday	Friday	Saturday	

### APPLYING ENTITY INFORMATION

Applying Entity's Name:		
Business Organization:	<input type="checkbox"/> Individual	<input type="checkbox"/> Corp.
	<input type="checkbox"/> LLC	<input type="checkbox"/> Assoc. /Coop.
	<input type="checkbox"/> Partnership	<input type="checkbox"/> Other specify:
Telephone #:	E-Mail Address:	
State Business License #:	Expiration Date:	
Mailing Address:		
City:	State:	Zip Code:

### DESIGNEE INFORMATION

Name of individual designated to manage agent registration card applications on behalf of the establishment.

Last Name:	First Name:	MI:
------------	-------------	-----

### SUPPLEMENTAL REQUESTS

Does the applicant agree to allow the Nevada Department of Taxation (Department) to submit supplemental requests for information? <input type="checkbox"/> Yes <input type="checkbox"/> No
--



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## ATTACHMENT A (continued)

### Recreational Marijuana Establishment Owner (OR), Officer (OF), Board Member (BM) Names

*For each owner, officer and board member listed below, please fill out a corresponding Establishment Principal Officers and Board Members Information Form (Attachment C).*

Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM



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## ATTACHMENT A (continued)

A marijuana agent identification card or recreational marijuana establishment license issued by the Nevada Department of Taxation (Department) pursuant to R092-17, Sec. 95 does not protect the applicant from legal action by federal authorities, including possible criminal prosecution for violations of federal law for the sale, manufacture, distribution, use, dispensing, possession, etc. of marijuana.

The acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing of "recreational" marijuana under state law is lawful only if done in strict compliance with the requirements of the State Medical & Recreational Marijuana Act(s) & Regulations (NAC- 453, NRS-453D, R092-17). Any failure to comply with these requirements may result in revocation of the marijuana agent identification card or Recreational Marijuana Establishment License issued by the Department.

The issuance of a license pursuant to section 80 of R092-17 of this regulation is conditional and not an approval to begin operations as a marijuana establishment until such time as all requirements in section 83 of R092-17 are completed and approved by the Department by means of a final inspection.

The State of Nevada, including but not limited to the employees of the Department, is not facilitating or participating in any way with my acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing of marijuana.

I attest that the information provided to the Department for this Recreational Marijuana Establishment License application is true and correct.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed



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## ATTACHMENT B OWNER, OFFICER AND BOARD MEMBER ATTESTATION FORM

I, \_\_\_\_\_(PRINT NAME)

Attest that:

I have not been convicted of an excluded felony offense as defined in NRS 453D; and

I agree that the Department may investigate my background information by any means feasible to the Department; and

I will not divert marijuana to any individual or person who is not allowed to possess marijuana pursuant to R092-17, Sec. 94 and 453D of the NRS; and

All information provided is true and correct.

\_\_\_\_\_  
Signature of Owner, Officer or Board Member

\_\_\_\_\_  
Date Signed

State of Nevada	
County of _____	
Signed and sworn to (or affirmed) before me on _____(date)	
By _____(name(s) of person(s) making statement)	
Notary Stamp	
	Signature of notarial officer



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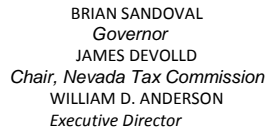
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## ATTACHMENT C OWNER, OFFICER AND BOARD MEMBER INFORMATION FORM

Provide the following information for each owner, officer and board member listed on the Recreational Marijuana Establishment Application. Use as many sheets as needed.			
Last Name:	First Name:	MI:	<input type="checkbox"/> OR <input type="checkbox"/> OF <input type="checkbox"/> BM
Date of Birth:	Race:	Ethnicity:	
Gender:			
Residence Address:			
City:	County:	State:	Zip:
Describe the individual's title, role in the organization and the responsibilities of the position of the individual:			
Has this individual served as a principal officer or board member for a marijuana establishment that has had their establishment license or certificate revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has this individual previously had a medical marijuana establishment agent registration card or marijuana establishment agent registration card revoked <input type="checkbox"/> Yes <input type="checkbox"/> No			
Is this individual an attending provider of health care currently providing written documentation for the issuance of registry identification cards or letters of approval? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Is this individual employed by or a contractor of the Department? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has a copy of this individual's signed and dated Recreational Retail Marijuana Store Principal Officer or Board Member Attestation Form been submitted with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Is this individual a law enforcement officer? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has a copy of this individual's fingerprints on a fingerprint card been submitted to the Nevada Department of Public Safety? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has a copy of the Request and Consent to Release Application Form been submitted with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No			





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## ATTACHMENT D REQUEST AND CONSENT TO RELEASE APPLICATION FORM RECREATIONAL MARIJUANA ESTABLISHMENT LICENSE

I, \_\_\_\_\_, am the duly authorized representative of

\_\_\_\_\_ to represent and interact with the Department of Taxation (Department) on all matters and questions in relation to the Nevada Recreational Marijuana Establishment License(s) Application. I understand that R092-17, Sec. 242 makes all applications submitted to the Department confidential but that local government authorities, including but not limited to the licensing or zoning departments of cities, towns or counties, may need to review this application in order to authorize the operation of an establishment under local requirements. Therefore, I consent to the release of this application to any local governmental authority in the jurisdiction where the address listed on this application is located.

By signing this Request and Consent to Release Application Form, I hereby acknowledge and agree that the State of Nevada, its sub-departments including the Department of Taxation and its employees are not responsible for any consequences related to the release of the information identified in this consent. I further acknowledge and agree that the State and its sub-departments and its employees cannot make any guarantees or be held liable related to the confidentiality and safe keeping of this information once it is released.

\_\_\_\_\_  
Signature of Requestor/Applicant or Designee Date: \_\_\_\_\_

State of Nevada	
County of _____	
Signed and sworn to (or affirmed) before me on _____ (date)	
By _____ (name(s) of person(s) making statement)	
Notary Stamp	Signature of notarial officer



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ATTACHMENT E  
PROPOSED ESTABLISHMENT PROPERTY ADDRESS

<i>To be completed by the applicant for the physical address of the proposed marijuana establishment.</i>			
Name of Individual or Entity Applying for a Marijuana Establishment License:			
Physical Address of Proposed Marijuana Establishment (must be a Nevada address, not a P.O. Box):			
City:	County:	State:	Zip Code:
Legal Description of the Property:			



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## ATTACHMENT F MULTI-ESTABLISHMENT LIMITATIONS FORM

NRS 453D.210 places a limitation on the total number of Recreational Retail Marijuana Store licenses that can be issued within each county, and R092-17, Sec. 80 (5) places limitations on the number of recreational marijuana retail stores located in any one governmental jurisdiction and a limitation on the number of licenses issued to any one person, group or entity. Due to these limitations, please list below all applications submitted from this business organization and/or persons as identified in the recreational marijuana establishment owner, officer and board member names section of Attachment A in the 10-day window of **September 7, 2018 – September 20, 2018**.

If this business organization were to not receive approval on all applications submitted, would the applicant still want approval on the applications determined by the ranking below? ☐ Yes ☐ No

**Please list in order of preference for approval (use as many sheets as needed).**

Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/>			
Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.):			
City:	County:	State:	Zip Code:

Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/>			
Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.):			
City:	County:	State:	Zip Code:

Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/>			
Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.):			
City:	County:	State:	Zip Code:

Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/>			
Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.):			
City:	County:	State:	Zip Code:



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**ATTACHMENT G  
NAME, SIGNAGE, AND ADVERTISING PLAN FORM**

A recreational marijuana establishment must have all advertising plans approved by the Department as a requirement for approval to operate a recreational marijuana establishment. A recreational marijuana establishment shall not use:

- A name or logo unless the name or logo has been approved by the Department; or
- Any sign of advertisement unless the sign or advertisement has been approved by the Department.

Please demonstrate the Name, Signage and Advertising Plans for the proposed marijuana establishment. Additional pages and documents can be included to demonstrate the full advertising plans of the proposed establishment.



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### ATTACHMENT H IDENTIFIER LEGEND FORM

In a Non-Identified Criteria Response, when a specific person or company is referenced, the identity must remain confidential. A person may be addressed through their position, discipline or job title, or be assigned an identifier. Identifiers assigned to people or companies must be detailed in a legend (Attachment H) to be submitted in the Identified Criteria Response section (use as many sheets as needed).

Criteria Response Identifier	Actual Person or Company (for Department verification outside the evaluation process)
Example: Owner A	John Smith
Example: Owner B	John Doe
Example: Construction Company A	Acme Construction



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## ATTACHMENT I FACILITY JURISDICTION FORM

Mark the jurisdiction(s) and number of stores in each jurisdiction for which you are applying. Only one application is necessary for multiple jurisdictions and licenses, however, you must submit attachments "A" & "E" for each jurisdiction, location and the appropriate application fee for each of the jurisdictions/locality and number of licenses requested.

**No applicant may be awarded more than 1 (one) retail store license in a jurisdiction/locality, unless there are less applicants than licenses allowed in the jurisdiction.**

<i>Jurisdiction</i>	<i>Indicate Number of Licenses Requested</i>
Unincorporated Clark County	
City of Henderson	
City of Las Vegas	
City of Mesquite	
City of North Las Vegas	
Carson City	
Churchill County	
Douglas County	
Elko County	
Esmeralda County	
Eureka County	
Humboldt County	

<i>Jurisdiction</i>	<i>Indicate Number of Licenses Requested</i>
Unincorporated Washoe County	
City of Reno	
City of Sparks	
Lander County	
Lincoln County	
Lyon County	
Mineral County	
Nye County	
Pershing County	
Storey County	
White Pine County	





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### ATTACHMENT J

#### FEDERAL LAWS AND AUTHORITIES

*(Apply outside of NAC 453, NAC 453A, NRS 453A, NRS 453D, R092-17)*

*The information in this section does not need to be returned with the applicant's application. The following is a list of federal laws and authorities with which the awarded Applicant will be required to comply.*

#### ENVIRONMENTAL:

- Archeological and Historic Preservation Act of 1974, PL 93-291
- Clean Air Act, 42 U.S.C. 7506(c)
- Endangered Species Act 16 U.S.C. 1531, ET seq.
- Executive Order 11593, Protection and Enhancement of the Cultural Environment
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands Farmland Protection Policy Act, 7 U.S.C. 4201 ET seq.
- Fish and Wildlife Coordination Act, PL 85-624, as amended
- National Historic Preservation Act of 1966, PL 89-665, as amended
- Safe Drinking Water Act, Section 1424(e), PL 92-523, as amended

#### ECONOMIC:

- Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754, as amended
- Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants or Loans

#### SOCIAL LEGISLATION:

- Age Discrimination Act, PL 94-135 Civil Rights Act of 1964, PL 88-352
- Section 13 of PL 92-500; Prohibition against sex discrimination under the Federal Water Pollution Control Act
- Executive Order 11246, Equal Employment Opportunity
- Executive Orders 11625 and 12138, Women's and Minority Business Enterprise Rehabilitation Act of 1973, PL 93, 112

#### MISCELLANEOUS AUTHORITY:

- Uniform Relocation and Real Property Acquisition Policies Act of 1970, PL 91-646 Executive Order 12549 – Debarment and Suspension

# **EXHIBIT 2**



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# **Recreational Marijuana Establishment License Application**

## **Recreational Retail Marijuana Store Only**

**Release Date: July 6, 2018**

**Application Period: September 7, 2018 through September 20, 2018**

***(Business Days M-F, 8:00 A.M. - 5:00 P.M.)***

For additional information, please contact:

Marijuana Enforcement Division  
State of Nevada Department of Taxation  
1550 College Parkway, Suite 115  
Carson City, NV 89706

[marijuana@tax.state.nv.us](mailto:marijuana@tax.state.nv.us)



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## APPLICANT INFORMATION

Provide all requested information in the space next to each numbered question. The information in Sections V1 through V10 will be used for application questions and updates. Type or print responses. **Include this applicant information sheet in Tab III of the Identified Criteria Response (Page 10).**

V1	Company Name:	
V2	Street Address:	
V3	City, State, ZIP:	
V4	Telephone: (        ) _____ - _____ ext: _____	
V5	Email Address:	
V6	Toll Free Number: (        ) _____ - _____ ext: _____	
<b>Contact person who will provide information, sign, or ensure actions are taken pursuant to R092-17 &amp; NRS 453D</b>		
V7	Name:	
	Title:	
	Street Address:	
	City, State, ZIP:	
V8	Email Address:	
V9	Telephone number for contact person: (        ) _____ - _____ ext: _____	
V10	Signature: _____	Date: _____



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## 1. TERMS AND DEFINITIONS

*For the purposes of this application, the following acronyms/definitions will be used.*

TERMS	DEFINITIONS
<b><i>Applicant</i></b>	Organization/individual submitting an application in response to this request for application.
<b><i>Awarded applicant</i></b>	The organization/individual that is awarded and has an approved conditional license with the State of Nevada for the establishment type identified in this application.
<b><i>Confidential information</i></b>	Any information relating to building or product security submitted in support of a recreational marijuana establishment license.
<b><i>Department</i></b>	The State of Nevada Department of Taxation.
<b><i>Edible marijuana products</i></b>	Products that contain marijuana or an extract thereof and are intended for human consumption by oral ingestion and are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.
<b><i>Enclosed, locked facility</i></b>	A closet, display case, room, greenhouse, or other enclosed area equipped with locks or other security devices which allow access only by a recreational marijuana establishment agent and the holder of a valid registry identification card.
<b><i>Establishment license approval to operate date</i></b>	The date the State Department of Taxation officially gives the approval to operate based on approval of the local jurisdiction and successful fulfillment of all approval-to-operate instructions between the Department and the successful applicant.
<b><i>Conditional establishment license award date</i></b>	The date when applicants are notified that a recreational marijuana establishment conditional license has been successfully awarded and is awaiting approval of the local jurisdiction and successful fulfillment of all approval-to-operate instructions.
<b><i>Evaluation committee</i></b>	An independent committee comprised of state officers or employees and contracted professionals established to evaluate and score applications submitted in response to this request for applications.
<b><i>Excluded felony offense</i></b>	A crime of violence or a violation of a state or federal law pertaining to controlled substances if the law was punishable as a felony in the jurisdiction where the person was convicted. The term does not include a criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed more than 10 years before or an offense involving conduct that would be immune from arrest, prosecution or penalty, except that the conduct occurred before April 1, 2014 or was prosecuted by an authority other than the State of Nevada.



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<b><i>Facility for the production of edible marijuana products or marijuana infused products</i></b>	A business that is registered/licensed with the Department and acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells edible marijuana products or marijuana-infused products to recreational marijuana retail stores.
<b><i>Identifiers or Identified Criteria Response</i></b>	A non-identified response, such as assignment of letters, numbers, job title or generic business type, to assure the identity of a person or business remains unidentifiable. Assignment of identifiers will be application-specific and will be communicated in the application in the identifier legend.
<b><i>Marijuana Testing Facility</i></b>	Means an entity licensed to test marijuana and marijuana products, including for potency and contaminants.
<b><i>Inventory control system</i></b>	A process, device or other contrivance that may be used to monitor the chain of custody of marijuana used for recreational purposes from the point of cultivation to the end consumer.
<b><i>Marijuana</i></b>	All parts of any plant of the genus Cannabis, whether growing or not, and the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted there from), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. "Marijuana" does not include industrial hemp as defined in NRS 557.040, and grown or cultivated pursuant to Chapter 557 of NRS.
<b><i>Marijuana-infused products</i></b>	Products that are infused with marijuana or an extract thereof and are intended for use or consumption by humans through means other than inhalation or oral ingestion. The term includes topical products, ointments, oils and tinctures.
<b><i>May</i></b>	Indicates something that is recommended but not mandatory. If the applicant fails to provide recommended information, the Department may, at its sole discretion, ask the applicant to provide the information or evaluate the application without the information.
<b><i>Medical use of marijuana</i></b>	The possession, delivery, production or use of marijuana; the possession, delivery or use of paraphernalia used to administer marijuana, as necessary, for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition.



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<b>Must</b>	Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of an application as non-responsive.
<b>NAC</b>	Nevada Administrative Code. All applicable NAC documentation may be reviewed via the internet at: <a href="http://www.leg.state.nv.us/NAC/CHAPTERS.HTML">http://www.leg.state.nv.us/NAC/CHAPTERS.HTML</a>
<b>Non-Identified Criteria Response</b>	A response to the application in which no information is included pertaining to identifiable information for any and all owners, officers, board members or employees and business details (proposed business name(s), D/B/A, current or previous business names or employers). Identifiers that must be removed from the application include all names; specific geographic details including street address, city, county, precinct, ZIP code, and their equivalent geocodes; telephone numbers; fax numbers; email addresses; social security numbers; financial account numbers; certificate/license numbers; vehicle identifiers and serial numbers including license plate numbers; Web Universal Resource Locators (URLs); Internet Protocol (IP) addresses; biometric identifiers including finger and voice prints, full-face photographs and any comparable images; previous or proposed company logos, images or graphics; and, any other unique identifying information, images, logos, details, numbers, characteristics, or codes.
<b>NRS</b>	Nevada Revised Statutes. All applicable NRS documentation may be reviewed via the internet at: <a href="http://www.leg.state.nv.us/NRS/">http://www.leg.state.nv.us/NRS/</a> .
<b>Pacific Time (PT)</b>	Unless otherwise stated, all references to time in this request for applications and any subsequent award of license are understood to be Pacific Time.
<b>Recreational marijuana retail store</b>	Means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.
<b>Recreational marijuana establishment</b>	Means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.
<b>Recreational marijuana establishment agent</b>	Means an owner, officer, board member, employee or volunteer of a marijuana establishment, an independent contractor who provides labor relating to the cultivation, processing or distribution of marijuana or the production of marijuana or marijuana products for a marijuana establishment or an employee of such an independent contractor. The term does not include a consultant who performs professional services for a recreational marijuana establishment.





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<b><i>Recreational marijuana establishment agent registration card</i></b>	A registration card that is issued by the Department pursuant to R092-17, Sec. 94 to authorize a person to volunteer or work at a recreational marijuana establishment.
<b><i>Recreational marijuana establishment license</i></b>	A license that is issued by the Department pursuant to NRS 453D and R092-17 to authorize the operation of a recreational marijuana establishment.
<b><i>Shall</i></b>	Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of an application as non-responsive.
<b><i>Should</i></b>	Indicates something that is recommended but not mandatory. If the applicant fails to provide recommended information the Department may, at its sole discretion, ask the applicant to provide the information or evaluate the application without the information.
<b><i>State</i></b>	The State of Nevada and any agency identified herein.
<b><i>Will</i></b>	Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of an application as non-responsive.



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## 2. APPLICATION OVERVIEW

*The Nevada State Legislature passed a number of bills during the 2017 session which affect the licensing, regulation and operation of recreational marijuana establishments in the state. In addition, the Department of Taxation has approved regulations effective February of 2018. Legislation changes relevant to this application include but are not limited to the following:*

### **Assembly Bill 422 (AB422):**

- Transfers responsibility for registration/licensing and regulation of marijuana establishments from the State of Nevada's Division of Public and Behavioral Health (DPBH) to the Department of Taxation.
- Adds diversity of race, ethnicity, or gender of applicants (owners, officers, board members) to the existing merit criteria for the evaluation of marijuana establishment registration certificates.

### **LCB File No. Regulation R092-17:**

- On or before November 15, 2018, a person who holds a medical marijuana establishment registration certificate may apply for one or more licenses, in addition to a license issued pursuant to section 77 of the regulation, for a marijuana establishment of the same type or for one or more licenses for a marijuana establishment of a different type.

**No applicant may be awarded more than 1 (one) retail store license in a jurisdiction/locality, unless there are less applicants than licenses allowed in the jurisdiction.**

The Department is seeking applications from qualified applicants in conjunction with this application process for recreational marijuana retail store license. If a marijuana establishment has not received a final inspection within 12 months after the date on which the Department issued a license, the establishment must surrender the license to the Department. The Department may extend the period specified in R092-17, Sec. 87 if the Department, in its discretion, determines that extenuating circumstances prevented the marijuana establishment from receiving a final inspection within the period.

## 3. APPLICATION TIMELINE

The following represents the timeline for this project. All times stated are in Pacific Time (PT).

Task	Date/Time
Request for application date	July 6, 2018
Opening of 10-day window for receipt of applications	September 7, 2018
Deadline for submission of applications	September 20, 2018 – 5:00 p.m.
Application evaluation period	September 7, 2018 – December 5, 2018
Conditional licenses award notification	Not later than December 5, 2018
Anticipated approximate fully operational deadline	12 months after notification date of conditional license



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### 4. APPLICATION INSTRUCTIONS

The State of Nevada Department of Taxation is seeking applications from qualified applicants to award recreational marijuana retail store licenses.

The Department anticipates awarding a recreational marijuana retail store license in conjunction with this application as determined by the applicant's establishment type, geographic location and the best interest of the State. Therefore, applicants are encouraged to be as specific as possible regarding services provided, geographic location, and information submitted for each application merit criteria category.

Pursuant to section 78 subsection 12 of R092-17, the application must include the signature of a natural person for the proposed marijuana establishment as described in subsection 1 of section 74 of R092-17.

### 5. APPLICATION REQUIREMENTS, FORMAT AND CONTENT

#### 5.1. General Submission Requirements

- 5.1.1. Applications must be packaged and submitted in counterparts; therefore, applicants must pay close attention to the submission requirements. Applications will have an Identified Criteria Response and a Non-Identified Criteria Response. Applicants must submit their application separated into the two (2) required sections, Identified Criteria Responses and Non-Identified Criteria Responses, recorded to separate electronic media (CD-Rs or USB thumb drives).
- 5.1.2. The required electronic media must contain information as specified in Section 5.4, and must be packaged and submitted in accordance with the requirements listed at Section 5.5.
- 5.1.3. Detailed instructions on application submission and packaging are provided below. Applicants must submit their applications as identified in the following sections.
- 5.1.4. All information is to be completed as requested.
- 5.1.5. Each section within the Identified Criteria Response and the Non-Identified Criteria Response must be saved as separate PDF files, one for each required "Tab". The filename will include the tab number and title (e.g., 5.2.1 Tab I – Title Page.pdf).
- 5.1.6. For ease of evaluation, the application must be presented in a format that corresponds to and references the sections outlined within the submission requirements section and must be presented in the same order. Written responses must be typed and placed immediately following the applicable criteria question, statement and/or section.
- 5.1.7. Applications are to be prepared in such a way as to provide a straightforward, concise delineation of information to satisfy the requirements of this application.
- 5.1.8. In a Non-Identified Criteria Response, when a specific person or company is referenced the identity must remain confidential. A person may be addressed through their position, discipline or job title, or assigned an identifier. Identifiers assigned to people or companies must be detailed in a legend (Attachment H) to be submitted in the Identified Criteria Response section.
- 5.1.9. Materials not requested in the application process will not be reviewed.



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JAMES DEVOLLD  
Chair, Nevada Tax Commission  
WILLIAM D. ANDERSON  
Executive Director

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Carson City, Nevada 89706-7937  
Phone: (775) 684-2000 Fax: (775) 684-2020

RENO OFFICE  
4600 Kietzke Lane  
Building L, Suite 235  
Reno, Nevada 89502  
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HENDERSON OFFICE  
2550 Paseo Verde Parkway, Suite 180  
Henderson, Nevada 89074  
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Fax: (702) 486-3377

## 5.2. Part I – General Criteria Response

The IDENTIFIED CRITERIA RESPONSE must include:

- Electronic media (CD-R or thumb drive) containing only the Identified Criteria Response.
- Do not password protect electronic media or individual files.
- The response must contain separate PDF files for each of the tabbed sections as described below.

### 5.2.1. Tab I – Title Page

The title page must include the following:

Part I – Identified Criteria Response	
Application Title:	A Recreational Marijuana Establishment License
Applicant Name:	
Address:	
Application Opening Date and Time:	September 7, 2018
Application Closing Date and Time:	September 20, 2018

### 5.2.2. Tab II – Table of Contents

An accurate table of contents must be provided in this tab.

### 5.2.3. Tab III – Applicant Information Sheet (Page 2)

The completed Applicant Information Sheet signed by the contact person who is responsible for providing information, signing documents, or ensuring actions are taken pursuant to R092-17, Sec. 74 must be included in this tab.

### 5.2.4. Tab IV – Recreational Marijuana Establishment License Application (Attachment A)

The completed and signed Recreational Marijuana Establishment License Application must be included in this tab.

### 5.2.5. Tab V – Multi-Establishment Limitations Form (Attachment F)

If applicable, a copy of the Multi-Establishment Limitations Form must be included in this tab. If not applicable, please insert a plain page with the words “**Not applicable.**”

### 5.2.6. Tab VI – Identifier Legend (Attachment H)

If applicable, a copy of the Identifier Legend must be included in this tab. If not applicable, please insert a page with the words “**Not Applicable**”.



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5.2.7. **Tab VII – Confirmation that the applicant has registered with the Secretary of State**  
Documentation that the applicant has registered as the appropriate type of business and the Articles of Incorporation, Articles of Organization, Operating Agreements, or partnership or joint venture documents of the applicant must be included in this tab.

5.2.8. **Tab VIII– Documentation of liquid assets**  
Documentation demonstrating the liquid assets and the source of those liquid assets from a financial institution in this state or in any other state or the District of Columbia must be included in this tab and demonstrate the following criteria :

5.2.8.1. That the applicant has at least \$250,000 in liquid assets which are unencumbered and can be converted within 30 days after a request to liquidate such assets; and

5.2.8.2. The source of those liquid assets.

*Note: If applying for more than one recreational marijuana establishment license, available funds must be shown for each establishment application.*

5.2.9. **Tab IX – Evidence of taxes paid; other beneficial financial contributions**  
Evidence of the amount of taxes paid and/or other beneficial financial contributions made to the State of Nevada or its political subdivisions within the last five years by the applicant or the persons who are proposed to be owners, officers or board members of the establishment must be included in this tab.

5.2.10. **Tab X – Organizational structure and owner, officer or board member information**

The description of the proposed organizational structure of the proposed recreational marijuana establishment and information concerning each owner, officer and board member of the proposed recreational marijuana establishment must be included in this tab and demonstrate the following criteria:

5.2.10.1. An organizational chart showing all owners, officers and board members of the recreational marijuana establishment including percentage of ownership for each individual.

5.2.10.2. An Owner, Officer and Board Member Attestation Form must be completed for each individual named in this application (Attachment B).

5.2.10.3. The supplemental Owner, Officer and Board Member Information Form should be completed for each individual named in this application. This attachment must also include the diversity information required by R092-17, Sec. 80.1(b) (Attachment C).

5.2.10.4. A resume, including educational level and achievements for each owner, officer and board member must be completed for each individual named in this application.

5.2.10.5. Narrative descriptions not to exceed 750 words demonstrating the following:

5.2.10.5.1. Past experience working with government agencies and highlighting past community involvement.



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5.2.10.5.2. Any previous experience at operating other businesses or non-profit organizations, including marijuana industry experience.

5.2.10.6. A Request and Consent to Release Application Form for Recreational Marijuana Establishment License(s) for each owner, officer and board member should be completed for each individual named in this application (Attachment D).

5.2.10.7. A copy of each individual's completed fingerprint submission form demonstrating he or she has submitted fingerprints to the Nevada Department of Public Safety. Agent cards will not be accepted.

### 5.2.11. **Tab XI– Financial plan**

A financial plan must be included in this tab which includes:

5.2.11.1. Financial statements showing the resources of the applicant, both liquid and illiquid.

5.2.11.2. If the applicant is relying on funds from an owner, officer, board member or any other source, evidence that such person has unconditionally committed such funds to the use of the applicant in the event the Department awards a recreational marijuana establishment license to the applicant.

5.2.11.3. Proof that the applicant has adequate funds to cover all expenses and costs of the first year of operation.

### 5.2.12. **Tab XII – Name, signage and advertising plan**

A proposal of the applicant's name, signage and advertising plan which will be used in the daily operations of the recreational marijuana establishment on the form supplied by the Department (Attachment G) must be included in this tab.

*Please note: This section will require approval, but will not be scored.*

### 5.2.13. **Application Fee**

5.2.13.1. Include with this packet the \$5,000.00 non-refundable application fee per NRS 453D.230(1). License fee is not required until a conditional license has been awarded.

*Please note: Only cash, cashier's checks and money orders made out to the "Nevada Department of Taxation" will be accepted for payment of the nonrefundable application fee.*

## 5.3. **Part II – Non-identified Criteria Response**

The NON-IDENTIFIED CRITERIA RESPONSE must include:

- Electronic media (CD-R or thumb drive) containing only the Identified Criteria Response.
- Do not password-protect electronic media or individual files.



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- The response must contain separate PDF files for each of the tabbed sections as described below:

## 5.3.1. **Tab I – Title Page**

*Please note: Title page will not be viewed by Non-Identified Criteria evaluators.*

The title page must include the following:

Part II –Non-Identified Criteria Response	
Application Title:	A Recreational Marijuana Establishment License
Applicant Name:	
Address:	
Application Opening Date and Time:	September 7, 2018
Application Closing Date and Time:	September 20, 2018

## 5.3.2. **Tab II – Table of Contents**

An accurate table of contents must be provided in this tab.

## 5.3.3. **Tab III – Building/Establishment information**

Documentation concerning the adequacy of the size of the proposed recreational marijuana establishment to serve the needs of persons who are authorized to engage in the use of marijuana must be included in this tab. The content of this response must be in a **non-identified** format and include general floor plans with all supporting details

*Please note: The size or square footage of the proposed establishment should include the maximum size of the proposed operation. The start-up plans and potential expansion should be clearly stated to prevent needless misunderstandings and surrendering of certification.*

## 5.3.4. **Tab IV – Care, quality and safekeeping of marijuana from seed to sale plan**

Documentation concerning the integrated plan of the proposed recreational marijuana establishment for the care, quality and safekeeping of recreational marijuana from seed to sale must be included in this tab. The content of this response must be in a **non-identified** format and include:

- 5.3.4.1. A plan for verifying and testing recreational marijuana
- 5.3.4.2. A transportation or delivery plan
- 5.3.4.3. Procedures to ensure adequate security measures for building security
- 5.3.4.4. Procedures to ensure adequate security measures for product security

## 5.3.5. **Tab V – System and Inventory Procedures plan**



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A plan for the operating procedures for verification system and inventory control system must be included in this tab. The content of this response must be in a **non-identified** format and include:

- 5.3.5.1. A description of the operating procedures for the verification system of the proposed marijuana establishment for verifying age.
- 5.3.5.2. A description of the inventory control system of the proposed recreational marijuana establishment.

*Please note: Applicants should demonstrate a system to include thorough tracking of product movement and sales. The applicant shall demonstrate capabilities for an external interface via a secure API to allow third party software systems to report all required data into the State database to allow seamless maintenance of records and to enable a quick and accurate update on demand. The system shall account for all inventory held by an establishment in any stage of cultivation, production, display or sale as applicable for the type of establishment, and demonstrate an internal reporting system to provide the Department with comprehensive information about an establishment's inventory.*

### 5.3.6. **Tab VI**– Operations and resources plan

Evidence that the applicant has a plan to staff and manage the proposed marijuana establishment on a daily basis must be included in this tab. The content of this response must be in a **non-identified** format and include:

- 5.3.6.1. A detailed budget for the proposed establishment including pre-opening and first year operating expenses.
- 5.3.6.2. An operations manual that demonstrates compliance with the regulations of the Department.
- 5.3.6.3. An education plan which must include providing training and educational materials to the staff of the proposed establishment.
- 5.3.6.4. A plan to minimize the environmental impact of the proposed establishment.

### 5.3.7. **Tab VII** – Community impact and serving authorized persons in need

A proposal demonstrating the likely impact on the community and convenience to serve the needs of persons authorized to use marijuana must be included in this tab. The content of this response must be in a **non-identified format** and include:

- 5.3.7.1. The likely impact of the proposed recreational marijuana establishment in the community in which it is proposed to be located.
- 5.3.7.2. The manner in which the proposed recreational marijuana establishment will meet the needs of the persons who are authorized to use marijuana.





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### 5.4. Electronic Media Requirements

Electronic media submitted as part of the application must include:

- 5.4.1. A separate CD-R or thumb drive which contains only the Identified Criteria Response.
- 5.4.2. A separate CD-R or thumb drive which contains only the Non-Identified Criteria Response.
  - 5.4.2.1. The electronic files must follow the format and content section for the Identified Criteria Response and Non-Identified Criteria Response.
  - 5.4.2.2. All electronic files must be saved in "PDF" format with separate files for each required "Tab". Individual filenames must comply with the naming requirements specified in 5.1.5 of the General Submission Requirements.
  - 5.4.2.3. CD-Rs or thumb drives will be labeled as either Identified or Non-Identified Criteria Response. Identified Criteria Responses and Non-Identified Criteria Responses must not be saved to the same CD-R or thumb drive.
    - 5.4.2.3.1. Part I – Identified Criteria Response
    - 5.4.2.3.2. Part II – Non-Identified Criteria Response
  - 5.4.2.4. Seal the Identified Criteria Response and Non-Identified Criteria Response electronic media in separate envelopes and affix labels to the envelopes per the example below:

CDs or Thumb Drives	
Application	A Recreational Marijuana Establishment License
Applicant Name:	
Address:	
Contents:	Part I – Identified Criteria Response <b>OR</b> Part II – Non-Identified Criteria Response



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### 5.5. Application Packaging and Instructions

- 5.5.1. Recreational Marijuana Establishment License Applications may be mailed or dropped off in person at:

**Department of Taxation**

**Marijuana Enforcement Division**

**1550 College Parkway**

**Carson City, NV 89706**

**- OR -**

**Department of Taxation**

**Marijuana Enforcement Division**

**555 E. Washington Ave. Ste 1300**

**Las Vegas, NV 89101**

- 5.5.2. Applications dropped off in person at one of the two Taxation office's must be received no later than **5:00 p.m. on September 20, 2018.**
- 5.5.3. Applications mailed in to one of the two Taxation office's must be postmarked by the United States Postal Service not later than **September 20, 2018.**
- 5.5.4. If an application is sent via a different delivery service (i.e. UPS, FedEx, etc.) and does not arrive at one of the two Taxation offices by **5:00 p.m. on September 20, 2018**, the application will not be considered.
- 5.5.5. If mailing the application, combine the separately sealed Identified and Non-Identified Criteria Response envelopes into a single package suitable for mailing.
- 5.5.6. The Department will not be held responsible for application envelopes mishandled as a result of the envelope not being properly prepared.
- 5.5.7. Email, facsimile, or telephone applications will **NOT** be considered.



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## 6. APPLICATION EVALUATION AND AWARD PROCESS

*The information in this section does not need to be returned with the applicant's application.*

- 6.1. Applications shall be consistently evaluated and scored in accordance with NRS 453D, NAC 453D and R092-17 based upon the following criteria and point values.

*Grey boxes are the Identified Criteria Response. White boxes are Non-Identified Criteria Response.*

<b>Nevada Recreational Marijuana Application Criteria</b>	<b>Points</b>
The description of the proposed organizational structure of the proposed marijuana establishment and information concerning each owner, officer and board member including key personnel of the proposed marijuana establishment including the information provided pursuant to R092-17.	60
Evidence of the amount of taxes paid or other beneficial financial contributions made to the State of Nevada or its political subdivisions within the last five years by the applicant or the persons who are proposed to be owners, officers or board members of the proposed establishment.	25
A financial plan which includes: <ul style="list-style-type: none"> <li>Financial statements showing the resources of the applicant, both liquid and illiquid.</li> <li>If the applicant is relying on funds from an owner, officer or board member, or any other source, evidence that such source has unconditionally committed such funds to the use of the applicant in the event the Department awards a recreational marijuana establishment license to the applicant and the applicant obtains the necessary local government approvals to operate the establishment.</li> <li>Proof that the applicant has adequate funds to cover all expenses and costs of the first year of operation.</li> </ul>	30
Documentation from a financial institution in this state or in any other state or the District of Columbia which demonstrates: <ul style="list-style-type: none"> <li>That the applicant has at least \$250,000 in liquid assets which are unencumbered and can be converted within 30 days after a request to liquidate such assets.</li> <li>The source of those liquid assets.</li> </ul>	10
Documentation concerning the integrated plan of the proposed marijuana establishment for the care, quality and safekeeping of marijuana from seed to sale, including: <ul style="list-style-type: none"> <li>A plan for testing recreational marijuana.</li> <li>A transportation plan.</li> <li>Procedures to ensure adequate security measures for building security.</li> <li>Procedures to ensure adequate security measures for product security.</li> </ul> <i>Please note: The content of this response must be in a <b>non-identified</b> format.</i>	40
Evidence that the applicant has a plan to staff, educate and manage the proposed recreational marijuana establishment on a daily basis, which must include: <ul style="list-style-type: none"> <li>A detailed budget for the proposed establishment including pre-opening, construction and first year operating expenses.</li> <li>An operations manual that demonstrates compliance with the regulations of the Department.</li> <li>An education plan which must include providing educational materials to the staff of the proposed establishment.</li> <li>A plan to minimize the environmental impact of the proposed establishment.</li> </ul>	30



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<i>Please note: The content of this response must be in a <b>non-identified</b> format.</i>	
A plan which includes: <ul style="list-style-type: none"> <li>A description of the operating procedures for the electronic verification system of the proposed marijuana establishment.</li> <li>A description of the inventory control system of the proposed marijuana establishment.</li> </ul> <i>Please note: The content of this response must be in a <b>non-identified</b> format.</i>	20
Documentation concerning the adequacy of the size of the proposed marijuana establishment to serve the needs of persons who are authorized to engage in the use of marijuana, including: <ul style="list-style-type: none"> <li>Building plans with supporting details.</li> </ul> <i>Please note: The content of this response must be in a <b>non-identified</b> format.</i>	20
A proposal demonstrating: <ul style="list-style-type: none"> <li>The likely impact of the proposed marijuana establishment in the community in which it is proposed to be located.</li> <li>The manner in which the proposed marijuana establishment will meet the needs of the persons who are authorized to use marijuana.</li> </ul> <i>Please note: The content of this response must be in a <b>non-identified</b> format.</i>	15
<b>Application Total</b>	<b>250</b>
Unweighted: <ul style="list-style-type: none"> <li>Review plan for all names and logos for the establishment and any signage or advertisement.</li> <li>Review results of background check(s). Applicant has until the end of the 90-day application period to resolve background check information which may cause the application to be rejected.</li> </ul>	

6.2. If the Department receives more than one application for a license for a retail marijuana store in response to a request for applications made pursuant to R092-17, Sec. 76 and the Department determines that more than one of the applications is complete and in compliance with R092-17, Sec. 78 and Chapter 453D of the NRS, the Department will rank the applications within each applicable locality for any applicants which are in a jurisdiction that limits the number of retail marijuana stores in order from first to last. Ranking will be based on compliance with the provisions of R092-17 Sec. 80, Chapter 453D of NRS and on the content of the applications relating to:

- 6.2.1. Operating experience of another kind of business by the owners, officers or board members that has given them experience which is applicable to the operation of a marijuana establishment.
- 6.2.2. Diversity of the owners, officers or board members.
- 6.2.3. Evidence of the amount of taxes paid and other beneficial financial contributions.
- 6.2.4. Educational achievements of the owners, officers or board members.
- 6.2.5. The applicant's plan for care, quality and safekeeping of marijuana from seed to sale.
- 6.2.6. The financial plan and resources of the applicant, both liquid and illiquid.
- 6.2.7. The experience of key personnel that the applicant intends to employ.
- 6.2.8. Direct experience of the owners, officers or board members of a medical marijuana establishment or marijuana establishment in this State.



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- 6.3. Applications that have not demonstrated a sufficient response related to the criteria set forth above will not have additional criteria considered in determining whether to issue a license and will not move forward in the application process.
- 6.4. Any findings from a report concerning the criminal history of an applicant or person who is proposed to be an owner, officer or board member of a proposed recreational marijuana establishment that disqualify that individual from serving in that capacity will also result in the disqualification of the application. The applicant will have the opportunity to resolve such an issue within the 90-day application period.
- 6.5. The Department and evaluation committee may also contact anyone referenced in any information provided for the owners, officers and board members of the proposed establishment; contact any applicant to clarify any response; solicit information from any available source concerning any aspect of an application; and, seek and review any other information deemed pertinent to the evaluation process. The evaluation committee shall not be obligated to accept any application, but shall make an award in the best interests of the State of Nevada per Regulation R092-17 and Chapter 453D of the NRS.
- 6.6. Clarification discussions may, at the Department's sole discretion, be conducted with applicants who submit applications determined to be acceptable and competitive per R092-17, Sec. 77-80 and NRS 453D.210. Applicants shall be afforded fair and equal treatment with respect to any opportunity for discussion and/or written clarifications of applications. Such clarifications may be permitted after submissions and prior to award for the purpose of obtaining best and final ranking of applications. In conducting discussions, there shall be no disclosure of any information derived from applications submitted by competing applicants. Any clarification given for the original application during the clarification discussions will be included as part of the application.
- 6.7. The Department will issue conditional recreational marijuana establishment licenses subject to final inspection in accordance with R092-17, Sec. 87 and subject to local jurisdiction to the highest ranked applicants up to the designated number of licenses the Department plans to issue.
- 6.8. If two or more applicants have the same total number of points for the last application being awarded a conditional license, the Department shall select the applicant which has scored the highest number of points as it is related to the proposed organizational structure of the proposed marijuana establishment and the information concerning each owner, officer and board member of the proposed marijuana establishment.
- 6.9. If the Department receives only one response within a specific jurisdiction; and, if the jurisdiction limits the number of a type of establishment to one; and, statewide, if there is not a limit on the number of a type of establishments to a request for applications for recreational marijuana establishments issued pursuant to R092-17, Sec. 76 (3) within 10 business days after the Department begins accepting responses to the request for applications; and, the



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Department determines that the response is complete and in compliance with the regulations, the Department will issue a conditional license to that applicant to operate a recreational marijuana establishment in accordance with R092-17.

- 6.10. The issuance by the Department of a recreational marijuana establishment license is conditional and not an approval to begin business operations until such time as:
  - 6.10.1. The marijuana establishment is in compliance with all applicable local government ordinances and rules; and
  - 6.10.2. The local government has issued a business license or otherwise approved the applicant for the operation of the establishment.
- 6.11. If the local government does not issue business licenses and does not approve or disapprove marijuana establishments in its jurisdiction, a recreational marijuana establishment license becomes an approval to begin business operations when the marijuana establishment is in compliance with all applicable local government ordinances and rules and has fulfilled all the requirements of the approval to operate by the Department.
- 6.12. Any license resulting from this application shall not be effective until approved by the Department.



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## ATTACHMENT A RECREATIONAL MARIJUANA ESTABLISHMENT APPLICATION

### GENERAL INFORMATION

Type of Marijuana Establishment: <input type="checkbox"/> Recreational Retail Marijuana Store			
Marijuana Establishment's proposed physical address if the applicant owns property or has secured a lease or other property agreement (this must be a Nevada address and cannot be a P.O. Box).			
City:	County:	State:	Zip Code:
Proposed Hours of Operation :			
Sunday	Monday	Tuesday	Wednesday
Thursday	Friday	Saturday	

### APPLYING ENTITY INFORMATION

Applying Entity's Name:		
Business Organization:	<input type="checkbox"/> Individual	<input type="checkbox"/> Corp.
	<input type="checkbox"/> LLC	<input type="checkbox"/> Assoc. /Coop.
	<input type="checkbox"/> Partnership	<input type="checkbox"/> Other specify:
Telephone #:	E-Mail Address:	
State Business License #:	Expiration Date:	
Mailing Address:		
City:	State:	Zip Code:

### DESIGNEE INFORMATION

*Name of individual designated to manage agent registration card applications on behalf of the establishment.*

Last Name:	First Name:	MI:
------------	-------------	-----

### SUPPLEMENTAL REQUESTS

Does the applicant agree to allow the Nevada Department of Taxation (Department) to submit supplemental requests for information? <input type="checkbox"/> Yes <input type="checkbox"/> No
--



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## ATTACHMENT A (continued)

### Recreational Marijuana Establishment Owner (OR), Officer (OF), Board Member (BM) Names

*For each owner, officer and board member listed below, please fill out a corresponding Establishment Principal Officers and Board Members Information Form (Attachment C).*

Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM
Last Name:	First Name:	MI:	OR	OF	BM





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**ATTACHMENT A (continued)**

A marijuana agent identification card or recreational marijuana establishment license issued by the Nevada Department of Taxation (Department) pursuant to R092-17, Sec. 95 does not protect the applicant from legal action by federal authorities, including possible criminal prosecution for violations of federal law for the sale, manufacture, distribution, use, dispensing, possession, etc. of marijuana.

The acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing of "recreational" marijuana under state law is lawful only if done in strict compliance with the requirements of the State Medical & Recreational Marijuana Act(s) & Regulations (NAC- 453, NRS-453D, R092-17). Any failure to comply with these requirements may result in revocation of the marijuana agent identification card or Recreational Marijuana Establishment License issued by the Department.

The issuance of a license pursuant to section 80 of R092-17 of this regulation is conditional and not an approval to begin operations as a marijuana establishment until such time as all requirements in section 83 of R092-17 are completed and approved by the Department by means of a final inspection.

The State of Nevada, including but not limited to the employees of the Department, is not facilitating or participating in any way with my acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing of marijuana.

I attest that the information provided to the Department for this Recreational Marijuana Establishment License application is true and correct.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed



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## ATTACHMENT B OWNER, OFFICER AND BOARD MEMBER ATTESTATION FORM

I, \_\_\_\_\_ (PRINT NAME)

Attest that:

I have not been convicted of an excluded felony offense as defined in NRS 453D; and

I agree that the Department may investigate my background information by any means feasible to the Department; and

I will not divert marijuana to any individual or person who is not allowed to possess marijuana pursuant to R092-17, Sec. 94 and 453D of the NRS; and

All information provided is true and correct.

\_\_\_\_\_  
Signature of Owner, Officer or Board Member

\_\_\_\_\_  
Date Signed

State of Nevada	
County of _____	
Signed and sworn to (or affirmed) before me on _____ (date)	
By _____ (name(s) of person(s) making statement)	
Notary Stamp	
	Signature of notarial officer



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## ATTACHMENT C OWNER, OFFICER AND BOARD MEMBER INFORMATION FORM

Provide the following information for each owner, officer and board member listed on the Recreational Marijuana Establishment Application. Use as many sheets as needed.			
Last Name:	First Name:	MI:	<input type="checkbox"/> OR <input type="checkbox"/> OF <input type="checkbox"/> BM
Date of Birth:	Race:	Ethnicity:	
Gender:			
Residence Address:			
City:	County:	State:	Zip:
Describe the individual's title, role in the organization and the responsibilities of the position of the individual:			
Has this individual served as a principal officer or board member for a marijuana establishment that has had their establishment license or certificate revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has this individual previously had a medical marijuana establishment agent registration card or marijuana establishment agent registration card revoked <input type="checkbox"/> Yes <input type="checkbox"/> No			
Is this individual an attending provider of health care currently providing written documentation for the issuance of registry identification cards or letters of approval? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Is this individual employed by or a contractor of the Department? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has a copy of this individual's signed and dated Recreational Retail Marijuana Store Principal Officer or Board Member Attestation Form been submitted with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Is this individual a law enforcement officer? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has a copy of this individual's fingerprints on a fingerprint card been submitted to the Nevada Department of Public Safety? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has a copy of the Request and Consent to Release Application Form been submitted with this application? <input type="checkbox"/> Yes <input type="checkbox"/> No			







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## ATTACHMENT D REQUEST AND CONSENT TO RELEASE APPLICATION FORM RECREATIONAL MARIJUANA ESTABLISHMENT LICENSE

I, \_\_\_\_\_, am the duly authorized representative of \_\_\_\_\_ to represent and interact with the Department of Taxation (Department) on all matters and questions in relation to the Nevada Recreational Marijuana Establishment License(s) Application. I understand that R092-17, Sec. 242 makes all applications submitted to the Department confidential but that local government authorities, including but not limited to the licensing or zoning departments of cities, towns or counties, may need to review this application in order to authorize the operation of an establishment under local requirements. Therefore, I consent to the release of this application to any local governmental authority in the jurisdiction where the address listed on this application is located.

By signing this Request and Consent to Release Application Form, I hereby acknowledge and agree that the State of Nevada, its sub-departments including the Department of Taxation and its employees are not responsible for any consequences related to the release of the information identified in this consent. I further acknowledge and agree that the State and its sub-departments and its employees cannot make any guarantees or be held liable related to the confidentiality and safe keeping of this information once it is released.

\_\_\_\_\_  
Signature of Requestor/Applicant or Designee Date: \_\_\_\_\_

State of Nevada	
County of _____	
Signed and sworn to (or affirmed) before me on _____ (date)	
By _____ (name(s) of person(s) making statement)	
Notary Stamp	Signature of notarial officer



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ATTACHMENT E  
PROPOSED ESTABLISHMENT PROPERTY ADDRESS

*To be completed by the applicant for the physical address of the proposed marijuana establishment if the applicant owns property or has secured a lease or other property agreement.*

Name of Individual or Entity Applying for a Marijuana Establishment License:

Physical Address of Proposed Marijuana Establishment (must be a Nevada address, not a P.O. Box):

City:

County:

State:

Zip Code:

Legal Description of the Property:



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## ATTACHMENT F MULTI-ESTABLISHMENT LIMITATIONS FORM

NRS 453D.210 places a limitation on the total number of Recreational Retail Marijuana Store licenses that can be issued within each county, and R092-17, Sec. 80 (5) places limitations on the number of recreational marijuana retail stores located in any one governmental jurisdiction and a limitation on the number of licenses issued to any one person, group or entity. Due to these limitations, please list below all applications submitted from this business organization and/or persons as identified in the recreational marijuana establishment owner, officer and board member names section of Attachment A in the 10-day window of **September 7, 2018 – September 20, 2018**.

If this business organization were to not receive approval on all applications submitted, would the applicant still want approval on the applications determined by the ranking below? ☐ Yes ☐ No

**Please list in order of preference for approval (use as many sheets as needed).**

Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/>			
Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.):			
City:	County:	State:	Zip Code:

Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/>			
Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.):			
City:	County:	State:	Zip Code:

Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/>			
Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.):			
City:	County:	State:	Zip Code:

Type of Establishment: Recreational Retail Marijuana Store <input type="checkbox"/>			
Recreational Marijuana Establishment's Proposed Physical Address (Must be a Nevada address, not a P.O. Box.):			
City:	County:	State:	Zip Code:





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**ATTACHMENT G  
NAME, SIGNAGE, AND ADVERTISING PLAN FORM**

A recreational marijuana establishment must have all advertising plans approved by the Department as a requirement for approval to operate a recreational marijuana establishment. A recreational marijuana establishment shall not use:

- A name or logo unless the name or logo has been approved by the Department; or
- Any sign of advertisement unless the sign or advertisement has been approved by the Department.

Please demonstrate the Name, Signage and Advertising Plans for the proposed marijuana establishment. Additional pages and documents can be included to demonstrate the full advertising plans of the proposed establishment.



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### ATTACHMENT H IDENTIFIER LEGEND FORM

In a Non-Identified Criteria Response, when a specific person or company is referenced, the identity must remain confidential. A person may be addressed through their position, discipline or job title, or be assigned an identifier. Identifiers assigned to people or companies must be detailed in a legend (Attachment H) to be submitted in the Identified Criteria Response section (use as many sheets as needed).

Criteria Response Identifier	Actual Person or Company (for Department verification outside the evaluation process)
Example: Owner A	John Smith
Example: Owner B	John Doe
Example: Construction Company A	Acme Construction



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### ATTACHMENT I FACILITY JURISDICTION FORM

Mark the jurisdiction(s) and number of stores in each jurisdiction for which you are applying. Only one application is necessary for multiple jurisdictions and licenses, however, you must submit attachments "A" & "E" for each jurisdiction, location and the appropriate application fee for each of the jurisdictions/locality and number of licenses requested.

**No applicant may be awarded more than 1 (one) retail store license in a jurisdiction/locality, unless there are less applicants than licenses allowed in the jurisdiction.**

<i>Jurisdiction</i>	<i>Indicate Number of Licenses Requested</i>
Unincorporated Clark County	
City of Henderson	
City of Las Vegas	
City of Mesquite	
City of North Las Vegas	
Carson City	
Churchill County	
Douglas County	
Elko County	
Esmeralda County	
Eureka County	
Humboldt County	

<i>Jurisdiction</i>	<i>Indicate Number of Licenses Requested</i>
Unincorporated Washoe County	
City of Reno	
City of Sparks	
Lander County	
Lincoln County	
Lyon County	
Mineral County	
Nye County	
Pershing County	
Storey County	
White Pine County	



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### ATTACHMENT J

#### FEDERAL LAWS AND AUTHORITIES

*(Apply outside of NAC 453, NAC 453A, NRS 453A, NRS 453D, R092-17)*

*The information in this section does not need to be returned with the applicant's application. The following is a list of federal laws and authorities with which the awarded Applicant will be required to comply.*

#### ENVIRONMENTAL:

- Archeological and Historic Preservation Act of 1974, PL 93-291
- Clean Air Act, 42 U.S.C. 7506(c)
- Endangered Species Act 16 U.S.C. 1531, ET seq.
- Executive Order 11593, Protection and Enhancement of the Cultural Environment
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands Farmland Protection Policy Act, 7 U.S.C. 4201 ET seq.
- Fish and Wildlife Coordination Act, PL 85-624, as amended
- National Historic Preservation Act of 1966, PL 89-665, as amended
- Safe Drinking Water Act, Section 1424(e), PL 92-523, as amended

#### ECONOMIC:

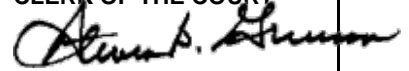
- Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754, as amended
- Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants or Loans

#### SOCIAL LEGISLATION:

- Age Discrimination Act, PL 94-135 Civil Rights Act of 1964, PL 88-352
- Section 13 of PL 92-500; Prohibition against sex discrimination under the Federal Water Pollution Control Act
- Executive Order 11246, Equal Employment Opportunity
- Executive Orders 11625 and 12138, Women's and Minority Business Enterprise Rehabilitation Act of 1973, PL 93, 112

#### MISCELLANEOUS AUTHORITY:

- Uniform Relocation and Real Property Acquisition Policies Act of 1970, PL 91-646 Executive Order 12549 – Debarment and Suspension



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*Wellness Connection of Nevada, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

CASE NO.: A-19-787004-B  
DEPT NO.: XI

In Re: D.O.T. Litigation,

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

**ANSWER TO SERENITY  
PLAINTIFFS' SECOND AMENDED  
COMPLAINT**

Defendant Wellness Connection of Nevada, LLC ("Wellness"), by and through its attorneys, the law firm of Howard & Howard, PLLC, hereby answers and responds to Serenity Wellness Center, LLC, TGIG, LLC, NuLeaf Incline Dispensary, LLC, Nevada Holistic Medicine, LLC, Tryke Companies SO NV, LLC, Tryke Companies Reno, LLC, GBS Nevada Partners, LLC, Fidelis Holdings, LLC, Gravitas Nevada, Ltd, Nevada Pure, LLC, Medifarm, LLC, and MediFarm IV, LLC's ("Plaintiffs") Second Amended Complaint ("Second Amended Complaint") as follows:

///

///

2140566

I.

**PARTIES, JURISDICTION, AND VENUE**

1. Answering paragraphs 1 through 12, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

2. Answering paragraph 13, Wellness admits the allegations set forth therein.

**Parties Who Received Conditional Recreational Retail  
Marijuana Establishment Licenses (“Defendant Applicants”)**

3. Answering paragraphs 14 through 29, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

4. Answering paragraph 30, Wellness admits the allegations set forth therein.

5. Answering paragraphs 31 and 32, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

II.

**GENERAL ALLEGATIONS**

6. Answering paragraphs 33 through 38, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

7. Answering paragraph 39, Wellness admits the Department issued a notice seeking applications from qualified applicants, and is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth therein, and therefore denies the same.

8. Answering paragraphs 40 through 45, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

9. Answering paragraph 46, Wellness admits it received one conditional recreational retail marijuana establishment license, and is without sufficient knowledge or information to form

1 a belief as to the truth of the remaining allegations set forth therein, and therefore denies the  
2 same.

3 10. Answering paragraphs 47 through 52, Wellness is without sufficient knowledge  
4 or information to form a belief as to the truth of the allegations set forth therein, and therefore  
5 denies the same.

6 **III.**

7 **CLAIMS FOR RELIEF**

8 **FIRST CLAIM FOR RELIEF**

9 **(Violation of Civil Rights)**

10 **(Due Process: Deprivation of Property)**

**(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec.1, 8; Title 42 U.S.C. § 1983)**

11 11. Answering paragraph 53, Wellness repeats and realleges its answers to each and  
12 every other paragraph as though fully set forth herein.

13 12. Answering paragraphs 54 through 58, Wellness is without sufficient knowledge  
14 or information to form a belief as to the truth of the allegations set forth therein, and therefore  
15 denies the same.

16 13. Answering paragraph 59, Wellness denies the allegations set forth therein.

17 14. Answering paragraph 60, Wellness denies the allegations to the extent it applies  
18 to Wellness and its application process, and is without sufficient knowledge or information to  
19 form a belief as to the truth of the remaining allegations set forth therein, and therefore denies  
20 the same.

21 15. Answering paragraph 61, Wellness is without sufficient knowledge or information  
22 to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

23 16. Answering paragraphs 62 through 72, Wellness denies the allegations to the extent  
24 it applies to Wellness and its application process, and is without sufficient knowledge or  
25 information to form a belief as to the truth of the remaining allegations set forth therein, and  
26 therefore denies the same.

1           17.     Answering paragraph 73 through 76, Wellness is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations set forth therein, and therefore denies  
3 the same.

4           18.     Answering paragraphs 77 through 79, Wellness denies the allegations to the extent  
5 it applies to Wellness and its application process, and is without sufficient knowledge or  
6 information to form a belief as to the truth of the remaining allegations set forth therein, and  
7 therefore denies the same.

8                                   **SECOND CLAIM FOR RELIEF**  
9                                   **(Violation of Civil Rights)**  
10                                  **(Due Process: Deprivation of Property)**  
11                                  **(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec.1, 8; Title 42 U.S.C. § 1983)**

12           19.     Answering paragraph 80, Wellness repeats and realleges its answers to each and  
13 every other paragraph as though fully set forth herein.

14           20.     Answering paragraph 81, Wellness is without sufficient knowledge or information  
15 to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

16           21.     Answering paragraphs 82 through 87, Wellness denies the allegations to the extent  
17 it applies to Wellness and its application process, and is without sufficient knowledge or  
18 information to form a belief as to the truth of the remaining allegations set forth therein, and  
19 therefore denies the same.

20                                   **THIRD CLAIM FOR RELIEF**  
21                                   **(Violation of Civil Rights)**  
22                                   **(Equal Protection)**  
23                                  **(U.S. Const., Amendment XIV; Nev. Const., Art. 1, Sec.1, 8; Title 42 U.S.C. § 1983)**

24           22.     Answering paragraph 88, Wellness repeats and realleges its answers to each and  
25 every other paragraph as though fully set forth herein.

26           23.     Answering paragraphs 89 through 92, Wellness denies the allegations to the extent  
27 it applies to Wellness and its application process, and is without sufficient knowledge or  
28 information to form a belief as to the truth of the remaining allegations set forth therein, and  
therefore denies the same.



**FOURTH CLAIM FOR RELIEF**  
**(Petition for Judicial Review)**

24. Answering paragraph 93, Wellness repeats and realleges its answers to each and every other paragraph as though fully set forth herein.

25. Answering paragraphs 94 and 95, Wellness denies the allegations to the extent it applies to Wellness and its application process, and is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth therein, and therefore denies the same.

26. Answering paragraph 96, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

27. Answering paragraphs 97 and 98, Wellness denies the allegations to the extent it applies to Wellness and its application process, and is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth therein, and therefore denies the same.

**FIFTH CLAIM FOR RELIEF**  
**(Petition for Writ of Mandamus)**

28. Answering paragraph 99, Wellness repeats and realleges its answers to each and every other paragraph as though fully set forth herein.

29. Answering paragraph 100, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

30. Answering paragraphs 101 through 104, Wellness denies the allegations set forth therein.

**FIFTH CLAIM FOR RELIEF(sic)**  
**(erroneously stated as Fifth Claim)**  
**(Declaratory Relief)**

31. Answering paragraph 105, Wellness repeats and realleges its answers to each and every other paragraph as though fully set forth herein.

1           32.     Answering paragraph 106, Wellness is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations set forth therein, and therefore denies  
3 the same.

4           33.     Answering paragraph 107, Wellness admits it received one conditional  
5 recreational retail marijuana establishment license, and is without sufficient knowledge or  
6 information to form a belief as to the truth of the remaining allegations set forth therein, and  
7 therefore denies the same.

8           34.     Answering paragraphs 108 and 110, Wellness denies the allegations to the extent  
9 it applies to Wellness and its application process, and is without sufficient knowledge or  
10 information to form a belief as to the truth of the remaining allegations set forth therein, and  
11 therefore denies the same.

12          35.     Wellness denies that Plaintiffs are entitled to any of the relief sought in the prayer  
13 of relief.

14          36.     Any allegations not responded to above are hereby denied.

15                   **AFFIRMATIVE DEFENSES**

16          1.     The Second Amended Complaint fails to state a claim upon which relief may be granted.

17          2.     At all relevant times, Wellness used reasonable care and diligence and acted according to  
18 its best judgment and obligations, if any, dealing fairly and in good faith, having no intent to inflict harm  
19 or damage.

20          3.     Plaintiffs' claims are barred based on the doctrine of estoppel.

21          4.     Plaintiffs' claims are barred based on the doctrine of laches.

22          5.     Plaintiffs' claims are barred based on the doctrine of waiver.

23          6.     Plaintiffs' claims are barred based on the doctrine of release.

24          7.     Plaintiffs' claims are barred based on the doctrine of ratification.

25          8.     Plaintiffs' claims are barred by the statute of frauds.

26          9.     Plaintiffs are guilty of unclean hands.

27          10.    Plaintiffs have failed to do equity towards Wellness.

28          11.    Plaintiffs' claims are barred by the applicable statute of limitations.

1           12.     Any conduct on the part of Wellness was not the cause of Plaintiffs' alleged damages, the  
2 existence of which are denied.

3           13.     Plaintiffs' damages, the existence of which are denied, were caused, in whole or in part,  
4 or contributed to by reason of the acts, omissions, negligence, and/or intentional misconduct of third parties  
5 over which Wellness has no control.

6           14.     Plaintiffs failed to mitigate their damages, the existence of which are denied. Any alleged  
7 damages, the existence of which are denied, were not the result of any conduct by Wellness.

8           15.     Plaintiffs' claims are barred due to failure to satisfy conditions precedent and/or  
9 conditions subsequent.

10          16.     Plaintiffs lack standing to assert claims and receive the relief sought in the Second  
11 Amended Complaint.

12          17.     The Court lacks subject matter jurisdiction over the claims alleged in the Second  
13 Amended Complaint.

14          18.     The State of Nevada, Department of Taxation is immune from suit when performing the  
15 functions at issue in this case.

16          19.     The actions of the State of Nevada, Department of Taxation were all official acts that were  
17 done in compliance with applicable laws and regulations.

18          20.     Plaintiffs/Petitioners' claims are barred because they have failed to exhaust administrative  
19 remedies, if any.

20          21.     Plaintiffs have failed to join necessary and indispensable parties to this litigation under  
21 NRC 19 as the Court cannot grant any of their claims without affecting the rights and privileges of those  
22 parties who received the licenses at issue as well as other third parties.

23          22.     The actions of the State of Nevada, Department of Taxation were not arbitrary or  
24 capricious, nor an abuse of discretion, and the State of Nevada, Department of Taxation had a rational  
25 basis for all of the actions taken in the licensing process at issue.

26          23.     Plaintiffs have no constitutional rights to obtain privileged licenses.

27          24.     Plaintiffs are not entitled to judicial review on the denial of a privileged license.  
28

1           25.     Mandamus is not available to compel the members of the executive branch to perform  
2 non-ministerial, discretionary tasks.

3           26.     The claims, and each of them, are barred by the failure of Plaintiffs/Petitioners to plead  
4 those claims with sufficient particularity.

5           27.     Injunctive relief is unavailable to Plaintiffs because the State of Nevada, Department of  
6 Taxation has already completed the task of issuing the conditional licenses.

7           28.     Plaintiffs failed to allege sufficient facts and cannot carry the burden of proof imposed on  
8 them by law to recover attorney's fees incurred to bring and prosecute this action.

9           29.     Wellness adopts and incorporates herein all affirmative defenses pleaded by the other  
10 Defendants and other Intervenor in this matter.

11          30.     Pursuant to NRCP 11, all possible affirmative defenses may not have been alleged herein  
12 insofar as sufficient facts were not available after reasonable inquiry. Wellness reserves the right to amend  
13 this Answer to allege additional affirmative defenses as necessary or appropriate or as further discovery  
14 warrants.

15                 Wellness has been required to retain the services of attorneys to defend against this Second  
16 Amended Complaint, and, as a direct, natural, and foreseeable consequence thereof, have been damaged  
17 thereby, and are entitled to reasonable attorneys' fees and costs.

18                 DATED this 14<sup>th</sup> day of February 2020.

19                                 **HOWARD & HOWARD ATTORNEYS PLLC**

20  
21                                 /s/ Kirill V. Mikhaylov, Esq.  
22                                 L. Christopher Rose, Esq.  
23                                 Kirill V. Mikhaylov, Esq.  
24                                 3800 Howard Hughes Parkway, Suite 1000  
25                                 Las Vegas, NV 89169  
26                                 Attorneys for Defendant  
27                                 Wellness Connection of Nevada, LLC  
28

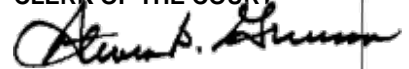
**CERTIFICATE OF SERVICE**

I hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is Howard & Howard Attorneys PLLC, 3800 Howard Hughes Parkway, Suite 1000, Las Vegas, Nevada 89145.

On February 12, 2020, I served the **ANSWER TO SERENITY PLAINTIFFS' SECOND AMENDED COMPLAINT** in this action or proceeding electronically with the Clerk of the Court via the Odyssey E-File system and e-served the same on all parties listed on the Court's Master Service List.

/s/ Julia M. Diaz

An employee of HOWARD & HOWARD ATTORNEYS PLLC



1 **ORDR**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5 In Re: D.O.T. Litigation,

**Case No. : A-19-787004-B**  
**Dept. No.: XI**

**CONSOLIDATED WITH:**

A-785818  
A-786357  
A-786962  
A-787035  
A-787540  
A-787726  
A-801416

**TRIAL PROTOCOL**

Trial Date: April 20, 2020

14  
15 The Court having met with counsel for the parties, and after consideration of the proposal for  
16 Trial Protocol submitted by the parties, and hearing comments of counsel, the Court adopts the  
17 following as its trial protocol:

18 **I. COURTROOM ETIQUETTE**

19 **A.** Pursuant to Administrative Order No. 06-05, this Court permits counsel and their  
20 staff to use wireless communications; however, such devices shall be placed away from recording  
21 devices and microphones and must be turned off or placed on airplane mode to ensure that no  
22 sounds are emitted from the device that may interrupt the proceedings. If the Court determines a  
23 particular device is interfering with the sound and/or recording equipment, the Court may order all  
24 electronic devices turned off.

25 **B.** The Court expects counsel to be punctual for all proceedings.

26 **C.** Counsel will be civil to one another as well as to all parties, witnesses, and court  
27 personnel at all times. Do not interrupt.

28 **D.** Opposing counsel should not engage in extended conversations with each other when

1 court is in session. The Court will allow counsel to have a private conversation if it is requested and  
2 efficient. Counsel should never argue with either opposing counsel or the Court.

3 **E.** Counsel will stand when addressing the Court or when examining witnesses.  
4 Counsel must stand near a microphone and may not crowd the witness.

5 **F.** Counsel may approach a witness with the permission of the Court. If counsel needs  
6 to approach the witness many times, the Court may instruct the attorney that he or she need not  
7 continue to ask. Nonetheless, once the attorney has accomplished his or her reason for approaching  
8 the witness (however many times), he or she should return to the place from which he or she is  
9 questioning.

10 **G.** The Court does not permit speaking objections. Counsel should give the basis for the  
11 objection in a word or phrase (e.g., "hearsay").

12 **H.** Counsel must state every objection for the record. Counsel may join an objection for  
13 purposes of the record. The Court does not permit continuing objections.

14 **I.** Counsel has the responsibility to advise their witnesses to comply with any orders  
15 granting motions in limine.

16 **J.** Counsel should advise all witnesses that they are not to begin any answer until the  
17 question has been completed. Department XI does not require counsel to use Court Call for  
18 telephonic appearances. Counsel must contact the Department one (1) day prior to the hearing to  
19 setup the telephonic appearance. If multiple counsel elect to appear telephonically, counsel shall set  
20 up a conference call number for use by all participating counsel

21 **K.** Counsel may appear by alternate means upon request.

## 22 **II. PRETRIAL MOTIONS**

23 All pretrial motions however styled will be filed in compliance with EDCR 2.20 and 2.27  
24 unless those requirements are specifically modified in this Order. Counsel should not anticipate  
25 that the Court will grant relief from the page limit requirement of EDCR 2.20(a). The Court will not  
26 sign an order shortening time unless extraordinary circumstances exist.

### 27 **A. Motions for Summary Judgment and Briefs under NRS 233B.133.**

28 **1.** On or before March 27, 2020 any motions for summary judgment or partial

1 summary judgment and briefs under NRS 233B.133 shall be filed.<sup>1</sup> All memorandum of points and  
2 authorities, appendices, exhibits and affidavits or declarations must be filed at the same time as the  
3 motion.

4           2. Any opposition will be due April 3, 2020. All memorandum of points and  
5 authorities, appendices, exhibits and affidavits or declarations must be filed at the same time as the  
6 opposition.

7           3. Any reply will be filed by April 10, 2020. All memorandum of points and  
8 authorities, appendices, exhibits and affidavits or declarations must be filed at the same time as the  
9 reply.

10           4. The hearing on motions for summary judgment and briefs under NRS  
11 233B.133 will occur on April 17, 2020. By noon on April 14, 2020, moving counsel will provide  
12 the Court with a notebook including all motions, oppositions, joinders, replies and supporting  
13 documentation related to each motion for summary judgment filed. Following the Court's ruling at  
14 the hearing prevailing counsel will prepare an appropriate order or Findings of Fact and Conclusions  
15 of Law reflecting the Court's ruling.

16           **B. Motions in Limine**

17           1. On or before March 27, 2020, pursuant to EDCR 2.47, counsel will conduct  
18 an in person conference with counsel for any other party that is anticipated to be impacted by a  
19 potential motion in limine to determine if a stipulation or other agreement can be reached related to  
20 the issue that is the subject matter of the proposed motion in limine. If an agreement is reached, that  
21 agreement must be documented in a written stipulation and order or included as a part of the  
22 executed joint pretrial memorandum.

23           2. On or before March 27, 2020, any motions in limine will be filed. All  
24 memorandum of points and authorities, appendices, exhibits and affidavits or declarations must be  
25 filed at the same time as the motion.

26           3. Any opposition will be due April 3, 2020. All memorandum of points and  
27

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28 <sup>1</sup> This deadline does not apply to the 1983 action for which the motions to dismiss remain pending. A schedule  
for that phase of the trial will be set following an answer, if required, in those matter.



1 authorities, appendices, exhibits and affidavits or declarations must be filed at the same time as the  
2 opposition.

3 4. Any reply will be filed by April 10, 2020. All memorandum of points and  
4 authorities, appendices, exhibits and affidavits or declarations must be filed at the same time as the  
5 reply.

6 5. The hearing on motions in limine will commence on April 17, 2020. By noon  
7 on April 14, 2020, moving counsel will provide the Court with a notebook including all motions,  
8 oppositions, joinders, replies and supporting documentation related to each motion in limine filed.

9 6. Following the Court's ruling at the hearing prevailing counsel will prepare an  
10 order specifically setting forth the evidentiary ruling.

### 11 C. Motions for other Pretrial Rulings

12 Any other motion for pretrial rulings must be filed by April 1, 2020 will follow a standard  
13 briefing schedule.

## 14 III. EXHIBITS

15 A. The Parties shall prepare a joint list of exhibits, based upon the exhibits used during  
16 any depositions and documents properly disclosed during discovery, which will be pre-marked with  
17 an identification number in the range of 1-999. The Parties will create a joint list of potential trial  
18 exhibits that may later be offered for admission at trial and create an electronic storage device for  
19 each party and the Court containing these exhibits. The proposed trial exhibit list will mirror the  
20 numbering of the deposition exhibits and any withdrawn deposition exhibit will have at the  
21 corresponding number a reference to either "reserved" or "withdrawn." Prior to providing such trial  
22 exhibits to the Court, the Parties will meet and identify exhibits that can be withdrawn or are  
23 duplicates. If all Parties agree a deposition exhibit can be eliminated, it will be removed from the  
24 preliminary trial exhibit list. If any party does not agree to eliminate a deposition exhibit, it will be  
25 marked as a proposed trial exhibit.

26 B. For non-joint exhibits, the Parties will utilize the range of exhibit numbers assigned  
27 to each party for identification of the exhibits. Each exhibit shall also bear the production number of  
28 the document or item that was used during discovery to ensure that it is a properly, previously

1 produced document or other identifier that can be appropriately cross-referenced by the Parties. If  
2 during the course of discovery a document was produced with an alphanumeric designation, the  
3 discovery alphanumeric designation will be included on the exhibit list. If a party intends to use a  
4 document as an exhibit at trial that was not given an alphanumeric designation (that all Parties were  
5 previously provided access to), and was not utilized as an exhibit to a Court filing, the designating  
6 party must identify the document in a manner that enables other parties to verify the prior  
7 production and/or disclosure of the document and to locate such document.

8 **C.** The numbering system shall differentiate between evidentiary trial exhibits and  
9 illustrative aids/demonstrative exhibits, with the illustrative aids/demonstrative exhibit identification  
10 number containing the letter D preceding the identification number.

11 **D.** All exhibits shall be listed on a form used by Department XI to record such evidence  
12 attached hereto as Exhibit "1."

13 **E.** After numbering the joint exhibits, non-joint trial exhibit number ranges will be  
14 utilized by each side (ranges of 1,000 exhibits to each side). The numbering convention to be used  
15 for trial exhibits will be strictly numeric. Each side shall designate a representative to eliminate  
16 duplicate exhibits for the Plaintiffs and the Defendants, respectively. Each side is assigned a range  
17 of exhibit numbers for their own exhibits.

18 **1.** Joint Proposed Exhibits (including deposition exhibits) 1-999

19 **2.** Proposed Non-Joint Exhibit Ranges for Each Side:

20 **a)** Plaintiffs 1,000-1,999.

21 **b)** Defendants 2,000-2,999.

22 If any additional party, indicates an intention to participate in the trial by filing and serving a notice  
23 with a courtesy copy delivered to the Court on or before the calendar call on April 14, 2020, the  
24 Court will make a determination as to additional ranges of exhibit numbers.

25 **F.** Each party must make its pre-trial disclosures under NRCP 16.1(a)(3) on or before  
26 April 6, 2020. Each party's pre-trial disclosure must contain a list of their own proposed trial  
27 exhibits in Excel format (including columns with the bates number, date, description, will call, and  
28 may call) that can be integrated into a single Joint Exhibit List, and providing a complete set of the

1 exhibits to all the other Parties on an electronic storage device.

2       **G.** Each party will designate a paralegal and/or attorney to work together to coordinate  
3 with HOLO on the production of the deposition exhibits and discovery documents to trial exhibits,  
4 coordinate in the preparation of the Joint Trial Exhibit List, and ensure the Parties are complying  
5 with the Court's requirements for marking exhibits for trial. The Parties' representative(s) should be  
6 designated by March 31, 2020 so they can begin discussing Court's requirements for marking  
7 exhibits and the Joint Exhibit List, and pricing and logistics with HOLO. The Parties' Joint Exhibit  
8 List shall be finalized on or before April 15, 2020.

9       **H.** All received exhibits shall be stored in the custody of the Court. Charts, summaries  
10 or calculations sought to be admitted into evidence under NRS 52.275, along with the originals of  
11 the voluminous documents or electronic information, shall be made available to other Parties at the  
12 calendar call prior to trial, or, if created during the course of trial, at least one (1) days prior to  
13 offering or using said chart, summary or calculation.

14       **I.** Enlargements of any exhibits sought to be used at trial, shall be handled in the same  
15 manner as other exhibits. Any exhibit may be enlarged and provided in a hard format if desired by a  
16 Party but must contain the proposed trial exhibit number for reference.

17       **J.** The proposed electronic exhibits shall be submitted in portable document format  
18 (.PDF).

19       **K.** Objections to each party's proposed pre-trial exhibits will be served pursuant to  
20 NRCP 16.1(a)(3)(B) on or before April 12, 2020 to facilitate the creation of the Joint Exhibit List.  
21 Counsel will be familiar with the basis for any objection made pursuant to NRCP 16.1(a)(3)(B) and  
22 shall address the objections at the final pretrial conference. Objections not disclosed in accordance  
23 with NRCP 16.1(a)(3), other than objections under NRS 48.025 and 48.035, shall be deemed waived  
24 unless excused by the court for good cause shown.

25       **L.** All exhibits proposed for use in trial will be cross referenced to exhibits sought to be  
26 introduced by all other parties and sides. Counsel shall eliminate duplicative exhibits.

27       **M.** All documents the Parties anticipate using at trial, but for rebuttal documents,  
28 impeachment documents, and documents related to unanticipated issues, will be disclosed prior to

1 the start of trial. Documents that are not identified in pre-trial disclosures will be handled on a case  
2 by case basis with the understanding that a party seeking to use any document that was not  
3 identified in pre-trial disclosures must show good cause.

4       **N.**       Certain documents and material, which the Parties shall have need to use and present  
5 to the Court, have been produced in this Action pursuant to the Confidentiality Agreement and  
6 Protective Order filed on December 20, 2019. Parties shall consult to redact, if appropriate, trial  
7 exhibits previously designated as confidential during discovery.

#### 8 **IV. FINAL PRETRIAL CONFERENCE**

9       **A.**       Pursuant to EDCR 2.67(a) counsel shall meet and discuss all issues required by the  
10 rule on or before April 10, 2020.

11       **B.**       In accordance with NRCP 16.1(a)(3)(B)(i), the parties shall designate their trial  
12 witnesses on or before April 3, 2020.

#### 13       **C.**       Designations of Depositions to be Used in Lieu of Live Testimony

14               **1.**       The Parties are discouraged from reading depositions at trial unless absolutely  
15 necessary.

16               **2.**       The Parties anticipate a number of depositions or prior testimony from the  
17 preliminary injunction hearing will be utilized at trial in lieu of live testimony due to the  
18 unavailability of the witness or for any other permitted reason under NRCP 32. In accordance with  
19 NRCP 16.1(a)(3)(A)(ii), the Parties will identify testimony to be provided via deposition or  
20 transcript and provide initial transcript designations on or before April 3, 2020. Any party wishing  
21 to make a counter-designation will do so on or before April 8, 2020. Any rebuttal deposition  
22 designations are to be made on or before April 10, 2020. Objections to any deposition designation,  
23 counter-designation, or rebuttal designation will be made on April 14, 2020.

24               **3.**       The Court will rule on any objections to the designations at the Final Pretrial  
25 Conference.

26               **4.**       The Parties recognize that there may be a need to alter and/or amend  
27 depositions designations based on testimony provided during trial. Accordingly, any changes to  
28 deposition designations must be provided to the Parties and the Court no less than one (1) judicial

1 day before the deposition testimony is intended to be presented at trial unless good cause is shown  
2 for the failure to do so. This procedure does not alter or change evidentiary limitations.

3           5. Any video deposition to be shown to the Court shall be edited to streamline  
4 the presentation of evidence. The Parties can present excerpts in the order approved by the Court at  
5 the Final Pretrial Conference. All portions of a video deposition used in lieu of live testimony  
6 presented during a certain phase will be shown together.

7           6. For impeachment or rebuttal purposes, advance notice of the portions of the  
8 deposition depicting inconsistent testimony is not required. Proposals for the presentation of  
9 deposition transcripts are still subject to evidentiary limitations.

10           7. To avoid delays during trial, counsel will notify the clerk of any depositions  
11 anticipated to be used prior to the start of the day's proceedings. Failure of counsel to do so may  
12 result in the Court refusing to permit counsel to utilize a particular deposition.

13           **D. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

14           1. At the commencement of each phase, counsel will file proposed findings of  
15 fact and conclusions of law pertaining to that portion of the trial.

16           E. Pursuant to EDCR 2.67(b), on or before 4:00 p.m. on April 13, 2020, counsel shall  
17 submit a joint pretrial memorandum executed by all counsel including all issues required by the rule.

18           **F. Final Pretrial Conference**

19           1. The Court will conduct the final pretrial conference on the date set at the  
20 April 14, 2020 calendar call.

21           2. Counsel are required to bring all items (except 3, 4, and 6) identified in  
22 EDCR 2.69(a) to the final pretrial conference and exchange all items identified in EDCR 2.69(a) by  
23 April 12, 2020.

24           3. Exhibits will be pre-admitted to the extent practicable at the Final Pretrial  
25 Conference. All documentary exhibits will be presented in electronic format in accordance with the  
26 proposed Administrative Order Regarding Electronic Exhibits for Trial. Photographic evidence may  
27 be presented in hard copy form but must also be submitted in electronic format. In accordance with  
28 EDCR 2.67, counsel shall meet, review, and discuss exhibits.

1           4. Any planned demonstrative exhibits including data summaries, compilations  
2 or exemplars anticipated to be used must be disclosed prior to the final Pre-Trial Conference.  
3 Pursuant to EDCR 2.68, at the final Pre-Trial Conference, counsel shall be prepared to stipulate or  
4 make specific objections to individual proposed exhibits. Any additional demonstrative exhibits that  
5 arise during trial shall be disclosed to all parties at least 24 hours in advance.

6           5. Any Power Point or computer animation anticipated to be used during the  
7 presentation of evidence to illustrate a witness's testimony must be disclosed two (2) days prior to  
8 the Final Pretrial Conference. At the time of the Final Pretrial Conference, the Court will rule on  
9 any objections to the Power Point or computer animation. An electronic version of the Power Point  
10 or computer animation must be presented to the Court at that time.

11           6. Unless impracticable to present evidence electronically, the Parties are  
12 required to use trial presentation software to electronically and simultaneously display evidence to  
13 everyone in the courtroom. The Parties will also be allowed to utilize traditional paper form  
14 presentation of evidence as long as the other provisions are satisfied, i.e., the paper form  
15 presentation of evidence has already been submitted electronically to the Court and other Parties, the  
16 hard copy bears the same identifiers as the electronic copy, and hard copy documents of such  
17 presentations are made available to the other Parties.

18           7. The Parties may hire an operator to provide, and upon the request of a party to  
19 operate, the trial presentation software to avoid the complications of different systems, different  
20 switching systems, and delays in presentation. All exhibits will be on one computer system with  
21 traditional designations of potential exhibits and admitted exhibits. Each party is required to use the  
22 software selected. A Party may contract with the provider for a person to operate the system during  
23 trial or may take on the responsibility of hiring and training a person to operate the system for that  
24 party during trial. Parties shall insure that non-admitted exhibits are blocked from viewing by the  
25 Court until the Court directs the non-admitted exhibit to be disclosed for the Court's view.

26           8. Prior to the commencement of each phase, the Court will rule on any  
27 objections to the deposition designations, counter-designations and editing of video deposition to be  
28 used in lieu of live testimony. Any use of depositions will require publication of the original

1 transcript prior to reading or playing portions of the deposition.

2 **V. TRIAL SCHEDULE**

3 **A. Days and Hours**

4 1. All trial participants shall be punctual and prepared to proceed on schedule.  
5 To minimize interruptions, attorneys may be permitted to enter and leave the courtroom discretely  
6 during the proceedings.

7 2. Court sessions will be held from 9:30 a.m. to 5:00 p.m., with a morning  
8 break, a lunch recess, and an afternoon break, four days a week, Tuesday through Friday, unless  
9 there is a recognized judicial holiday as set forth below. If an issue arises that must be addressed  
10 prior to the commencement of the next day of trial, counsel will notify all parties. Counsel will  
11 report at 9:00 a.m. to resolve any issues that need to be addressed before the presentation of  
12 evidence and testimony.

13 3. The Court will recess on the following dates:

14 a) Memorial Day: May 29, 2020

15 **B. Weekly Conferences During Trial**

16 1. To expedite the trial, it is advisable to devote the trial day to the uninterrupted  
17 presentation of evidence. To the extent possible, objections (other than to a question asked a  
18 witness), motions, and other matters that may interrupt the presentation of evidence, should  
19 generally be raised at a time set aside by the Court. To the extent possible, objections, motions and  
20 other matters that must be raised during the presentation of evidence shall be stated briefly.

21 2. Any issues to be addressed will be addressed on Friday sessions at 8:30 a.m.  
22 The Court will permit counsel to communicate to the Court to plan the week's proceedings and fix  
23 the order of witnesses and exhibits, avoiding surprises and ensuring that the Parties will not run out  
24 of witnesses. These Weekly Conferences will also be utilized to hear written motions, to resolve  
25 other issues and the Court may hear offers of proof and arguments accordingly in order to resolve  
26 the same.

27 **VI. CONDUCT OF TRIAL**

28 The trial will be conducted in Phases as defined by the Court. This Order will apply to each

1 individual phase.

2       **A.**     The use of trial briefs in this matter will be governed by EDCR Rule 7.27.

3       **B.**     Opening Statements

4           1.     Opening Statements, if any, shall commence on the first day of each phase.

5           2.     The group of parties seeking affirmative relief in that phase shall be time  
6 limited in Opening Statement to a total of three (3) hours. These parties shall agree among  
7 themselves on the split of the time. If no agreement is reached the Court will allocate the time  
8 among the group. No more than one attorney may address the Court during Opening Statement for  
9 each party or similarly represented group of parties.

10          3.     The group of parties participating in a phase not seeking affirmative relief in  
11 that phase shall be time limited in Opening Statement to a total of three (3) hours. These parties  
12 shall agree among themselves on the split of the time. If no agreement is reached the Court will  
13 allocate the time among the group. No more than one attorney per party group represented by a  
14 single team of counsel may address the Court during Opening Statement.

15          4.     The Parties shall be allowed to deliver their Opening Statements in the order  
16 of the presentation of the Parties' cases.

17          5.     During Opening Statements, the Parties will be permitted to utilize charts and  
18 other demonstrative aids not then in evidence; however, any such Power Points, charts or aids shall  
19 be provided to opposing counsel at least one (1) judicial day prior to commencement of the  
20 corresponding phase in order to allow any party to file any objection it may have to the same.

21       **C.**     Presentation of Evidence

22           1.     The Court, counsel and the witness shall be permitted to view a displayed  
23 non-admitted exhibit prior to its formal admission.

24           2.     Counsel shall advise the clerk prior to the commencement of the trial day of  
25 any deposition transcripts anticipated to be used for publication.

26           3.     Parties are encouraged to use trial aids such as glossaries, indexes, time lines,  
27 graphics, charts, diagrams, and computer animations to permit the Court a better opportunity to  
28 understand the evidence. To the extent practicable, the Parties shall endeavor to prepare joint



1 exhibits for glossaries, indexes, and time lines.

2           4. Each party shall electronically exchange lists of expected witnesses  
3 (including any depositions to be used in lieu of live testimony) who will be called to testify on one  
4 (1) day notice. This list shall estimate the length of direct examination for each witness. Any  
5 objections shall be made within one (1) judicial day of service of the disclosure. For impeachment  
6 or rebuttal purposes, advance notice of the portions of the deposition depicting inconsistent  
7 testimony is not required.

8           5. Counsel shall give one (1) week notice of their intent to call an adverse party  
9 or its employees to testify. If a party will not make an employee available to testify and that  
10 employee is beyond the Court's subpoena power, any party may offer that witness's deposition for  
11 any purpose, unless it appears that the absence of the witness was procured by the party offering the  
12 deposition. Use of any such deposition is subject to the disclosure requirements and any evidentiary  
13 limitations.

14           6. No more than one attorney per party group represented by a single team of  
15 counsel may examine a witness or make objection during the examination of the witness.

16           7. If, for any reason, a break in the proceedings of any phase of more than a  
17 week occurs, counsel for the Parties may make an interim statement to the Court prior to the  
18 resumption of the presentation of evidence. No more than one attorney per party may make an  
19 interim statement. Such interim statement may only be used to explain or summarize evidence and  
20 testimony already presented to the Court during that phase.

21           **D. Closing Arguments**

22           1. Counsel should be prepared to begin closing arguments immediately  
23 following the close of all evidence in the segment.

24           2. During Closing Arguments, the Parties will be permitted to utilize Power  
25 Point, charts and other demonstrative aids; however, any such charts or aids shall be provided to  
26 opposing counsel at least one (1) judicial days prior to Closing Argument in order to allow any party  
27 to file any objection it may have to the same. An electronic copy of the Power Point, charts and  
28 other demonstrative aids must be provided to the Court.

1           3.     The group of parties seeking affirmative relief in that phase shall be time  
2 limited in Closing Statement to a total of six (6) hours. These parties shall agree among themselves  
3 on the split of the time. If no agreement is reached the Court will allocate the time among the group.

4           4.     The group of parties participating in a phase not seeking affirmative relief in  
5 that phase shall be time limited in Opening Statement to a total of six (6) hours. These parties shall  
6 agree among themselves on the split of the time. If no agreement is reached the Court will allocate  
7 the time among the group. No more than one attorney per party group represented by a single team  
8 of counsel may address the Court during Closing Argument.

9           5.     Each party with affirmative claims, will have two opportunities to address the  
10 Court in closing arguments. Different attorneys may argue the first and second closing arguments  
11 for each per party group represented by a single team of counsel. The total time will not be  
12 increased.

## 13 **VII. Transcripts and Court Reporting**

14           A.     The Parties agree to utilize the Court's JAVs Court Recording System which will be  
15 the official record.

16           B.     The Parties agree to equally split the cost of expedited daily transcripts from the  
17 Official Court Recorder. Each party shall either commit or decline to receive expedited daily  
18 transcripts at the beginning of each Phase of the trial, and costs will be split equally among the  
19 Parties that choose to receive the expedited transcripts.

20           C.     Additionally, to facilitate the ability of the Parties to view questions, objections and  
21 testimony, the Parties agree to have the proceedings reported on a real-time basis. Each party shall  
22 either commit or decline access to real-time court reporting at the beginning of each Phase of the  
23 trial, and costs will be split equally among the Parties that choose to have real-time access.

24           D.     Should the Parties desire to have real time reporting during any phase of the trial, the  
25 parties are required to make their own arrangements with the real time court reporters. The details  
26 of any arrangements shall also be provided to the Official Court Recorder, at 702-671-4374. Each  
27 party will need to provide its own monitor, device or other equipment for real time reporting  
28 viewing.

1  
2 **VIII. PHASES**

3       The trial will be conducted in a series of phases presented to the same judge. The phases  
4 shall proceed seriatim, in the order set forth herein. Each phase may begin with an opening  
5 statement restricted to the issues to be litigated in that phase and may end with a closing statement.  
6 If all issues related to a particular phase have been resolved, the parties will proceed to the next  
7 phase with remaining issues.

8       **A. First Phase – Petition for Judicial Review**

9           1. Unless otherwise resolved on the briefing outlined above in Section II(A), the  
10 DH Flamingo Plaintiffs, Serenity Wellness Plaintiffs, ETW Plaintiffs, Nevada Wellness Center,  
11 LLC, MM Development Company, Inc., Livfree Wellness LLC and Compassionate Team of Las  
12 Vegas, LLC and any other Plaintiffs with such claims will present their affirmative claims related to  
13 their claims for Petition for Judicial Review.

14           **a)** The Plaintiffs will have one (1) day to present oral arguments based  
15 upon the administrative record, unless good cause is shown to extend the  
16 time.

17           **b)** The administrative record shall be filed by the DOT and include, with  
18 appropriate redactions, if necessary, of all records related to the applications  
19 and DOT's granting or denial of applications.

20           2. The DOT and Defendants will present their defenses and affirmative claims,  
21 if any, related to the Plaintiffs' claims for petition for judicial review.

22           **a)** The DOT and Defendants will have one (1) day to present arguments  
23 based on the administrative record against the petitions for judicial  
24 review, unless good cause is shown to extend the time.

25           3. The Plaintiffs will present their rebuttal on their affirmative claims.

26           **a)** The Plaintiffs will have one day (1) to present oral arguments based  
27 on the administrative record in rebuttal on its claims for judicial  
28 review, unless good cause is shown to extend the time.

1                   4.       The Court will deliberate, review the evidence, and render a decision on the  
2 claims raised in the First Phase.

3                   **B.**       Second Phase – Legality of the 2018 recreational marijuana application process  
4 (claims for Equal Protection, Due Process, Declaratory Relief, Intentional Interference with  
5 Prospective Economic Advantage, Intentional Interference with Contractual Relations, and  
6 Permanent Injunction)

7                   1.       The Serenity Wellness Plaintiffs, ETW Plaintiffs, Nevada Wellness Center,  
8 LLC, Qualcan, LLC and Compassionate Team of Las Vegas, LLC and any other Plaintiffs with such  
9 claims will present their affirmative claims related to legality of 2018 recreational marijuana  
10 application process, including their claims for equal protection, due process, declaratory relief, and  
11 permanent injunction.

12                           a)       The Plaintiffs will have six (6) weeks to present testimony and  
13 evidence on their affirmative claims, unless good cause is shown to  
14 extend the time.

15                   2.       The DOT and Defendants will present their defenses and affirmative claims,  
16 if any, related to the claims by the plaintiffs.

17                           a)       The DOT and Defendants will have six (6) weeks to present testimony  
18 and evidence their defenses and affirmative claims, if any, unless good cause  
19 is shown to extend the time.

20                   3.       The Plaintiffs will present their rebuttal on their affirmative claims.

21                           a)       The Plaintiffs will have one (1) week to present testimony and  
22 evidence in rebuttal on its affirmative claims, unless good cause is  
23 shown to extend the time.

24                   4.       The Court will deliberate, review the evidence, and render a decision on the  
25 claims raised in the Second Phase.

26                   **C.**       Third Phase – Writ of mandamus (Improper scoring of applications related to  
27 calculation errors on the 2018 recreational marijuana application).

28                   1.       MM Development Company, Inc. and Livfree Wellness LLC and any other

1 Plaintiffs with mandamus claims will present their affirmative claims related to their writ of  
2 mandamus claim based on the allegation of improper scoring of their applications due to calculation  
3 errors.

- 4                   a)     The Plaintiffs will have three (3) days to present testimony and  
5                             evidence their affirmative claims, unless good cause is shown to  
6                             extend the time.

7                   2.     The DOT and Defendants will present their defense and affirmative claims, if  
8 any, related to the claims by the MM Development Company, Inc. and Livfree Wellness LLC.

- 9                   a)     The DOT and Defendants will have one (1) day to present testimony  
10                            and evidence its defenses and affirmative claims, if any, unless good  
11                            cause is shown to extend the time.

12                  3.     The Plaintiffs will present their rebuttal on their affirmative claims.

- 13                  a)     The Plaintiffs will have one (1) day to present testimony and evidence  
14                            in rebuttal on its affirmative claims, unless good cause is shown to  
15                            extend the time.

16                  4.     The Court will deliberate, review the evidence, and render a decision on the  
17 claims raised in the Third Phase.

18                  **D.     Duplication of Testimony**

19                  In order to avoid duplication of testimony, if any party desires to use testimony from any  
20 phase in a subsequent phase, the party shall inform all parties and the Court of the testimony to be  
21 offered via transcript, cite the portions of the transcript to be used, and provide all parties and the  
22 Court a copy of the portions of transcript to be used at least three (3) judicial days before the  
23 beginning of the phase in which the testimony will be used in lieu of live testimony.

1 **II. MISCELLANEOUS ISSUES**

2 The Court may amend this Order upon good cause shown. Any party, upon application to  
3 the Court and a showing of good cause, may seek relief from the Court from any provision of this  
4 Order.

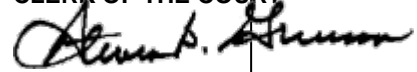
5 Dated this 13<sup>th</sup> day of March, 2020.

6  
7  
8   
9 Elizabeth Gonzalez, District Court Judge

10 **Certificate of Service**

11 I hereby certify that on the date filed, this Order was electronically served, pursuant to  
12 N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing  
13 Program.

14   
15 Dan Kutinac  
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*Attorney for Defendant/Respondent*  
*RURAL REMEDIES, LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

In Re: D.O.T. Litigation

Case No: A-19-787004-B  
Consolidated with: A-785818  
A-786357  
A-786962  
A-787035  
A-787540  
A-787726  
A-801416

Department No. XI

**DEFENDANT RURAL REMEDIES,  
LLC'S AMENDED COMPLAINT IN  
INTERVENTION, PETITION FOR  
JUDICIAL REVIEW OR WRIT OF  
MANDAMUS**

Arbitration Exemption Claimed:

- Involves Declaratory Relief
- Presents Significant Issue of Public Policy
- Involves Equitable or Extraordinary Relief

1 Plaintiff, RURAL REMEDIES, LLC, a Nevada limited liability company, by  
2 and through its attorney of record, CLARENCE E. GAMBLE, ESQ., of RAMOS  
3 LAW, LLC, hereby complains and alleges against Defendant STATE OF  
4 NEVADA DEPARTMENT OF TAXATION; DOES I through X; and ROE  
5 BUSINESS ENTITIES I through X, in their official and personal capacities, as  
6 follows:  
7

### 8 **I. PARTIES**

- 9  
10 1. Plaintiff RURAL REMEDIES, LLC, was and is a Nevada limited liability  
11 company and does business throughout the State of Nevada. Plaintiff  
12 RURAL REMEDIES, LLC's members and managers are of Latino descent  
13 and are a member of a protected class.
- 14  
15 2. Defendant STATE OF NEVADA DEPARTMENT OF TAXATION ("DOT") is  
16 an agency of the State of Nevada. DOT is responsible for licensing and  
17 regulating retail marijuana business in Nevada through its Marijuana  
18 Enforcement Division.
- 19  
20 3. Defendant JORGE PUPO, at all material times mentioned herein, was the  
21 Deputy Executive Director, Department of Taxation, Marijuana  
22 Enforcement Division and it was his responsibility to implement Nevada  
23 law in the award of recreational licenses as more fully described below.
- 24  
25 4. The following Defendants all applied for recreational marijuana licenses  
26 and are being named in accordance with the Nevada Administrative  
27 Procedure Act: D.H. FLAMINGO, INC., d/b/a THE APOTHECARY



1 SHOPPE, a Nevada corporation; CLARK NATURAL MEDICINAL  
2 SOLUTIONS LLC, d/b/a NuVEDA, a Nevada limited liability company;  
3 NYE NATURAL MEDICINAL SOLUTIONS LLC, d/b/a. NUVEDA, a  
4 Nevada limited liability company; CLARK NMSD LLC, d/b/a NuVEDA,  
5 a Nevada limited liability company; INYO FINE CANNABIS  
6 DISPENSARY L.L.C., d/b/a INYO FINE CANNABIS DISPENSARY, a  
7 Nevada limited liability company; and. SURTERRA HOLDINGS. INC.,  
8 a Delaware corporation; STATE EX REL. DEPARTMENT OF TAXATION;  
9 STATE EX REL. NEVADA TAX COMMISSION; 3AP INC., a Nevada  
10 limited liability company; 5SEAT INVESTMENTS LLC, a Nevada limited  
11 liability company; ACRES DISPENSARY LLC, a Nevada limited liability  
12 company; ACRES MEDICAL LLC, a Nevada limited liability company;  
13 AGUA STREET LLC, a Nevada limited liability company; ALTERNATIVE  
14 MEDICINE ASSOCIATION LC, a Nevada limited liability company;  
15 BIONEVA INNOVATIONS OF CARSON CITY LLC, a Nevada limited  
16 liability company; BLOSSUM GROUP LLC, a Nevada limited liability  
17 company; BLUE COYOTE RANCH LLC, a Nevada limited liability  
18 company; CARSON CITY AGENCY SOLUTIONS L.L.C., a Nevada  
19 limited liability company; CHEYENNE MEDICAL, LLC, a Nevada  
20 limited liability company; CIRCLE S FARMS LLC, a Nevada limited  
21 liability company; CLEAR RIVER, LLC, a Nevada limited liability  
22 company; CN LICENSECO Inc., a Nevada corporation; COMMERCE

1 PARK MEDICAL L.L.C., a Nevada limited liability company;  
2 COMPASSIONATE TEAM OF LAS VEGAS LLC , a Nevada limited  
3 liability company; CWNEVADA, LLC, a Nevada limited liability  
4 company; D LUX LLC, a Nevada limited liability company; DEEP  
5 ROOTS MEDICAL LLC, a Nevada limited liability company;  
6 DIVERSIFIED MODALITIES MARKETING LTD., a Nevada limited  
7 liability company; DP HOLDINGS, INC., a Nevada corporation;  
8 ECONEVADA LLC, a Nevada limited liability company; ESSENCE  
9 HENDERSON, LLC, a Nevada limited liability company; ESSENCE  
10 TROPICANA, LLC, a Nevada limited liability company; ETW  
11 MANAGEMENT GROUP LLC, a Nevada limited liability company;  
12 EUPHORIA. WELLNESS LLC, a Nevada limited liability company;  
13 EUREKA NEWGEN FARMS LLC, a Nevada limited liability company;  
14 FIDELIS HOLDINGS, LLC., a Nevada limited liability company;  
15 FOREVER GREEN, LLC, a Nevada limited liability company;  
16 FRANKLIN BIOSCIENCE NV LLC, a Nevada limited liability company;  
17 FSWFL, LLC, a Nevada limited liability company; GB SCIENCES  
18 NEVADA LLC, a Nevada limited liability company; GBS NEVADA  
19 PARTNERS, LLC, a Nevada limited liability company; GFIVE  
20 CULTIVATION LLC, a Nevada limited liability company; GLOBAL  
21 HARMONY LLC, a Nevada limited liability company; GOOD  
22 CHEMISTRY NEVADA, LLC, a Nevada limited liability company;  
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1 GRAVITAS HENDERSON L.L.C., a Nevada limited liability company;  
2 GRAVITAS NEVADA LTD., a Nevada limited liability company; GREEN  
3 LEAF FARMS HOLDINGS LLC, a Nevada limited liability company;  
4 GREEN LIFE PRODUCTIONS LLC, a Nevada limited liability company;  
5 GREEN THERAPEUTICS LLC, a Nevada limited liability company;  
6 GREENLEAF WELLNESS, INC., a Nevada corporation; GREENMART  
7 OF NEVADA NLV, LLC, a Nevada limited liability company;  
8 GREENPOINT NEVADA INC., a Nevada corporation; GREENSCAPE  
9 PRODUCTIONS LLC, a Nevada limited liability company; GREENWAY  
10 HEALTH COMMUNITY L.L.C., a Nevada limited liability company;  
11 GREENWAY. MEDICAL LLC, a Nevada limited liability company; GTI  
12 NEVADA, LLC, a Nevada limited liability company; H & K GROWERS  
13 CORP., a Nevada corporation; HARVEST OF NEVADA LLC; a Nevada  
14 limited liability company; HEALTHCARE OPTIONS FOR PATIENTS  
15 ENTERPRISES, LLC, a Nevada limited liability company; HELIOS NV  
16 LLC; a Nevada limited liability company; HELPING HANDS WELLNESS  
17 CENTER, INC., a Nevada corporation; HERBAL CHOICE INC., a  
18 Nevada corporation; HIGH SIERRA CULTIVATION LLC, a Nevada  
19 limited liability company; HIGH SIERRA HOLISTICS LLC, a Nevada  
20 limited liability company; INTERNATIONAL SERVICE AND  
21 REBUILDING, INC., a domestic corporation; JUST QUALITY, LLC, a  
22 Nevada limited liability company; KINDIBLES LLC, a Nevada limited  
23  
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1 liability company; LAS VEGAS WELLNESS AND COMPASSION LLC; a  
2 Nevada limited liability company; LIBRA WELLNESS CENTER, LLC, a  
3 Nevada limited liability company; LIVFREE WELLNESS LLC, a Nevada  
4 limited liability company; LNP, LLC, a Nevada limited liability  
5 company; LONE MOUNTAIN PARTNERS, LLC, a Nevada limited  
6 liability company; LUFF ENTERPRISES NV, INC., a Nevada  
7 corporation; LVMC C&P LLC, a Nevada limited liability company;  
8 MALANA LV L.L.C., a Nevada limited liability, company; MATRIX NV,  
9 LLC, a Nevada limited liability company; MEDIFARM IV, LLC, a Nevada  
10 limited liability company; MILLER FARMS, LLC, a Nevada limited  
11 liability company; MM DEVELOPMENT COMPANY, INC., a Nevada  
12 corporation; MM R & D, LLC, a Nevada limited liability company;  
13 MMNV2 HOLDINGS I, LLC, a Nevada limited liability company; MM OF  
14 VEGAS RETAIL, INC. a Nevada corporation; NATURAL MEDICINE  
15 L.L.C., a Nevada limited liability company; NCMM, LLC, a Nevada  
16 limited liability company; NEVADA BOTANICAL SCIENCE, INC., a  
17 Nevada corporation; NEVADA GROUP WELLNESS LLC, a Nevada  
18 limited liability company; NEVADA HOLISTIC MEDICINE LLC, a  
19 Nevada limited liability company; NEVADA MEDICAL GROUP LLC, a  
20 Nevada limited liability company; NEVADA ORGANIC REMEDIES LLC,  
21 a Nevada limited liability company; NEVADA WELLNESS CENTER  
22 LLC, a Nevada limited liability company; NEVADAPURE, LLC, a Nevada

1 limited liability company; NEVCANN LLC, a Nevada limited liability  
2 company; NLV WELLNESS LLC, a Nevada limited liability company;  
3 NLVG, LLC, a Nevada limited liability company; NULEAF INCLINE  
4 DISPENSARY LLC, a Nevada limited liability company; NV 3480  
5 PARTNERS LLC, a Nevada limited liability company; NV GREEN INC.,  
6 a Nevada corporation; NYE FARM TECH LTD., a Nevada limited  
7 liability company; PARADISE WELLNESS CENTER LLC, a Nevada  
8 limited liability company; PHENOFARM NV LLC, a Nevada limited  
9 liability company; PHYSIS ONE LLC, a Nevada limited liability  
10 company; POLARIS WELLNESS CENTER L.L.C., a Nevada limited  
11 liability company; PURE TONIC CONCENTRATES LLC, a Nevada  
12 limited liability company; QUALCAN L.L.C., a Nevada limited liability  
13 company; RED EARTH, LLC, a Nevada limited liability company;  
14 RELEAF CULTIVATION, LLC, a Nevada limited liability company, RG  
15 HIGHLAND ENTERPRISES INC., a Nevada corporation; ROMBOUGH  
16 REAL ESTATE INC., a Nevada corporation; RURAL REMEDIES LLC, a  
17 Nevada limited liability company; SERENITY WELLNESS CENTER  
18 LLC, a Nevada limited liability company; SILVER SAGE WELLNESS  
19 LLC, a Nevada limited liability company; SOLACE ENTERPRISES, LLP,  
20 a Nevada limited-liability limited partnership; SOUTHERN NEVADA  
21 GROWERS, LLC, a Nevada limited liability company; STRIVE  
22 WELLNESS OF NEVADA, LLC, a Nevada limited liability company;  
23  
24  
25  
26  
27  
28

1 SWEET GOLDY LLC, a Nevada limited liability company; TGIG, LLC, a  
2 Nevada limited liability company; THC NEVADA LLC, a Nevada limited  
3 liability company; THE HARVEST FOUNDATION LLC, a Nevada limited  
4 liability company; THOMPSON FARM ONE L.L.C., a Nevada limited  
5 liability company; TRNVP098 LLC, a Nevada limited liability company;  
6 TRYKE COMPANIES RENO, LLC, a Nevada limited liability company;  
7 TRYKE COMPANIES SO NV, LLC, a Nevada limited liability company;  
8 TWELVE TWELVE LLC, a Nevada limited liability company; VEGAS  
9 VALLEY GROWERS LLC, a Nevada limited. liability company;  
10 WAVESEER OF NEVADA, LLC, a Nevada limited liability company;  
11 WELLNESS & CAREGIVERS OF NEVADA NLV, LLC, a Nevada limited  
12 liability company; WELLNESS CONNECTION OF NEVADA, LLC, a  
13 Nevada limited liability company; WENDOVERA LLC, a Nevada limited  
14 liability company; WEST COAST DEVELOPMENT NEVADA, LLC, a  
15 Nevada limited liability company; WSCC, INC., a Nevada corporation;  
16 YMY VENTURES LLC, a Nevada limited liability company; ZION  
17 GARDENS LLC, a Nevada limited liability company.

- 22 5. The true names of DOES I and X and ROE BUSINESS ENTITIES I  
23 through X, their citizenship and capacities, where individual, corporate,  
24 associate, partnership or otherwise, are unknown to Plaintiff, who  
25 therefore alleges that each of the unknown DOE and ROE Defendants  
26 are legally responsible for the events referred in this action, and caused  
27

1 damages to Plaintiff. Plaintiff will seek leave of this Court to amend the  
2 Complaint to insert the true names and capacities of these unknown  
3 Defendants when the same has been ascertained.  
4

## 5 **II. JURISDICTION AND VENUE**

- 6 6. Jurisdiction is proper in this Court pursuant to the Nevada  
7 Constitution, Article 6, Section 6, NEA 4.370(2), NRS 30, and because  
8 the acts and omissions complained of herein occurred and caused harm  
9 throughout the State of Nevada, specifically in Clark County, Nevada.  
10 Further, the amount in controversy exceeds \$15,000.00.  
11  
12 7. Venue is proper pursuant to NRS 13.020.

## 13 **III. GENERAL ALLEGATIONS**

### 14 **A. The Marijuana Legislation and Regulations**

- 15  
16 8. NRS Chapter 453D and NAC 453D are the statutory guidelines for  
17 legalized recreational marijuana in the State of Nevada. These statutes  
18 are incorporated herein by reference.  
19  
20 9. The Nevada Constitution, Article 19, Section 2 allows Nevada voters to  
21 amend Nevada's Constitution or enact legislation through the initiative  
22 process and precludes amendment or modification of a voter-initiated  
23 law for three years.  
24  
25 10. In 2016, the initiative for the legalization of recreational marijuana was  
26 presented to Nevada voters by way of Ballot Question 2 ("BQ2"), known  
27  
28

1 as the "Regulation and Taxation of Marijuana Act", which proposed an  
2 amendment of the Nevada Revised Statutes as follows:

3 Shall the Nevada Revised Statutes be amended to allow a  
4 person, 21 years old or older, to purchase, cultivate, possess,  
5 or consume a certain amount of marijuana or concentrated  
6 marijuana, as well as manufacture, possess, use, transport,  
7 purchase, distribute, or sell marijuana paraphernalia; impose  
8 a 15 percent excise tax on wholesale sales of marijuana;  
9 require the regulation and licensing of marijuana cultivators,  
10 testing facilities, distributors, suppliers, and retailers; and  
11 provide for certain criminal penalties.

12 11. BQ2 was enacted by the Nevada Legislature and is codified at NRS 453D.

13 12. NRS 453D.020 (findings and declarations) provides:

- 14 1. In the interest of public health and public safety, and in order  
15 to better focus state and local law enforcement resources on  
16 crimes involving violence and personal property, the People  
17 of the State of Nevada find and declare that the use of  
18 marijuana should be legal for persons 21 years of age or older,  
19 and its cultivation and sale should be regulated similar to  
20 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  
23 domain of criminals and be regulated under a controlled  
24 system, where businesses will be taxed and the revenue will  
25 be dedicated to public education and the enforcement of the  
26 regulations of this chapter.
- 27 3. The People of the State of Nevada proclaim that marijuana  
28 should be regulated in a manner similar to alcohol so that:
  - (a) Marijuana may only be purchased from a business that is  
licensed by the State of Nevada;
  - (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;



- (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.

13. 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;
  - (c) Requirements for the security of marijuana establishments;
  - (d) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21 years of age;
  - (e) Requirements for the packaging of marijuana and marijuana products, including requirements for child-resistant packaging;
  - (f) Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana establishments including a numerical indication of potency based on the ratio of THC to the weight of a product intended for oral consumption;
  - (g) Requirements for record keeping by marijuana establishments;
  - (h) Reasonable restrictions on signage, marketing, display, and advertising;

(i) Procedures for the collection of taxes, fees, and penalties imposed by this chapter;

(j) Procedures and requirements to enable the transfer of a license for a marijuana establishment to another qualified person and to enable a licensee to move the location of its establishment to another suitable location;

(k) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and marijuana establishments at the same location;

(l) Procedures to establish the fair market value at wholesale of marijuana; and

(m) Civil penalties for the failure to comply with any regulation adopted pursuant to this section or for any violation of the provisions of NRS 453D.300.

2. The Department ***shall approve or deny*** applications for licenses pursuant to NRS 453D.210. (emphasis added).

14. NRS 453D.200(6) ***mandates*** the DOT to "conduct a background check of each prospective owner, officer, and board member of a marijuana establishment license applicant."

15. NRS 453D.205 provides as follows:

1. When conducting a background check pursuant to subsection 6 of NRS 453D.200, the Department may require each prospective owner, officer and board member of a marijuana establishment license applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. When determining the criminal history of a person pursuant to paragraph (c) of subsection 1 of NRS 453D.300, a marijuana establishment may require the person to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for

1 Nevada Records of Criminal History for submission to the Federal  
2 Bureau of Investigation for its report.

3  
4 16. NRS 453D.210 (Acceptance of applications for licensing; priority in  
5 licensing; conditions for approval of application; limitations on issuance  
6 of licenses to retail marijuana stores; competing applications), provides  
7 in pertinent part:

8 4. Upon receipt of a ***complete marijuana establishment***  
9 ***license application***, the ***Department shall, within 90***  
10 ***days***:

11 (a) Issue the appropriate license if the license application  
is approved.

12 5. The Department ***shall approve*** a license application if:

13 (a) The prospective marijuana establishment has  
14 submitted an application in compliance with regulations  
15 adopted by the Department and the application fee  
16 required pursuant to [NRS 453D.230](#);

17 (b) The physical address where the proposed marijuana  
18 establishment will operate is owned by the applicant or  
19 the applicant has the written permission of the property  
20 owner to operate the proposed marijuana establishment  
21 on that property;

22 (c) The property is not located within:

23 (1) One thousand feet of a public or private school  
24 that provides formal education traditionally associated  
25 with preschool or kindergarten through grade 12 and that  
26 existed on the date on which the application for the  
27 proposed marijuana establishment was submitted to the  
28 Department;

(2) Three hundred feet of a community facility that  
existed on the date on which the application for the  
proposed marijuana establishment was submitted to the  
Department; or

(3) If the proposed marijuana establishment will be  
located in a county whose population is 100,000 or more,  
1,500 feet of an establishment that holds a nonrestricted  
gaming license described in subsection 1 or 2 of [NRS](#)  
[463.0177](#) and that existed on the date on which the

1 application for the proposed marijuana establishment  
2 was submitted to the Department;

3 (d) The proposed marijuana establishment is a proposed  
4 retail marijuana store and there are not more than:

5 (1) Eighty licenses already issued in a county with a  
6 population greater than 700,000;

7 (2) Twenty licenses already issued in a county with  
8 a population that is less than 700,000 but more than  
9 100,000;

10 (3) Four licenses already issued in a county with a  
11 population that is less than 100,000 but more than  
12 55,000;

13 (4) Two licenses already issued in a county with a  
14 population that is less than 55,000;

15 (5) Upon request of a county government, the  
16 Department may issue retail marijuana store licenses in  
17 that county in addition to the number otherwise allowed  
18 pursuant to this paragraph;

19 (e) The locality in which the proposed marijuana  
20 establishment will be located does not affirm to the  
21 Department that the proposed marijuana establishment  
22 will be in violation of zoning or land use rules adopted by  
23 the locality; and

24 (f) The persons who are proposed to be owners, officers,  
25 or board members of the proposed marijuana  
26 establishment:

27 (1) Have not been convicted of an excluded felony  
28 offense; and

(2) Have not served as an owner, officer, or board  
member for a medical marijuana establishment or a  
marijuana establishment that has had its registration  
certificate or license revoked.

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).

17. On November 8, 2016, by Executive Order 2017-02, Governor Brian  
Sandoval established a Task Force composed of 19 members to offer

1 suggestions and proposals for legislative, regulatory, and executive  
2 actions to be taken in implementing BQ2.

3  
4 18. The Task Force recommended that "the qualifications for licensure of a  
5 marijuana establishment and the impartial numerically scored bidding  
6 process for retail marijuana stores be maintained as in the medical  
7 marijuana program except for a change in how local jurisdictions  
8 participate in selection of locations."

9  
10 19. During the 2017 legislative session, Assembly Bill 422 transferred  
11 responsibility for the registration, licensing and regulation of marijuana  
12 establishments to the DOT.

13 20. On February 27, 2018, the DOT adopted regulations governing the  
14 issuance, suspension, or revocation of retail recreational marijuana  
15 licenses, which were codified in NAC 453D (the "Regulations").

16  
17 21. The Regulations for licensing were to be "directly and demonstrably  
18 related to the operation of a marijuana establishment." NRS  
19 453D.200(1)(b).

20  
21 22. NRS 453D.200(1) provides, in part, "[t]he regulations must not prohibit  
22 the operation of marijuana establishments, either expressly or through  
23 regulations that make their operation unreasonably impracticable."

24 23. The limitation of "unreasonably impracticable" in NRS 453D.200(1)  
25 applies to the Regulations adopted by the DOT, not the mandatory  
26 language of BQ2.  
27

1 24. According to an August 16, 2018 letter from the DOT, pursuant to  
2 Section 80(3) of Adopted Regulation of the Department of Taxation, LCB  
3 File No. R092-17 ("R092-17"), the DOT was responsible for allocating the  
4 licenses of recreational marijuana stores "to jurisdictions within each  
5 county and to the unincorporated area of the county proportionally  
6 based on the population of each jurisdiction and of the unincorporated  
7 area of the county."  
8

9  
10 **B. The Licensing Applications**

11 25. The DOT issued a notice for an application period wherein the DOT  
12 sought applications from qualified applicants to award sixty-four (64)  
13 recreational marijuana retail store licenses throughout various  
14 jurisdictions in Nevada.  
15

16 26. The DOT posted the license application on its website and released the  
17 application for recreational marijuana establishment licenses on July 6,  
18 2018, which required disclosure of an actual physical address for each  
19 establishment.  
20

21 27. The DOT published a revised license application on July 30, 2018  
22 eliminating the physical address requirement, which was not publicly  
23 available and was only disseminated to some but not all of the applicants  
24 via a DOT listserv.  
25

26 28. The application period for retail recreational marijuana licenses ran from  
27 September 7, 2018 through September 20, 2018.  
28

1 29. As of September 20, 2018, the DOT received a total of 462 applications.

2 30. When competing applications for licenses were submitted, the DOT was  
3 required to use "an impartial and numerically scored competitive bidding  
4 process" to determine successful license applicants. NRS 453D.210(6).

5  
6 31. Under NAC 453D.272(1), when the DOT received more than one  
7 "**complete**" application **in compliance with the Regulations and NRS**  
8 **453D**, the DOT was required to "rank the applications... in order from  
9 first to last based on the compliance with the provisions of [NAC 453D]  
10 and [NRS 453D] and on the content of the applications relating to..."  
11 several enumerated factors.

12  
13 32. The factors set forth in NAC 453D.272(1) used to rank competing  
14 applications (collectively, the "Factors") are:

15  
16 a. Whether the owners, officers or board members have  
17 experience operating another kind of business that has given  
18 them experience which is applicable to the operation of a  
19 marijuana establishment;

20  
21 b. The diversity of the owners, officers or board members of  
22 the proposed marijuana establishment;

23  
24 c. The educational achievements of the owners, officers or  
25 board members of the proposed marijuana establishment;

26  
27 d. The financial plan and resources of the applicant, both  
28 liquid and illiquid;

e. Whether the applicant has an adequate integrated plan for  
the care, quality and safekeeping of marijuana from seed to sale;

f. The amount of taxes paid and other beneficial financial  
contributions, including, without limitation, civic or  
philanthropic involvement with this State or its political

1 subdivisions, by the applicant or the owners, officers or board  
2 members of the proposed marijuana establishment;

3 g. Whether the owners, officers or board members of the  
4 proposed marijuana establishment have direct experience with  
5 the operation of a medical marijuana establishment or marijuana  
6 establishment in this State and have demonstrated a record of  
7 operating such an establishment in compliance with the laws and  
8 regulations of this State for an adequate period of time to  
9 demonstrate success;

10 h. The experience of key personnel that the applicant intends  
11 to employ in operating the type of marijuana establishment for  
12 which the applicant seeks a license; and

13 i. Any other criteria that the Department determines to  
14 be relevant.

15 33. NAC 453D.255, enacted by Defendant DOT in contravention of NRS  
16 Chapter 453D and implemented by Defendant PUPO and his  
17 subordinates, provides as follows:

18 1. Except as otherwise required in subsection 2, the  
19 requirements of this chapter concerning owners of marijuana  
20 establishments only apply to a person with an aggregate  
21 ownership interest of 5 percent or more in a marijuana  
22 establishment.

23 2. If, in the judgment of the Department, the public interest  
24 will be served by requiring any owner with an ownership interest  
25 of less than 5 percent in a marijuana establishment to comply  
26 with any provisions of this chapter concerning owners of  
27 marijuana establishments, the Department will notify that owner  
28 and he or she must comply with those provisions.

34. Defendant DOT also enacted NAC 453D.258, NAC 453D.260, NAC  
453D.265, NAC 453D.268 and NAC 453D.272. These administrated



1 codes enforced by Defendant PUPO and his subordinates established the  
2 procedures for recreational application process, fees to be charged for  
3 applying, fees to be charged for applying if the applicant holds a medical  
4 marijuana establishment registration certificate, and the ranking of  
5 applications if the Defendant D.O.T. received more than one application  
6 for a retail marijuana license.  
7

8 35. The application published by the DOT described how applications were  
9 to be scored, dividing scoring criteria into identified criteria and non-  
10 identified criteria.  
11

12 36. The application provided that "[**applications that have not**  
13 **demonstrated a sufficient response related to the criteria set forth**  
14 **above will not have additional [unspecified, unpublished] criteria**  
15 **considered in determining whether to issue a license and will not**  
16 **move forward win the application process.**" (emphasis added).  
17

18 37. NAC 453D.272(1) required the DOT to determine that an application is  
19 "complete and in compliance" with the provisions of NAC 453D in order  
20 to properly apply the licensing criteria set forth therein and the  
21 provisions of BQ2 and NRS 453D.  
22

23 38. No later than December 5, 2018, the DOT was responsible for issuing  
24 conditional licenses to those applicants who score and rank high enough  
25 in each jurisdiction to be awarded one of the allocated licenses in  
26  
27  
28

1 accordance with the impartial bidding process mandated by NRS  
2 453D.210.

- 3  
4 39. The DOT identified, hired, and trained eight individuals as temporary  
5 employees to grade the applications in accordance with the provisions of  
6 BQ2 and NRS 453D.

7 **C. Plaintiff's Application**

- 8 41. Plaintiff submitted applications to the DOT for a conditional licenses to  
9 own and operate recreational marijuana retail stores in compliance with  
10 the specified, published requirements of DOT regulations together with  
11 the required application fee in accordance with NRS 453D.210.

- 12  
13 42. Plaintiff's applications identified each prospective owner, officer, and  
14 board member for background check pursuant to NRS 453D.200(6).

- 15  
16 43. Plaintiff secured and identified in its application addresses for each and  
17 every proposed recreational marijuana establishment it intended to  
18 operate.

- 19 44. Plaintiff was informed by letter from the DOT that its applications to  
20 operate recreational marijuana retail stores was denied "because it did  
21 not achieve a score high enough to receive an available license."

- 22  
23 45. On May 24, 2019, the Honorable Elizabeth Gonzales conducted an  
24 evidentiary hearing concerning a motion for preliminary injunction  
25 sought by a group of unsuccessful applicants for retail marijuana  
26 licenses in Nevada against Defendant D.O.T. The hearing concluded on  
27

1 August 16, 2019. Thereafter, Judge Gonzales issued her findings of fact,  
2 conclusions of law granting preliminary injunction. See Findings of Fact  
3 and Conclusions of Law Granting Preliminary Injunction, filed August 23,  
4 2019, Clark County District Court Case No. A-19-786962-B. Among her  
5 findings, Judge Gonzales found that the DOT undertook no effort to  
6 determine if the applications were in fact “complete and in compliance.”  
7 Id., par. 37.  
8

9  
10 46. Judge Gonzales also found that the DOT departed from the mandatory  
11 language of NRS 453D.200(6) requiring “a background check of each  
12 prospective owner, officer, and board member of a marijuana  
13 establishment license applicant” and made no attempt in the application  
14 process to verify that the applicant’s complied with the mandatory  
15 language of the BQ2 or even the impermissibly modified language.” Id.,  
16 par. 41.  
17

18 47. The DOT improperly issued conditional licenses to applicants who did  
19 not disclose in their application an actual physical address for proposed  
20 retail recreational marijuana establishment.  
21

22 48. Upon information and belief, the DOT’s denial of Plaintiff’s licenses  
23 applications was not properly based upon actual implementation of the  
24 impartial and objective bidding process mandated by NRS 453D.210, but  
25 was based upon arbitrary and capricious exercise of administrative  
26  
27  
28

1 partiality and favoritism that was the policy and routine of the DOT as  
2 promulgated by Defendant PUPO and others in the DOT hierarchy.

3 49. Upon information and belief, the temporary employees hired by the DOT  
4 were inadequately and improperly trained regarding the scoring process,  
5 leading to an arbitrary scoring process in contravention of Nevada law.  
6

7 50. Upon information and belief, the DOT undertook no effort to determine  
8 whether applications were in fact “complete and in compliance.”  
9

10 51. By revising the application on July 30, 2018 and selectively eliminating  
11 the requirement to disclose an actual physical address for each proposed  
12 retail recreational marijuana establishment, the DOT limited the ability  
13 of the temporary employees to adequately assess graded criteria such as  
14 (i) prohibited proximity to schools and certain other public facilities, (ii)  
15 impact on the community, (iii) security, (iv) building plans and (v) other  
16 material considerations prescribed by the regulations.  
17

18 52. The DOT's scoring process was impacted by its selective elimination of  
19 the requirement to disclose an actual physical address for each proposed  
20 retail recreational marijuana establishment, resulting in incomplete  
21 applications being considered and awarding of conditional licenses.  
22

23 53. Upon information and belief, the DOT selectively discussed with  
24 applicants or their agents the modification of the application related to  
25 physical address information,  
26  
27  
28

- 1 54. Upon information and belief, the DOT undertook no effort to verify  
2 owners, officers or board members in evaluating whether an application  
3 was "complete and in compliance."  
4
- 5 55. Upon information and belief, if an applicant's disclosure in its application  
6 of its owners, officers, and board members did not match the DOT's  
7 records, the DOT permitted the grading, and in some cases, awarded a  
8 conditional license.  
9
- 10 56. Upon information and belief, the DOT departed from the mandatory  
11 requirements of NRS 453D.200(6), which provides that "[t]he DOT shall  
12 conduct a background check of each prospective owner, officer, and  
13 board member of a marijuana establishment license application," by  
14 adopting NAC 453D.255(1), which only required information on the  
15 application from persons "with an aggregate ownership interest of 5  
16 percent or more in a marijuana establishment."  
17
- 18 57. The DOT's determination that only owners of a 5% or greater interest in  
19 the business were required to submit information on the application was  
20 an impermissible regulatory modification of BQ2 and violated Article 19,  
21 Section 3 of the Nevada Constitution.  
22
- 23 58. The adoption of NAC 453D.255(1) as it applied to the marijuana  
24 establishment license application process was an unconstitutional  
25 modification of BQ2.  
26  
27  
28

- 1 59. The failure of the DOT to carry out the mandatory provisions of NRS  
2 53D.200(6), which required the DOT to conduct a background check of  
3 each prospective owner, officer, and board member of a marijuana  
4 establishment license applicant, is fatal to the application process and  
5 impedes an important public safety goal in BQ2.  
6
- 7 60. By adopting regulations in violation of BQ2's mandatory application  
8 requirements, the DOT violated Article 19, Section 2(3) of the Nevada  
9 Constitution.  
10
- 11 61. The DOT disregarded the voters' mandate in BQ2 when it decided the  
12 requirement that each prospective owner be subject to a background  
13 check was too difficult for implementation by industry. This decision was  
14 a violation of the Nevada Constitution, arbitrary and capricious.  
15
- 16 62. The DOT did not comply with BQ2 by requiring applicants to provide  
17 information for each prospective owner, officer and board member or  
18 verify ownership of applicants who applying for retail recreational  
19 marijuana licenses.  
20
- 21 63. The DOT's inclusion of the diversity category in the factors was  
22 implemented in a way that created a process which was subject to  
23 manipulation by applicants.  
24
- 25 64. The DOT's scoring process was impacted by personal relationships in  
26 decisions related to the requirements of the application and the  
27 ownership structures of competing applicants.  
28

1 65. Due to the DOT's violations of BQ2, Plaintiff was unconstitutionally  
2 denied recreational marijuana licenses.

3 66. The DOT's constitutional violations and refusal to issue conditional  
4 licenses to Plaintiff resulted in irreparable harm to Plaintiff.  
5

6 **IV. CLAIMS FOR RELIEF**

7 **FIRST CLAIM FOR RELIEF**  
8 **(Declaratory Relief)**

9  
10 67. Plaintiff repeats and re-alleges all prior paragraphs as though fully set  
11 forth herein.

12 68. A justiciable controversy exists that warrants a declaratory judgment  
13 pursuant to Nevada's Uniform Declaratory Judgments Act, NRS 30.010  
14 to 30.160, inclusive.  
15

16 69. Plaintiff and Defendant have adverse and/or competing interests as the  
17 DOT, through its Marijuana Enforcement Division, has denied the  
18 application that violates Plaintiff's Constitutional Rights, Nevada law,  
19 and State policy.  
20

21 70. The DOT's refusal to issue Plaintiff a conditional license affects Plaintiff's  
22 rights afforded by NRS 453D, NAC 453D, R092-17, and other Nevada  
23 laws and regulations.

24 71. The DOT's improper ranking of other applicants for a recreational  
25 marijuana establishment license and the DOT's subsequent, improper  
26 issuance to each of a conditional license also affects the rights of Plaintiff  
27  
28

afforded to it by NRS 453D, NAC 453D, R092-17, and other Nevada laws and regulations.

72. The DOT's actions and/or inactions also have created an actual justiciable controversy ripe for judicial determination between Plaintiff and the DOT with respect to the construction, interpretation, and implementation of NRS 453D, NAC 453D, and R092-17 as to Plaintiff. Plaintiff has been harmed, and will continue to be harmed, by Defendants' actions.

73. The DOT's actions and/or inactions failed to appropriately address the necessary considerations and intent of BQ2 and NRS 453D.210, designed to restrict monopolies.

74. On August 23, 2019, Eighth Judicial District Court Judge Elizabeth Gonzalez, in Case No. A-19-786962-B, issued an Order Granting Preliminary Injunction enjoining the DOT "from conducting a final inspection of any of the conditional licenses issued in or about December 2018 who did not provide the identification of each prospective owner, officer and board member as required by NRS 453D.200(6) pending a trial on the merits."

75. Accordingly, Plaintiff seeks a declaration from this Court that, inter alia:

- a. The Department improperly denied Plaintiff conditional licenses for the operation for a recreational marijuana establishments;
- b. The denial of conditional licenses to Plaintiff is void ab initio;



- c. The procedures employed in the denial violated Plaintiff's procedural, substantive due process rights and equal protection rights under the Nevada and United States Constitutions and therefore, the denial is void and unenforceable;
- d. The denial violates Plaintiff's substantive due process rights and equal protection rights under the Nevada and United States Constitutions and, therefore, the denial is void and unenforceable;
- e. The denial is void for vagueness and therefore unenforceable;
- f. Defendant acted arbitrarily and capriciously or in contravention of a legal duty and Plaintiff is therefore entitled to a writ of mandamus;
- g. Plaintiff is entitled to judicial review; and
- h. The DOT's denial lacked substantial evidence.

76. Plaintiff also seeks a declaration from this Court that the DOT must revoke the conditional licenses of those applicants whose applications are not in compliance with Nevada law.

77. Plaintiff also seeks a declaration from this Court that the DOT must issue Plaintiff conditional licenses for the operation of a recreational marijuana establishments applied for.

78. Plaintiff asserts and contends that a declaratory judgment is both necessary and proper at this time for the Court to determine the respective rights, duties, responsibilities and liabilities of the Plaintiff afforded to it by NRS 453D, NAC 453D, R092-17, and other Nevada laws and regulations.

1 79. Plaintiff is entitled to reasonable attorney's fees and costs.

2 **SECOND CLAIM FOR RELIEF**  
3 **(Permanent Injunction)**

4  
5 80. Plaintiff repeats and re-alleges all prior paragraphs as though fully set  
6 forth herein.

7 81. The DOT's refusal to issue conditional licenses in violation of the  
8 mandatory provisions of Nevada law set forth above causes and  
9 continues to cause Plaintiff irreparable harm with no adequate remedy  
10 at law.

11  
12 82. The purpose of the DOT's refusal was and is to unreasonably interfere  
13 with Plaintiff's business and is causing Plaintiff to suffer irreparable  
14 harm.

15  
16 83. The DOT will suffer no harm by following the law with respect to issuing  
17 conditional licenses.

18 84. The DOT has violated the mandatory provisions of NRS 453D, NAC 453D  
19 and RO292-17, and Plaintiff is likely to succeed on the merits of this  
20 litigation.

21  
22 85. The public interest favors Plaintiff because in the absence of injunctive  
23 relief, the consumers who would have benefitted will have less available  
24 options from which they can purchase recreational marijuana.

25  
26 86. Therefore, Plaintiff is entitled to a permanent injunction ordering the DOT  
27 to issue conditional licenses to Plaintiff in accordance with Nevada law.

**THIRD CLAIM FOR RELIEF**  
**(Violation of 42 USC 1983 by Defendants Jorge Pupo and Department of Taxation)**

87. Plaintiff repeats and realleges all prior paragraphs as though fully set forth herein.

88. The Fourteenth Amendment to the United States Constitution provides that "no state [may] deprive any person of life, liberty, or property, without due process of law....nor shall any State...deny to any person within its jurisdictions the equal protection of the laws."

89. Plaintiff is a person within the meaning of the the United States Constitution guarantees of due process. Plaintiff's managers and members are also of Latino descent warranting strict scrutiny of Plaintiff's claim for a violation of 42 USC 1983.

91. Plaintiff and those similarly situated have a protected property interest in the recreational license application process deriving from the mandatory statutory language in NRS 453D, NAC453D and R092-17 as set forth above. See *Board of Regents v. Roth*, 408 U.S., 577 (1972) and *Goodisman v. Lytle*, 724 F.2d 818, 820 (9<sup>th</sup> Cir. 1984).

92. The arbitrary and illegal conduct of the DOT and Defendant JORGE PUPO have deprived Plaintiff of the guarantees afforded by the Nevada Constitution and the United States Constitution as set forth in paragraphs 83 and 84 above. Specifically, Defendant PUPO on behalf of

1 and at the behest of Defendant DOT committed the following arbitrary  
2 and illegal conduct:

- 3 • Defendant PUPO ignored NRS 453D.210's requirement that  
4 each recreational application must contain background  
5 checks on all owners.
- 6 • Defendant PUPO ignored NRS Chapter 453's requirement  
7 that each application must contain a physical address of the  
8 location of the proposed recreational establishment and  
9 directed his staff to score and rank those applications that  
10 did not include a physical address and further deducted  
11 points from applicants who did include a physical address.
- 12 • Although the law required the DOT to take into consideration  
13 applicants' compliance with Nevada law relative to operating  
14 a marijuana establishment, Defendant PUPO directed his  
15 staff not to consider compliance in the recreational  
16 marijuana applications.

17 93. Plaintiff was not given a meaningful opportunity to be heard at a  
18 consequential time which was fundamentally unfair and violated  
19 procedural and substantive due process as afforded by the Nevada and  
20 United States Constitution.

21 94. Plaintiff's injury as described above by the failure of the DOT and  
22 Defendant PUPO to follow the mandate of Nevada law explicitly set forth  
23  
24  
25  
26  
27  
28

1 above is a result of Defendants' official policy and/or custom to deprive  
2 Plaintiff and those similarly situated of the rights and entitlements  
3 afforded to them under the Nevada and United States Constitution.  
4

5 95. Defendants the DOT and PUPO conducted illegal and unconstitutional  
6 actions described above under color of state Law.

7 96. While acting under color of state law, Defendants' actions described  
8 above where the official policy and/or custom of Defendants to deprive  
9 Plaintiff and those similarly situated of their constitutional rights  
10 afforded to them under the Nevada and United States Constitution,  
11 specifically the 14<sup>th</sup> Amendment to the United States Constitution and  
12 Article 1, Section 8 of the Nevada Constitution. Specifically, Defendants  
13 through Defendant PUPO and his subordinates, directed the  
14 unconstitutional and illegal conduct in violation of the Nevada and  
15 United States Constitution. Moreover, Defendants had direct and actual  
16 knowledge of the violations and/or were deliberately indifferent to the  
17 constitutional violations that harmed Plaintiff.  
18  
19  
20

21 97. The harm occasioned upon Plaintiff resulting from Defendants' illegal  
22 and unconstitutional conduct, in addition, resulted from inadequate  
23 supervision, training, and screening of agents/employees of the DOT.

24 98. As a direct and proximate result of Defendants' violations of Plaintiff's  
25 rights afforded to him under the Nevada and United States Constitution,  
26 Defendants are liable to Plaintiff for damages pursuant to 42 USC 1983.  
27  
28

Moreover, because Defendant PUPO's conduct was reckless and/or showed callous indifference to the federally protected rights of Plaintiff, punitive damages should be awarded.

99. Moreover, pursuant 42 USC 1988, Plaintiff is entitled to its reasonable attorney's fees and costs.

**FOURTH CLAIM FOR RELIEF  
(Petition for Judicial Review)**

100. Plaintiff repeats and realleges all prior paragraphs as though fully set forth herein.

101. The DOT, in failing to comply with the mandatory directive in issuing recreational licenses as set for under Nevada law more fully described above, has exceeded its jurisdiction by issuing conditional licenses to applicants that do not merit them.

102. Plaintiff is aggrieved by the decision of the DOT to deny Plaintiffs' application without proper notice, substantial evidence, or in compliance with Nevada law more fully described above.

103. Nevada law does not allow for an administrative appeal of the DOT's decision, and apart from injunction relief, no plain, speedy and adequate remedy for the DOT's violations.

104. Accordingly, Plaintiff petitions this Court for judicial review of the record on which the DOT's denial was based, including but not limited to

a. A determination that the decision lacked substantial evidence;

1 b. A determination that the denial is void ab initio for non-compliance  
2 with NRS 453D, NAC 453D, R092-17 and other Nevada state laws  
3 or regulations; and

4  
5 c. Other relief consistent with those determinations.

6 105. Plaintiff has found it necessary to retain the legal services of Ramos  
7 Law, LLC to bring this action, and Plaintiff is entitled to recover its  
8 reasonable attorneys' fees and costs therefor.

9  
10 **FIFTH CLAIM FOR RELIEF**  
11 **(Petition for Writ of Mandamus)**

12 106. Plaintiff repeats and re-alleges all prior paragraphs as though fully set  
13 forth herein.

14 107. When a governmental body fails to perform an act "that the law requires"  
15 or acts in an arbitrary or capricious manner, a writ of mandamus shall  
16 issue to correct the action. NRS 34.160.

17 108. The DOT failed to perform acts that the law requires including, but not  
18 limited to:

- 19  
20 a. Providing proper pre-hearing notice of the denial;  
21 b. Arbitrarily, capriciously and illegally denying Plaintiffs' applications  
22 for recreational licenses for no legitimate reasons.

23  
24 109. The DOT acted arbitrarily, capriciously and illegally in the denial by  
25 performing or failing to perform the acts enumerated above and because,  
26 *inter alia*:

- 27 a. Lack of substantial evidence to deny the application; and  
28

1           b. The denial was made solely to approve other competing applications  
2           without regard to Nevada law as more specifically described above.

3  
4 110. These violations of the DOT's legal duties were arbitrary and capricious  
5 actions  
6 that compel this Court to issue a Writ of Mandamus directing the  
7 department to approve Plaintiffs' license applications and issue Plaintiff  
8 conditional licenses.

9  
10           **SIXTH CLAIM FOR RELIEF PLED IN THE ALTERNATIVE**  
11           **(Unjust Enrichment)**

12 111. Plaintiff repeats and re-alleges all prior paragraphs as though fully  
13 set forth herein.

14 112. Plaintiff applied for recreational marijuana licenses in accordance  
15 with NRS Chapter 453D and the regulations and rules promulgated by  
16 the DOT.

17  
18 113. Plaintiff applied for these licenses because NRS Chapter 453's  
19 mandate that did not allow the DOT to "pick and choose" winners and  
20 losers at their whim, but provided specific, mandatory criterion that the  
21 DOT was obligated to comply with in awarding the recreational  
22 marijuana licenses.

23  
24 114. Plaintiff paid to the DOT in excess of \$300,000 to apply for the  
25 recreational marijuana licenses that as of the date of the filing of this  
26 complaint, the DOT has not returned.



1 115. In the event that this Court finds that Plaintiff is not entitled to the relief  
2 requested in the first through fifth claims for relief, under the  
3 circumstances as alleged in this Complaint, it would be unjust for the  
4 DOT to retain the benefit of Plaintiff's expenditures to apply for the  
5 recreational marijuana licenses.  
6

7 116. As a direct and proximate result of the DOT being unjustly  
8 enriched, Plaintiff has incurred damages in excess of \$15,000.00.  
9

#### 10 **V. PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays for judgment as follows:

- 12 1. For declaratory relief set forth above;
- 13 2. For a preliminary and permanent injunction enjoining the enforcement  
14 of the denial;
- 15 3. For judicial review of the record and history on which the denial was  
16 based;
- 17 4. For issuance of a writ of mandamus;
- 18 5. For compensatory, special, consequential and punitive damages in  
19 excess of \$15,000 on those causes of action that damages are available.  
20
- 21 6. For attorney's fees and costs of suit; and
- 22 7. For all other and further relief as the Court deems proper and just.  
23

#### 24 **VI. JURY DEMAND**

25  
26  
27  
28

1 Comes now Plaintiff RURAL REMEDIES, LLC and pursuant to NRCP 38,  
2 demands a jury trial on all the issues so triable above, including Plaintiff's  
3 cause of action for violation of 42 USC 1983.  
4

5 DATED this 26th day of March, 2020.

6 RAMOS LAW  
7

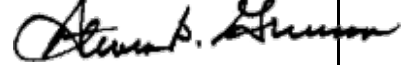
8 /s/ Clarence Gamble  
9 Clarence Gamble, Esq.  
10 Nevada Bar No. 4268  
11 3000 Youngfield Street, Suite 200  
12 Wheat Ridge, CO 80215

13 Attorney for Plaintiff Rural Remedies, LLC  
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/s/ Gail L. May

37



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*Wellness Connection of Nevada, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In Re: D.O.T. Litigation,

CASE NO.: A-19-787004-B  
DEPT NO.: XI

**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

**WELLNESS CONNECTION OF  
NEVADA, 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., D/B/A MOTHER  
HERB, NEVCANN, LLC, RED EARTH  
LLC, THC NEVADA, LLC, ZION  
GARDENS, LLC, AND MMOF VEGAS  
RETAIL, INC.'S THIRD AMENDED  
COMPLAINT**

**Howard & Howard**  
3800 Howard Hughes Pkwy., Suite 1000  
Las Vegas, NV 89169  
(702) 257-1483

Defendant Wellness Connection of Nevada, LLC (“Wellness”), by and through its attorneys, the law firm of Howard & Howard, PLLC, hereby answers and responds to Plaintiffs 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. d/b/a Mother Herb, Nevcan, LLC, Red Earth, LLC, THC Nevada, LLC, Zion Gardens, LLC, and MMOF Vegas Retail, Inc., (collectively “Plaintiffs”) Third Amended Complaint (“Complaint”) as follows:

**PARTIES**

1. Answering paragraphs 1 through 13, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

2. Answering paragraph 14, Wellness admits the allegations set forth therein.

3. Answering paragraphs 15 through 30, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

4. Answering paragraph 31, Wellness admits that it is and was a limited liability company organized and existing under the laws of the State of Nevada and authorized to do business in Clark County, Nevada. Wellness is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in paragraph 31, and therefore denies the same.

5. Answering paragraph 32, Wellness admits it was granted a conditional recreational dispensary license. Wellness is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in paragraph 32, and therefore denies the same.

6. Answering paragraphs 33 and 34, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

**JURISDICTION AND VENUE**

7. Answering paragraphs 35 and 36, no response is required as the allegations contained therein are legal conclusions. To the extent a response is required, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraphs 35 and 36, and therefore denies the same.

**GENERAL ALLEGATIONS**

8. Answering paragraph 37, Wellness repeats and realleges its answers to each and every other paragraph as though fully set forth herein.

***The Statutory Scheme Governing Retail Marijuana Licenses***

9. Answering paragraph 38, Wellness admits that in or around November 2016, the citizens of the State of Nevada approved a statutory ballot initiative that legalized the recreational use of marijuana. Wellness is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in paragraph 38, and therefore denies the same.

10. Answering paragraphs 39 through 46, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraphs 39 through 46, and therefore denies the same.

***The DOT's Adoption of Flawed Regulations that Do Not Comply with Chapter 453D***

11. Answering paragraphs 47 through 52, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

12. Answering paragraphs 53 through 58, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraphs 53 through 58, and therefore denies the same.

***Plaintiffs Receive Arbitrary Denials of their Applications for Retail Marijuana Licenses***

13. Answering paragraph 59, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness

1 is without sufficient knowledge or information to form a belief as to the truth of the allegations  
2 set forth in paragraph 59, and therefore denies the same.

3 14. Answering paragraphs 60 and 61, Wellness is without sufficient knowledge or  
4 information to form a belief as to the truth of the allegations set forth therein, and therefore denies  
5 the same.

6 15. Answering paragraph 62, Wellness admits that the DOT released the application  
7 package. Wellness is without sufficient knowledge or information to form a belief as to the truth  
8 of the remaining allegations set forth in paragraph 62, and therefore denies the same.

9 16. Answering paragraphs 63 through 66, Wellness is without sufficient knowledge  
10 or information to form a belief as to the truth of the allegations set forth therein, and therefore  
11 denies the same.

12 17. Answering paragraph 67, Wellness admits it submitted applications to the DOT  
13 for retail marijuana licenses. Wellness is without sufficient knowledge or information to form a  
14 belief as to the truth of the remaining allegations set forth in paragraph 67, and therefore denies  
15 the same.

16 18. Answering paragraphs 68 through 71, Wellness denies the allegations as they  
17 relate to Wellness and its applications. Wellness is without sufficient knowledge or information  
18 to form a belief as to the truth of the remaining allegations set forth in paragraphs 68 through 71,  
19 and therefore denies the same.

20 19. Answering paragraph 72, Wellness denies that its applications were incomplete  
21 and admits that it was granted one conditional recreational dispensary license. Wellness is  
22 without sufficient knowledge or information to form a belief as to the truth of the remaining  
23 allegations set forth in paragraph 72, and therefore denies the same.

24 20. Answering paragraphs 73 through 75, Wellness is without sufficient knowledge  
25 or information to form a belief as to the truth of the allegations set forth therein, and therefore  
26 denies the same.

27 21. Answering paragraph 76, no response is required as the allegations contained  
28 therein are legal conclusions. To the extent a response is required, Wellness is without sufficient

1 knowledge or information to form a belief as to the truth of the allegations set forth in paragraph  
2 76, and therefore denies the same.

3 22. Answering paragraph 77, no response is required as the allegations contained  
4 therein are legal conclusions. To the extent a response is required, Wellness denies that an  
5 arbitrary and partial weight was placed upon its applications. Wellness is without sufficient  
6 knowledge or information to form a belief as to the truth of the remaining allegations set forth in  
7 paragraph 77, and therefore denies the same.

8 23. Answering paragraph 78, no response is required as the allegations contained  
9 therein are legal conclusions. To the extent a response is required, Wellness is without sufficient  
10 knowledge or information to form a belief as to the truth of the allegations set forth in paragraph  
11 78, and therefore denies the same.

12 24. Answering paragraphs 79, Wellness denies that it was issued multiple licenses.  
13 Wellness is without sufficient knowledge or information to form a belief as to the truth of the  
14 remaining allegations set forth in paragraph 79, and therefore denies the same.

### **FIRST CLAIM FOR RELIEF**

#### **Violation of Substantive Due Process – The DOT**

15  
16  
17 25. Answering paragraph 80, Wellness repeats and realleges its answers to each and  
18 every other paragraph as though fully set forth herein.

19 26. Answering paragraphs 81 through 87, no response is required as the allegations  
20 contained therein are legal conclusions and statements of law. To the extent a response is  
21 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
22 of the allegations set forth in paragraphs 81 through 87, and therefore denies the same.

23 27. Answering paragraph 88, no response is required as the allegations contained  
24 therein are legal conclusions and statements of law. To the extent a response is required, Wellness  
25 denies that it omitted information in its applications. Wellness is without sufficient knowledge  
26 or information to form a belief as to the truth of the remaining allegations set forth in paragraph  
27 88, and therefore denies the same.  
28



28. Answering paragraphs 89 through 93, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraphs 89 through 93, and therefore denies the same.

29. Answering paragraph 94, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness denies that the DOT placed improper weight on its applications. Wellness is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in paragraph 94, and therefore denies the same.

30. Answering paragraphs 95 and 96, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraphs 95 and 96, and therefore denies the same.

31. Answering paragraph 97, Wellness denies that Plaintiffs are entitled to attorney's fees and costs against Wellness. Wellness is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in paragraph 97, and therefore denies the same.

## **SECOND CLAIM FOR RELIEF**

### **Violation of Procedural Due Process – The DOT**

32. Answering paragraph 98, Wellness repeats and realleges its answers to each and every other paragraph as though fully set forth herein.

33. Answering paragraphs 99 through 105, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraphs 99 through 105, and therefore denies the same.

34. Answering paragraph 106, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness denies that it omitted information in its applications. Wellness is without sufficient knowledge

1 or information to form a belief as to the truth of the remaining allegations set forth in paragraph  
2 106, and therefore denies the same.

3 35. Answering paragraph 107, no response is required as the allegations contained  
4 therein are legal conclusions and statements of law. To the extent a response is required, Wellness  
5 is without sufficient knowledge or information to form a belief as to the truth of the allegations  
6 set forth in paragraph 107, and therefore denies the same.

7 36. Paragraph 108 is blank and does not require a response. To the extent a response  
8 is required, Wellness is without sufficient knowledge or information to form a belief as to the  
9 truth of the allegations set forth in paragraph 108, and therefore denies the same.

10 37. Answering paragraphs 109 through 114, no response is required as the allegations  
11 contained therein are legal conclusions and statements of law. To the extent a response is  
12 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
13 of the allegations set forth in paragraphs 109 through 114, and therefore denies the same.

14 38. Answering paragraph 115, Wellness denies that Plaintiffs are entitled to attorney's  
15 fees and costs against Wellness. Wellness is without sufficient knowledge or information to form  
16 a belief as to the truth of the remaining allegations set forth in paragraph 115, and therefore denies  
17 the same.

### 18 **THIRD CLAIM FOR RELIEF**

#### 19 **Violation of Equal Protection – The DOT**

20 39. Answering paragraph 116, Wellness repeats and realleges its answers to each and  
21 every other paragraph as though fully set forth herein.

22 40. Answering paragraphs 117 through 126, no response is required as the allegations  
23 contained therein are legal conclusions and statements of law. To the extent a response is  
24 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
25 of the allegations set forth in paragraphs 117 through 126, and therefore denies the same.

26 41. Answering paragraph 127, no response is required as the allegations contained  
27 therein are legal conclusions and statements of law. To the extent a response is required,  
28 Wellness denies that the DOT placed improper weight on its applications. Wellness is without

1 sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
2 set forth in paragraph 127, and therefore denies the same

3 42. Answering paragraphs 128 and 129, no response is required as the allegations  
4 contained therein are legal conclusions and statements of law. To the extent a response is  
5 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
6 of the allegations set forth in paragraphs 128 and 129, and therefore denies the same.

7 43. Answering paragraph 130, Wellness denies that Plaintiffs are entitled to attorney's  
8 fees and costs against Wellness. Wellness is without sufficient knowledge or information to form  
9 a belief as to the truth of the remaining allegations set forth in paragraph 130, and therefore denies  
10 the same.

#### 11 **FOURTH CLAIM FOR RELIEF**

##### 12 **Declaratory Judgment – All Defendants**

13 44. Answering paragraph 131, Wellness repeats and realleges its answers to each and  
14 every other paragraph as though fully set forth herein.

15 45. Answering paragraph 132, no response is required as the allegations contained  
16 therein are legal conclusions and statements of law. To the extent a response is required, Wellness  
17 is without sufficient knowledge or information to form a belief as to the truth of the allegations  
18 set forth in paragraph 132, and therefore denies the same.

19 46. Answering paragraph 133, Wellness admits that it submitted applications for retail  
20 marijuana licenses. Wellness is without sufficient knowledge or information to form a belief as  
21 to the truth of the remaining allegations set forth in paragraph 133, and therefore denies the same.

22 47. Answering paragraph 134, Wellness is without sufficient knowledge or  
23 information to form a belief as to the truth of the allegations set forth therein, and therefore denies  
24 the same.

25 48. Answering paragraphs 135 through 138, no response is required as the allegations  
26 contained therein are legal conclusions and statements of law. To the extent a response is  
27 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
28 of the allegations set forth in paragraphs 135 through 138, and therefore denies the same.

1           49.     Answering paragraph 139, no response is required as the allegations contained  
2     therein are legal conclusions and statements of law. To the extent a response is required,  
3     Wellness denies the allegations as they relate to Wellness and its applications. Wellness is  
4     without sufficient knowledge or information to form a belief as to the truth of the remaining  
5     allegations set forth in paragraphs 139, and therefore denies the same.

6           50.     Answering paragraph 140, Wellness is without sufficient knowledge or  
7     information to form a belief as to the truth of the allegations set forth therein, and therefore denies  
8     the same.

9           51.     Answering paragraph 141, Wellness admits the allegations as they relate to  
10    Wellness and its application. Wellness is without sufficient knowledge or information to form a  
11    belief as to the truth of the remaining allegations set forth in paragraph 141, and therefore denies  
12    the same.

13          52.     Answering paragraph 142, no response is required as the allegations contained  
14    therein are legal conclusions and statements of law. To the extent a response is required,  
15    Wellness is without sufficient knowledge or information to form a belief as to the truth of the  
16    allegations set forth in paragraph 142, and therefore denies the same.

17          53.     Answering paragraph 143, no response is required as the allegations contained  
18    therein are legal conclusions and statements of law. To the extent a response is required,  
19    Wellness denies that its applications were incomplete or deficient and denies that Plaintiffs are  
20    entitled to the requested relief.

21                   **FIFTH CLAIM FOR RELIEF**

22                   **Petition for Judicial Review – All Defendants**

23          54.     Answering paragraph 144, Wellness repeats and realleges its answers to each and  
24    every other paragraph as though fully set forth herein.

25          55.     Answering paragraphs 145 through 147, no response is required as the allegations  
26    contained therein are legal conclusions and statements of law. To the extent a response is  
27    required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
28    of the allegations set forth in paragraphs 145 through 147, and therefore denies the same.

1           56.     Answering paragraph 148, no response is required as the allegations contained  
2     therein are legal conclusions and statements of law. To the extent a response is required,  
3     Wellness denies that Plaintiffs are entitled to the requested relief

4           57.     Answering paragraph 149, Wellness denies that Plaintiffs are entitled to attorney's  
5     fees and costs against Wellness. Wellness is without sufficient knowledge or information to form  
6     a belief as to the truth of the remaining allegations set forth in paragraph 149, and therefore denies  
7     the same.

8                                 **SIXTH CLAIM FOR RELIEF**

9                                 **Petition for Writ of Mandamus – The DOT**

10          58.     Answering paragraph 150, Wellness repeats and realleges its answers to each and  
11     every other paragraph as though fully set forth herein.

12          59.     Answering paragraphs 151 through 154, no response is required as the allegations  
13     contained therein are legal conclusions and statements of law. To the extent a response is  
14     required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
15     of the allegations set forth in paragraphs 151 through 154, and therefore denies the same.

16          60.     Answering paragraph 155, Wellness denies that Plaintiffs are entitled to attorney's  
17     fees and costs against Wellness. Wellness is without sufficient knowledge or information to form  
18     a belief as to the truth of the remaining allegations set forth in paragraph 155, and therefore denies  
19     the same.

20          61.     Wellness denies that Plaintiffs are entitled to any of the relief sought in their prayer  
21     for relief.

22          62.     Any allegations not responded to above are hereby denied.

23                                 **AFFIRMATIVE DEFENSES**

24          1.     Plaintiffs' Complaint fails to state a claim upon which relief may be granted.

25          2.     At all relevant times, Wellness used reasonable care and diligence and acted  
26     according to its best judgment and obligations, if any, dealing fairly and in good faith, having no  
27     intent to inflict harm or damage.

28          3.     Plaintiffs' claims are barred based on the doctrine of estoppel.

- 1           4.       Plaintiffs' claims are barred based on the doctrine of laches.
- 2           5.       Plaintiffs' claims are barred based on the doctrine of waiver.
- 3           6.       Plaintiffs' claims are barred based on the doctrine of release.
- 4           7.       Plaintiffs' claims are barred based on the doctrine of ratification.
- 5           8.       Plaintiffs' claims are barred by the statute of frauds.
- 6           9.       Plaintiffs are guilty of unclean hands.
- 7           10.      Plaintiffs have failed to do equity towards Wellness.
- 8           11.      Plaintiffs' claims are barred by the applicable statute of limitations.
- 9           12.      Any conduct on the part of Wellness was not the cause of Plaintiffs' alleged
- 10 damages, the existence of which are denied.
- 11           13.      Plaintiffs' damages, the existence of which are denied, were caused, in whole or
- 12 in part, or contributed to by reason of the acts, omissions, negligence, and/or intentional
- 13 misconduct of third parties over which Wellness has no control.
- 14           14.      Plaintiffs failed to mitigate their damages, the existence of which are denied.
- 15           15.      Plaintiffs' claims are barred due to failure to satisfy conditions precedent and/or
- 16 conditions subsequent.
- 17           16.      Plaintiffs lack standing to assert claims and receive the relief sought in the
- 18 Complaint
- 19           17.      The Court lacks subject matter jurisdiction over the claims alleged in Complaint.
- 20           18.      The State of Nevada, Department of Taxation is immune from suit when
- 21 performing the functions at issue in this case.
- 22           19.      The actions of the State of Nevada, Department of Taxation were all official acts
- 23 that were done in compliance with applicable laws and regulations.
- 24           20.      Plaintiffs' claims are barred because they have failed to exhaust administrative
- 25 remedies, if any.
- 26           21.      Plaintiffs have failed to join necessary and indispensable parties to this litigation
- 27 under NRCP 19 as the Court cannot grant any of their claims without affecting the rights and
- 28 privileges of those parties who received the licenses at issue as well as other third parties.

1           22.     The actions of the State of Nevada, Department of Taxation were not arbitrary or  
2 capricious, nor an abuse of discretion, and the State of Nevada, Department of Taxation had a  
3 rational basis for all of the actions taken in the licensing process at issue.

4           23.     Plaintiffs have no constitutional rights to obtain privileged licenses.

5           24.     Plaintiffs are not entitled to judicial review on the denial of privileged licenses.

6           25.     Mandamus is not available to compel the members of the executive branch to  
7 perform non-ministerial, discretionary tasks.

8           26.     The claims, and each of them, are barred by the failure of Plaintiffs to plead those  
9 claims with sufficient particularity.

10          27.     Injunctive relief is unavailable to Plaintiffs because the State of Nevada,  
11 Department of Taxation has already completed the task of issuing the conditional licenses.

12          28.     Declaratory relief will not give Plaintiffs the relief that they are seeking.

13          29.     Plaintiffs have failed to allege sufficient facts and cannot carry the burden of proof  
14 imposed on them by law to recover attorney's fees incurred to bring and prosecute this action.

15          30.     Wellness received its license as a result of an impartial and objective grading and  
16 scoring process and was supported by substantial evidence.

17          31.     Wellness adopts and incorporates herein all affirmative defenses pleaded by the  
18 other Defendants and other Intervenors in this matter.

19          32.     Pursuant to NRCP 11, all possible affirmative defenses may not have been alleged  
20 herein insofar as sufficient facts were not available after reasonable inquiry. Wellness reserves  
21 the right to amend this Answer to allege additional affirmative defenses as necessary or  
22 appropriate or as further discovery warrants.

23                 Wellness has been required to retain the services of attorneys to defend against the  
24 Complaint, and, as a direct, natural, and foreseeable consequence thereof, have been damaged  
25 thereby, and are entitled to reasonable attorneys' fees and costs.

26     ///

27     ///

28     ///

**PRAYER FOR RELIEF**

WHEREFORE, Wellness Connection of Nevada, LLC prays for judgment as follows:

1. That Plaintiffs take nothing by way of their Complaint;
2. The Complaint, and all causes of action alleged against Wellness Connection of Nevada, LLC therein be dismissed with prejudice;
3. For costs of suit and reasonable attorneys' fees; and
4. For any other such relief as this Court deems just and proper under the circumstances.

DATED this 22<sup>nd</sup> day of June, 2020.

**HOWARD & HOWARD ATTORNEYS PLLC**

/s/ Kirill V. Mikhaylov, Esq.  
L. CHRISTOPHER ROSE, ESQ.  
KIRILL V. MIKHAYLOV, ESQ.  
3800 Howard Hughes Parkway, Suite 1000  
Las Vegas, NV 89169  
*Attorneys for Defendant*  
*Wellness Connection of Nevada, LLC*



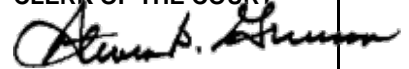
**CERTIFICATE OF SERVICE**

I hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is Howard & Howard Attorneys PLLC, 3800 Howard Hughes Parkway, Suite 1000, Las Vegas, Nevada 89145.

On this 22<sup>nd</sup> day of June, 2020, I served the **WELLNESS CONNECTION OF NEVADA, 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., D/B/A MOTHER HERB, NEVCANN, LLC, RED EARTH, LLC, THC NEVADA, LLC, ZION GARDENS, LLC, AND MMOF VEGAS RETAIL, INC.'S THIRD AMENDED COMPLAINT** in this action or proceeding electronically with the Clerk of the Court via the Odyssey E-File system and e-served the same on all parties listed on the Court's Master Service List.

/s/ Julia M. Diaz

An employee of HOWARD & HOWARD ATTORNEYS PLLC



**HOWARD & HOWARD ATTORNEYS PLLC**  
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*Attorneys for Defendant*  
*Wellness Connection of Nevada, LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In Re: D.O.T. Litigation,

CASE NO.: A-19-787004-B  
DEPT NO.: XI

**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

**WELLNESS CONNECTION OF  
NEVADA, LLC'S ANSWER TO  
DEFENDANT RURAL REMEDIES,  
LLC'S AMENDED COMPLAINT IN  
INTERVENTION, PETITION FOR  
JUDICIAL REVIEW OR WRIT OF  
MANDAMUS**

Defendant/Respondent Wellness Connection of Nevada, LLC ("Wellness"), by and through its attorneys, the law firm of Howard & Howard, PLLC, hereby answers and responds to Defendant Rural Remedies, LLC's ("Rural Remedies") Amended Complaint in Intervention, Petition for Judicial Review or Writ of Mandamus ("Complaint") as follows:

**I. PARTIES**

1. Answering paragraph 1, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

2. Answering paragraph 2, Wellness admits that the Department of Taxation is an agency of the State of Nevada. Wellness is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in paragraph 2, and therefore denies the same.

3. Answering paragraph 3, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

4. Answering paragraphs 4, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness admits that it applied for recreational marijuana licenses. Wellness is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in paragraph 4, and therefore denies the same.

5. Answering paragraph 5, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

**II. JURISDICTION AND VENUE**

6. Answering paragraphs 6 and 7, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraphs 6 and 7, and therefore denies the same.

**III. GENERAL ALLEGATIONS**

**A. The Marijuana Legislation and Regulations**

7. Answering paragraphs 8 and 9, no response is required as the allegations contained therein are legal conclusions and statements of law. To the extent a response is required, Wellness is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraphs 8 and 9, and therefore denies the same.

1           8.       Answering paragraphs 10 and 11, Wellness admits that the recreational use of  
2 marijuana was legalized in Nevada. Wellness is without sufficient knowledge or information to  
3 form a belief as to the truth of the remaining allegations set forth in paragraphs 10 and 11, and  
4 therefore denies the same.

5           9.       Answering paragraphs 12 through 16, no response is required as the allegations  
6 contained therein are legal conclusions and statements of law. To the extent a response is  
7 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
8 of the allegations set forth in paragraphs 12 through 16, and therefore denies the same.

9           10.      Answering paragraphs 17 through 20, Wellness is without sufficient knowledge  
10 or information to form a belief as to the truth of the allegations set forth therein, and therefore  
11 denies the same.

12          11.      Answering paragraphs 21 through 23, no response is required as the allegations  
13 contained therein are legal conclusions and statements of law. To the extent a response is  
14 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
15 of the allegations set forth in paragraphs 21 through 23, and therefore denies the same.

16          12.      Answering paragraph 24, Wellness is without sufficient knowledge or information  
17 to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

18           **B.       The Licensing Applications**

19          13.      Answering paragraph 25, Wellness admits that the DOT issued a notice for an  
20 application period wherein the DOT sought applications from qualified applicants. Wellness is  
21 without sufficient knowledge or information to form a belief as to the truth of the remaining  
22 allegations set forth in paragraph 25, and therefore denies the same.

23          14.      Answering paragraphs 26 through 29, Wellness is without sufficient knowledge  
24 or information to form a belief as to the truth of the allegations set forth therein, and therefore  
25 denies the same.

26          15.      Answering paragraphs 30 through 34, no response is required as the allegations  
27 contained therein are legal conclusions and statements of law. To the extent a response is  
28

1 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
2 of the allegations set forth in paragraphs 30 through 34, and therefore denies the same.

3 16. Answering paragraphs 35 and 36, no response is required as the application  
4 described therein speaks for itself. To the extent a response is required, Wellness is without  
5 sufficient knowledge or information to form a belief as to the truth of the allegations set forth in  
6 paragraphs 35 and 36, and therefore denies the same.

7 17. Answering paragraphs 37 and 38, no response is required as the allegations  
8 contained therein are legal conclusions and statements of law. To the extent a response is  
9 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
10 of the allegations set forth in paragraphs 37 and 38, and therefore denies the same.

11 18. Answering paragraphs 39, Wellness is without sufficient knowledge or  
12 information to form a belief as to the truth of the allegations set forth therein, and therefore denies  
13 the same.

14 **C. Plaintiff's Application**

15 19. Answering paragraphs 41 through 44, Wellness is without sufficient knowledge  
16 or information to form a belief as to the truth of the allegations set forth therein, and therefore  
17 denies the same.

18 20. Answering paragraphs 45 and 46, Wellness admits that the Honorable Elizabeth  
19 Gonzalez conducted an evidentiary hearing concerning a motion for preliminary injunction  
20 sought by a group of unsuccessful applicants and that Judge Gonzalez issued findings of fact and  
21 conclusions of law. In regard to the remaining allegations, to the extent paragraphs 45 and 46  
22 quote the findings of fact and conclusions of law, no response is required as the document  
23 referenced speaks for itself. To the extent a response is required, Wellness is without sufficient  
24 knowledge or information to form a belief as to the truth of the remaining allegations set forth in  
25 paragraphs 45 and 46, and therefore denies the same.

26 21. Answering paragraphs 47 through 56, no response is required as the allegations  
27 contained therein are legal conclusions. To the extent a response is required, Wellness denies the  
28 allegations in paragraphs 47 through 56 as they relate to Wellness, its applications, and its license.

1 Wellness is without sufficient knowledge or information to form a belief as to the truth of the  
2 remaining allegations set forth in paragraphs 47 through 56, and therefore denies the same.

3 22. Answering paragraphs 57 through 62, no response is required as the allegations  
4 contained therein are legal conclusions and statements of law. To the extent a response is  
5 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
6 of the allegations set forth in paragraphs 57 through 62, and therefore denies the same.

7 23. Answering paragraphs 63 and 64, no response is required as the allegations  
8 contained therein are legal conclusions. To the extent a response is required, Wellness denies the  
9 allegations in paragraphs 63 and 64 as they relate to Wellness, its applications, and its license.  
10 Wellness is without sufficient knowledge or information to form a belief as to the truth of the  
11 remaining allegations set forth in paragraphs 63 and 64, and therefore denies the same.

12 24. Answering paragraphs 65 and 66, no response is required as the allegations  
13 contained therein are legal conclusions and statements of law. To the extent a response is  
14 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
15 of the allegations set forth in paragraphs 65 and 66, and therefore denies the same.

#### 16 **IV. CLAIMS FOR RELIEF**

##### 17 **FIRST CLAIM FOR RELIEF**

##### 18 **(Declaratory Relief)**

19 25. Answering paragraph 67, Wellness repeats and realleges its answers to each and  
20 every other paragraph as though fully set forth herein.

21 26. Answering paragraph 68, no response is required as the allegations contained  
22 therein are legal conclusions. To the extent a response is required, Wellness is without sufficient  
23 knowledge or information to form a belief as to the truth of the allegations set forth in paragraph  
24 68, and therefore denies the same.

25 27. Answering paragraph 69, no response is required as the allegations contained  
26 therein are legal conclusions. To the extent a response is required, Wellness denies the allegations  
27 in paragraph 69 as they relate to Wellness, its applications, and its license. Wellness is without  
28

1 sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
2 set forth in paragraph 69, and therefore denies the same.

3 28. Answering paragraph 70, no response is required as the allegations contained  
4 therein are legal conclusions. To the extent a response is required, Wellness is without sufficient  
5 knowledge or information to form a belief as to the truth of the allegations set forth in paragraph  
6 70, and therefore denies the same.

7 29. Answering paragraph 71, no response is required as the allegations contained  
8 therein are legal conclusions. To the extent a response is required, Wellness denies the allegations  
9 in paragraph 71 as they relate to Wellness, its applications, and its license. Wellness is without  
10 sufficient knowledge or information to form a belief as to the truth of the remaining allegations  
11 set forth in paragraph 71, and therefore denies the same.

12 30. Answering paragraphs 72 and 73, no response is required as the allegations  
13 contained therein are legal conclusions. To the extent a response is required, Wellness is without  
14 sufficient knowledge or information to form a belief as to the truth of the allegations set forth in  
15 paragraphs 72 and 73, and therefore denies the same.

16 31. Answering paragraph 74, Wellness admits that the Honorable Elizabeth Gonzalez  
17 issued an Order on August 23, 2019. In regarding to the remaining allegations, to the extent  
18 paragraph 74 quotes the Order, no response is required as the document referenced speaks for  
19 itself. To the extent a response is required, Wellness is without sufficient knowledge or  
20 information to form a belief as to the truth of the remaining allegations set forth in paragraph 74,  
21 and therefore denies the same.

22 32. Answering paragraphs 75 through 78, no response is required as the allegations  
23 contained therein are legal conclusions. To the extent a response is required, Wellness denies  
24 that Rural Remedies is entitled to the relief sought in paragraphs 75 through 78 against Wellness.  
25 Wellness is without sufficient knowledge or information to form a belief as to the truth of the  
26 remaining allegations set forth in paragraphs 75 through 78, and therefore denies the same.

27 33. Answering paragraph 79, Wellness denies that Rural Remedies is entitled to  
28 attorneys' fees and costs against Wellness. Wellness is without sufficient knowledge or

1 information to form a belief as to the truth of the remaining allegations set forth in paragraph 79,  
2 and therefore denies the same.

3 **SECOND CLAIM FOR RELIEF**

4 **(Permanent Injunction)**

5 34. Answering paragraph 80, Wellness repeats and realleges its answers to each and  
6 every other paragraph as though fully set forth herein.

7 35. Answering paragraphs 81 through 85, no response is required as the allegations  
8 contained therein are legal conclusions. To the extent a response is required, Wellness is without  
9 sufficient knowledge or information to form a belief as to the truth of the allegations set forth in  
10 paragraphs 81 through 85, and therefore denies the same.

11 36. Answering paragraph 86, no response is required as the allegations contained  
12 therein are legal conclusions. To the extent a response is required, Wellness denies that Rural  
13 Remedies is entitled to the relief sought in paragraph 86.

14 **THIRD CLAIM FOR RELIEF**

15 **(Violation of 42 USC 1983 by Defendants Jorge Pupo and Department of Taxation)**

16 37. Answering paragraph 87, Wellness repeats and realleges its answers to each and  
17 every other paragraph as through fully set forth herein.

18 38. Answering paragraphs 88 through 99, no response is required as the allegations  
19 contained therein are legal conclusions and statements of law. To the extent a response is  
20 required, Wellness is without sufficient knowledge or information to form a belief as to the truth  
21 of the allegations set forth in paragraphs 88 through 99, and therefore denies the same.

22 **FOURTH CLAIM FOR RELIEF**

23 **(Petition for Judicial Review)**

24 39. Answering paragraph 100, Wellness repeats and realleges its answers to each and  
25 every other paragraph as though fully set forth herein.

26 40. Answering paragraph 101, no response is required as the allegations contained  
27 therein are legal conclusions. To the extent a response is required, Wellness denies the  
28 allegations in paragraph 101 as they relate to Wellness, its applications and its license. Wellness



1 is without sufficient knowledge or information to form a belief as to the truth of the remaining  
2 allegations set forth in paragraph 101, and therefore denies the same.

3 41. Answering paragraphs 102 and 103, no response is required as the allegations  
4 contained therein are legal conclusions. To the extent a response is required, Wellness is without  
5 sufficient knowledge or information to form a belief as to the truth of the allegations set forth in  
6 paragraphs 102 and 103, and therefore denies the same.

7 42. Answering paragraph 104, no response is required as the allegations contained  
8 therein are legal conclusions. To the extent a response is required, Wellness denies that Rural  
9 Remedies is entitled to the relief sought in paragraph 104.

10 43. Answering paragraph 105, Wellness denies that Rural Remedies is entitled to  
11 attorneys' fees and costs against Wellness. Wellness is without sufficient knowledge or  
12 information to form a belief as to the truth of the remaining allegations set forth in paragraph 105,  
13 and therefore denies the same.

14 **FIFTH CLAIM FOR RELIEF**

15 **(Petition for Writ of Mandamus)**

16 44. Answering paragraph 106, Wellness repeats and realleges its answers to each and  
17 every other paragraph as though fully set forth herein.

18 45. Answering paragraphs 107 through 110, no response is required as the allegations  
19 contained therein are legal conclusions and statements of law. To the extent a response is  
20 required, Wellness denies the allegations as they relate to Wellness, its applications, and its  
21 license, and denies that Rural Remedies is entitled to the relief sought in paragraphs 107 through  
22 110. Wellness is without sufficient knowledge or information to form a belief as to the truth of  
23 the remaining allegations set forth in paragraphs 107 through 110, and therefore denies the same.

24 **SIXTH CLAIM FOR RELIEF PLED IN THE ALTERNATIVE**

25 **(Unjust Enrichment)**

26 46. Answering paragraph 111, Wellness repeats and realleges its answers to each and  
27 every other paragraph as though fully set forth herein.  
28

1           47.     Answering paragraph 112, Wellness is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations set forth therein, and therefore denies  
3 the same.

4           48.     Answering paragraph 113, no response is required as the allegations contained  
5 therein are legal conclusions. To the extent a response is required, Wellness is without sufficient  
6 knowledge or information to form a belief as to the truth of the allegations set forth in paragraph  
7 113, and therefore denies the same.

8           49.     Answering paragraphs 114 and 115, Wellness is without sufficient knowledge or  
9 information to form a belief as to the truth of the allegations set forth therein, and therefore denies  
10 the same.

11          50.     Answering paragraph 116, no response is required as the allegations contained  
12 therein are legal conclusions. To the extent a response is required, Wellness is without sufficient  
13 knowledge or information to form a belief as to the truth of the allegations set forth in paragraph  
14 116, and therefore denies the same.

15          51.     Wellness denies that Rural Remedies is entitled to any of the relief sought in its  
16 prayer for relief.

17          52.     Any allegations not responded to above are hereby denied.

18                   **AFFIRMATIVE DEFENSES**

19          1.     Rural Remedies' Complaint fails to state a claim upon which relief may be granted.

20          2.     At all relevant times, Wellness used reasonable care and diligence and acted  
21 according to its best judgment and obligations, if any, dealing fairly and in good faith, having no  
22 intent to inflict harm or damage.

23          3.     Rural Remedies' claims are barred based on the doctrine of estoppel.

24          4.     Rural Remedies' claims are barred based on the doctrine of laches.

25          5.     Rural Remedies' claims are barred based on the doctrine of waiver.

26          6.     Rural Remedies' claims are barred based on the doctrine of release.

27          7.     Rural Remedies' claims are barred based on the doctrine of ratification.

28          8.     Rural Remedies' claims are barred by the statute of frauds.

9. Rural Remedies is guilty of unclean hands.
10. Rural Remedies has failed to do equity towards Wellness.
11. Rural Remedies' claims are barred by the applicable statute of limitations.
12. Any conduct on the part of Wellness was not the cause of Rural Remedies' alleged damages, the existence of which are denied.
13. Rural Remedies' damages, the existence of which are denied, were caused, in whole or in part, or contributed to by reason of the acts, omissions, negligence, and/or intentional misconduct of third parties over which Wellness has no control.
14. Rural Remedies failed to mitigate its damages, the existence of which are denied.
15. Rural Remedies' claims are barred due to failure to satisfy conditions precedent and/or conditions subsequent.
16. Rural Remedies lacks standing to assert claims and receive the relief sought in the Complaint
17. The Court lacks subject matter jurisdiction over the claims alleged in Complaint.
18. The State of Nevada, Department of Taxation is immune from suit when performing the functions at issue in this case.
19. The actions of the State of Nevada, Department of Taxation were all official acts that were done in compliance with applicable laws and regulations.
20. Rural Remedies' claims are barred because it failed to exhaust administrative remedies, if any.
21. Rural Remedies failed to join necessary and indispensable parties to this litigation under NRCP 19 as the Court cannot grant any of their claims without affecting the rights and privileges of those parties who received the licenses at issue as well as other third parties.
22. The actions of the State of Nevada, Department of Taxation were not arbitrary or capricious, nor an abuse of discretion, and the State of Nevada, Department of Taxation had a rational basis for all of the actions taken in the licensing process at issue.
23. Rural Remedies has no constitutional rights to obtain privileged licenses.

1           24.     Rural Remedies is not entitled to judicial review on the denial of privileged  
2 licenses.

3           25.     Mandamus is not available to compel the members of the executive branch to  
4 perform non-ministerial, discretionary tasks.

5           26.     The claims, and each of them, are barred by the failure of Rural Remedies to plead  
6 those claims with sufficient particularity.

7           27.     Injunctive relief is unavailable to Rural Remedies because the State of Nevada,  
8 Department of Taxation has already completed the task of issuing the conditional licenses.

9           28.     Declaratory relief will not give Rural Remedies the relief that it is seeking.

10          29.     Rural Remedies failed to allege sufficient facts and cannot carry the burden of  
11 proof imposed on it by law to recover attorney's fees incurred to bring and prosecute this action.

12          30.     Wellness received its license as a result of an impartial and objective grading and  
13 scoring process and was supported by substantial evidence.

14          31.     Wellness adopts and incorporates herein all affirmative defenses pleaded by the  
15 other Defendants and other Intervenors in this matter.

16          32.     Pursuant to NRCPC 11, all possible affirmative defenses may not have been alleged  
17 herein insofar as sufficient facts were not available after reasonable inquiry. Wellness reserves  
18 the right to amend this Answer to allege additional affirmative defenses as necessary or  
19 appropriate or as further discovery warrants.

20                 Wellness has been required to retain the services of attorneys to defend against the  
21 Complaint, and, as a direct, natural, and foreseeable consequence thereof, have been damaged  
22 thereby, and are entitled to reasonable attorneys' fees and costs.

23                                 **PRAYER FOR RELIEF**

24                 WHEREFORE, Wellness Connection of Nevada, LLC prays for judgment as follows:

- 25                 1.     That Rural Remedies takes nothing by way of its Complaint;
- 26                 2.     The Complaint, and all causes of action alleged against Wellness Connection of
- 27 Nevada, LLC therein be dismissed with prejudice;
- 28                 3.     For costs of suit and reasonable attorneys' fees; and

4. For any other such relief as this Court deems just and proper under the circumstances.

DATED this 1<sup>st</sup> day of July 2020.

**HOWARD & HOWARD ATTORNEYS PLLC**

/s/ Kirill V. Mikhaylov

L. Christopher Rose, Esq.

Kirill V. Mikhaylov, Esq.

3800 Howard Hughes Parkway, Suite 1000

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*Attorneys for Defendant*

*Wellness Connection of Nevada, LLC*

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(702) 257-1483

**Howard & Howard**  
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Las Vegas, NV 89169  
(702) 257-1483

**CERTIFICATE OF SERVICE**

I hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is Howard & Howard Attorneys PLLC, 3800 Howard Hughes Parkway, Suite 1000, Las Vegas, Nevada 89145.

On July 1, 2020, I served the **WELLNESS CONNECTION OF NEVADA, LLC'S ANSWER TO DEFENDANT RURAL REMEDIES, LLC'S AMENDED COMPLAINT IN INTERVENTION, PETITION FOR JUDICIAL REVIEW OR WRIT OF MANDAMUS** in this action or proceeding electronically with the Clerk of the Court via the Odyssey E-File system and e-served the same on all parties listed on the Court's Master Service List.

/s/ Julia M. Diaz

An employee of HOWARD & HOWARD ATTORNEYS PLLC

4834-6022-8801, v. 1

2018 Retail Marijuana Store Application Scores and Rankings

Revised 4 pm 5/14/2019

CARSON CITY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.66	Yes
3	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	No
4	TRNVP098, LLC	GRASSROOTS	196.49	No
5	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
6	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
7	BIONEVA INNOVATIONS OF CARSON CITY, LLC	BIONEVA INNOVATIONS	188.00	No
8	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
9	D LUX, LLC	D LUX	150.49	No
10	CN LICENSECO I, INC	CANA NEVADA	139.01	No
11	CARSON CITY AGENCY SOLUTIONS, LLC	CARSON CITY AGENCY SOLUTIONS	128.67	No

CHURCHILL COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
NO APPLICATIONS RECEIVED				

CLARK COUNTY- HENDERSON				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
5	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	Yes
6	CLEAR RIVER, LLC	KABUNKY	210.16	Yes
7	QUALCAN, LLC	QUALCAN	209.66	No
8	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
9	WSCC, INC	SIERRA WELL	201.50	No
10	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	197.83	No
11	TRNVP098, LLC	GRASSROOTS	196.49	No
12	HARVEST of NEVADA, LLC	HARVEST	195.01	No
13	RED EARTH, LLC	RED EARTH	194.67	No
14	GRAVITAS NEVADA, LTD	THE APOTHECARIUM	194.66	No
15	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
16	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
17	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
18	GREEN THERAPEUTICS, LLC	PROVISIONS	188.34	No
19	NV 3480 PARTNERS, LLC	EVERGEEN ORGANIX	188.00	No
20	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
21	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
22	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
23	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.83	No
24	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
25	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
26	GOOD CHEMISTRY NEVADA, LLC	GOOD CHEMISTRY	167.17	No
27	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
28	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
29	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
30	ETW MANAGEMENT GROUP, LLC	GASSERS	158.17	No
31	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	148.51	No
32	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
33	NYE FARM TECH, LTD	URBN LEAF	133.34	No
34	GREENLEAF WELLNESS, INC	GREENLEAF WELLNESS	114.83	No
35	GREENWAY HEALTH COMMUNITY, LLC	GREENWAY HEALTH COMMUNITY	87.33	No

CLARK COUNTY- LAS VEGAS				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.66	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	HELPING HANDS WELLNESS CENTER, INC	HELPING HANDS WELLNESS CENTER	218.50	Yes
5	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
6	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
7	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	212.33	Yes
8	CLEAR RIVER, LLC	KABUNKY	210.16	Yes
9	WELLNESS CONNECTION OF NEVADA, LLC	CULTIVATE	208.67	Yes
10	CIRCLE S FARMS, LLC	CIRCLE S	208.00	Yes
11	QUALCAN, LLC	QUALCAN	207.33	No
12	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
13	3AP, INC	NATURE'S CHEMISTRY	202.83	No
14	WSCC, INC	SIERRA WELL	200.83	No
15	ACRES MEDICAL, LLC	ACRES DISPENSARY	199.84	No
16	LAS VEGAS WELLNESS & COMPASSION CENTER	PEGASUS NV	199.83	No
17	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	197.83	No
18	NATURAL MEDICINE, LLC	NATURAL MEDICINE	197.17	No
19	TGIG, LLC	THE GROVE	196.67	No
20	TRNVP098, LLC	GRASSROOTS	196.49	No
21	TRNVP098, LLC	GRASSROOTS	196.49	No
22	GRAVITAS HENDERSON, LLC	BETTER BUDS	196.01	No
23	D.H. FLAMINGO, INC	THE APOTHECARY SHOPPE	196.00	No
24	HARVEST of NEVADA, LLC	HARVEST	195.01	No
25	RED EARTH, LLC	RED EARTH	194.67	No
26	STRIVE WELLNESS OF NEVADA, LLC	STRIVE	194.00	No
27	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
28	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
29	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
30	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.17	No
31	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
32	TRYKE COMPANIES SO NV, LLC	REEF	189.33	No
33	NV 3480 PARTNERS, LLC	EVERGEEN ORGANIX	188.00	No
34	AGUA STREET, LLC	CURALEAF	188.00	No
35	GREEN THERAPEUTICS, LLC	PROVISIONS	187.67	No
36	POLARIS WELLNESS CENTER, LLC	POLARIS MMI	184.84	No
37	HIGH SIERRA HOLISTICS, LLC	HSH	184.83	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
38	GTI NEVADA, LLC	RISE	184.33	No
39	GTI NEVADA, LLC	RISE	184.33	No
40	GTI NEVADA, LLC	RISE	184.33	No
41	TRYKE COMPANIES RENO, LLC	REEF	182.00	No
42	SILVER SAGE WELLNESS, LLC	+ VIBES	181.99	No
43	CW NEVADA, LLC	CANOPI	181.67	No
44	TRYKE COMPANIES RENO, LLC	REEF	181.33	No
45	MATRIX NV, LLC	MATRIX NV	180.67	No
46	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
47	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
48	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
49	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	179.83	No
50	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
51	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
52	WAVESEER OF NEVADA, LLC	JENNY'S DISPENSARY	176.34	No
53	NLVG, LLC	DESERT BLOOM WELLNESS CENTER	173.83	No
54	MEDI FARM IV, LLC	BLUM	173.50	No
55	NEVADA HOLISTIC MEDICINE, LLC	NHM	172.50	No
56	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
57	LUFF ENTERPRISES NV, INC	SWEET CANNABIS	171.33	No
58	THC NEVADA, LLC	CANNA VIBE	170.99	No
59	THE HARVEST FOUNDATION, LLC	THE HARVEST FOUNDATION	170.50	No
60	MALANA LV, LLC	MALANA LV	168.66	No
61	WEST COST DEVELOPMENT NEVADA, LLC	SWEET GOLDY	168.17	No
62	GOOD CHEMISTRY NEVADA, LLC	GOOD CHEMISTRY	167.17	No
63	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
64	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
65	NEVADA PURE, LLC	SHANGO LAS VEGAS	164.83	No
66	FSWFL, LLC	GREEN HARVEST (Have A Heart)	164.83	No
67	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
68	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
69	SOUTHERN NEVADA GROWERS, LLC	BOWTIE CANNABIS	163.17	No
70	GREENPOINT NEVADA, INC	CHALICE FARMS	160.84	No
71	ETW MANAGEMENT GROUP, LLC	GASSERS	158.17	No
72	NEVADA WELLNESS CENTER, LLC	NWC	156.51	No
73	ALTERNATIVE MEDICINE ASSOCIATION, LLC	ALTERNATIVE WELLNESS	154.67	No
74	YMY VENTURES, LLC	STEM	154.16	No
75	SOLACE ENTERPRISES	THALLO	153.67	No
76	MMOF VEGAS RETAIL, INC	MEDMEN	152.67	No
77	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
78	YMY VENTURES, LLC	STEM	152.16	No
79	NEVCANN, LLC	NEVCANN	150.67	No
80	NEVCANN, LLC	NEVCANN	150.67	No
81	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	150.51	No
82	WENDOVERA, LLC	WENDOVERA	145.66	No
83	FOREVER GREEN, LLC	FOREVER GREEN	144.01	No
84	RELEAF CULTIVATION, LLC	RELEAF CULTIVATION	143.83	No
85	HERBAL CHOICE, INC	HERBAL CHOICE	143.51	No
86	PARADISE WELLNESS CENTER, LLC	LAS VEGAS RELEAF	142.99	No
87	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	141.83	No
88	CN LINCENSECO I, INC	CANA NEVADA	139.01	No
89	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
90	ECONEVADA LLC	MARAPHARM LAS VEGAS	137.33	No
91	ECONEVADA LLC	MARAPHARM LAS VEGAS	137.33	No
92	PHENOFARM NV LLC	MARAPHARM LAS VEGAS	137.33	No
93	DP HOLDINGS, INC	COMPASSIONATE TEAM OF LAS VEGAS	134.82	No
94	DP HOLDINGS, INC	COMPASSIONATE TEAM OF LAS VEGAS	134.82	No
95	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
96	NYE FARM TECH, LTD	URBN LEAF	133.34	No
97	NYE FARM TECH, LTD	URBN LEAF	133.34	No
98	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
99	GB SCIENCES NEVADA, LL	GB SCIENCES	125.00	No
100	RURAL REMEDIES, LLC	DOC'S APOTHECARY	119.16	No
101	GREENLEAF WELLNESS, INC	GREENLEAF WELLNESS	115.16	No
102	RG HIGHLAND	TWEEDLEAF	113.00	No
103	NLV WELLNESS, LLC	ETHCX	109.67	No



Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
CLARK COUNTY- MESQUITE				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
NO ALLOCATION				

CLARK COUNTY- NORTH LAS VEGAS				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	HELPING HANDS WELLNESS CENTER, INC	HELPING HANDS WELLNESS CENTER	218.50	Yes
5	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
6	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	No
7	COMMERCE PARK MEDICAL, LLC	THRIVE	212.33	No
8	CLEAR RIVER, LLC	KABUNKY	209.83	No
9	QUALCAN, LLC	QUALCAN	209.00	No
10	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
11	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
12	3AP, INC	NATURE'S CHEMISTRY	202.83	No
13	WSCC, INC	SIERRA WELL	201.50	No
14	ACRES MEDICAL, LLC	ACRES DISPENSARY	199.84	No
15	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	198.50	No
16	NATURAL MEDICINE, LLC	NATURAL MEDICINE	197.17	No
17	TGIG, LLC	THE GROVE	196.67	No
18	TRNVP098, LLC	GRASSROOTS	196.49	No
19	GRAVITAS HENDERSON, LLC	BETTER BUDS	196.01	No
20	HARVEST of NEVADA, LLC	HARVEST	195.68	No
21	D.H. FLAMINGO, INC	THE APOTHECARY SHOPPE	195.67	No
22	RED EARTH, LLC	RED EARTH	194.67	No
23	ZION GARDENS, LLC	ZION GARDENS	194.17	No
24	GREENSCAPE PRODUCTIONS, LLC	HERBAL WELLNESS CENTER	192.83	No
25	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
26	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
27	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.54	No
28	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.33	No
29	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
30	TRYKE COMPANIES SO NV, LLC	REEF	189.33	No
31	FIDELIS HOLDINGS, LLC	PISOS	189.00	No
32	FIDELIS HOLDINGS, LLC	PISOS	189.00	No
33	GREEN THERAPEUTICS, LLC	PROVISIONS	188.67	No
34	NV 3480 PARTNERS, LLC	EVERGEEN ORGANIX	188.00	No
35	AGUA STREET, LLC	CURALEAF	185.50	No
36	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	185.17	No
37	GTI NEVADA, LLC	RISE	184.33	No
38	MATRIX NV, LLC	MATRIX NV	181.00	No
39	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
40	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
41	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.83	No
42	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
43	WAVESEER OF NEVADA, LLC	JENNY'S DISPENSARY	176.34	No
44	NLVG, LLC	DESERT BLOOM WELLNESS CENTER	173.83	No
45	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
46	THC NEVADA, LLC	CANNA VIBE	170.99	No
47	MALANA LV, LLC	MALANA LV	169.00	No
48	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
49	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
50	EUPHORIA WELLNESS, LLC	EUPHORIA WELLNESS	165.16	No
51	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
52	SOUTHERN NEVADA GROWERS, LLC	BOWTIE CANNABIS	163.17	No
53	GREENPOINT NEVADA, INC	CHALICE FARMS	161.84	No
54	NEVADA WELLNESS CENTER, LLC	NWC	156.51	No
55	SOLACE ENTERPRISES	THALLO	153.67	No
56	PHYSIS ONE, LLC	LV FORTRESS	153.00	No
57	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
58	NEVCANN, LLC	NEVCANN	150.67	No
59	HEALTHCARE OPTIONS for PATIENTS ENTERPRISES, LLC	SHANGO	150.33	No
60	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	No
61	WENDOVERA, LLC	WENDOVERA	145.66	No
62	RELEAF CULTIVATION, LLC	RELEAF CULTIVATION	143.83	No
63	HERBAL CHOICE, INC	HERBAL CHOICE	143.51	No
64	FOREVER GREEN, LLC	FOREVER GREEN	141.34	No
65	CN LICENSECO I, INC	CANA NEVADA	139.01	No
66	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
67	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	137.51	No
68	ECONEVADA LLC	MARAPHARM LAS VEGAS	137.33	No
69	PHENOFARM NV LLC	MARAPHARM LAS VEGAS	137.33	No
70	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
71	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
72	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
73	RURAL REMEDIES, LLC	DOC'S APOTHECARY	120.16	No
74	NLV WELLNESS, LLC	ETHCX	109.67	No
75	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No
76	THOMPSON FARM ONE, LLC	GREEN ZONE	49.66	No

CLARK COUNTY- UNINCORPORATED CLARK COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
3	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.66	Yes
4	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
5	HELPING HANDS WELLNESS CENTER, INC	HELPING HANDS WELLNESS CENTER	218.50	Yes
6	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
7	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	214.66	Yes
8	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
9	COMMERCE PARK MEDICAL, LLC	THRIVE	212.16	Yes
10	CLEAR RIVER, LLC	KABUNKY	210.16	Yes
11	WELLNESS CONNECTION OF NEVADA, LLC	CULTIVATE	208.50	No
12	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
13	QUALCAN, LLC	QUALCAN	207.66	No
14	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	205.67	No
15	3AP, INC	NATURE'S CHEMISTRY	202.83	No
16	WSCC, INC	SIERRA WELL	200.83	No
17	LAS VEGAS WELLNESS & COMPASSION CENTER	PEGASUS NV	200.16	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
18	ACRES MEDICAL, LLC	ACRES DISPENSARY	198.67	No
19	NATURAL MEDICINE, LLC	NATURAL MEDICINE	197.17	No
20	VEGAS VALLEY GROWERS	KIFF PREMIUM CANNABIS	197.17	No
21	TGIG, LLC	THE GROVE	196.67	No
22	TRNVP098, LLC	GRASSROOTS	196.49	No
23	GRAVITAS HENDERSON, LLC	BETTER BUDS	196.01	No
24	D.H. FLAMINGO, INC	THE APOTHECARY SHOPPE	195.67	No
25	HARVEST of NEVADA, LLC	HARVEST	195.01	No
26	RED EARTH, LLC	RED EARTH	195.00	No
27	GRAVITAS NV	THE APOTHECARIUM	194.66	No
28	ZION GARDENS, LLC	ZION GARDENS	194.17	No
29	GREENSCAPE PRODUCTIONS, LLC	HERBAL WELLNESS CENTER	192.83	No
30	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
31	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
32	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
33	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
34	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
35	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.17	No
36	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
37	TRYKE COMPANIES SO NV, LLC	REEF	189.33	No
38	FIDELIS HOLDINGS, LLC	PISOS	189.33	No
39	FIDELIS HOLDINGS, LLC	PISOS	189.00	No
40	LVMC C&P, LLC	CANNA COPIA	188.50	No
41	GREEN THERAPEUTICS, LLC	PROVISIONS	187.67	No
42	AGUA STREET, LLC	CURALEAF	187.17	No
43	AGUA STREET, LLC	CURALEAF	186.50	No
44	CWNEVADA, LLC	CANOPI	184.34	No
45	TRYKE COMPANIES RENO, LLC	REEF	181.33	No
46	MATRIX NV, LLC	MATRIX NV	180.33	No
47	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
48	GBS NEVADA PARTNERS, LLC	SHOW GROW	180.17	No
49	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	179.50	No
50	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
51	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
52	WAVESEER OF NEVADA, LLC	JENNY'S DISPENSARY	176.34	No
53	NLVG, LLC	DESERT BLOOM WELLNESS CENTER	173.83	No
54	MEDI FARM IV, LLC	BLUM	173.50	No
55	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
56	LUFF ENTERPRISES NV, INC	SWEET CANNABIS	171.33	No
57	WEST COST DEVELOPMENT NEVADA, LLC	SWEET GOLDY	168.17	No
58	GOOD CHEMISTRY NEVADA, LLC	GOOD CHEMISTRY	167.17	No
59	TWELVE TWELVE, LLC	12/12 DISPENSARY	166.67	No
60	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
61	NEVADA PURE, LLC	SHANGO LAS VEGAS	165.83	No
62	EUPHORIA WELLNESS, LLC	EUPHORIA WELLNESS	165.16	No
63	FSWFL, LLC	GREEN HARVEST (Have A Heart)	164.83	No
64	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
65	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
66	SOUTHERN NEVADA GROWERS, LLC	BOWTIE CANNABIS	163.17	No
67	GREENPOINT NEVADA, INC	CHALICE FARMS	160.84	No
68	ETW MANAGEMENT GROUP, LLC	GASSERS	158.17	No
69	NEVADA WELLNESS CENTER, LLC	NWC	155.18	No
70	YMY VENTURES, LLC	STEM	153.83	No
71	MMOF VEGAS RETAIL, INC	MEDMEN	152.67	No
72	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
73	NEVCANN, LLC	NEVCANN	150.67	No
74	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	No
75	WENDOVERA, LLC	WENDOVERA	145.66	No
76	NCMM, LLC	NCMM	144.16	No
77	NCMM, LLC	NCMM	144.16	No
78	RELEAF CULTIVATION, LLC	RELEAF CULTIVATION	143.83	No
79	HERBAL CHOICE, INC	HERBAL CHOICE	143.51	No
80	CN LICENSECO I, INC	CANA NEVADA	139.01	No
81	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
82	PHENOFARM NV LLC	MARAPHARM LAS VEGAS	137.33	No
83	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	135.84	No
84	DP HOLDINGS, INC	COMPASSIONATE TEAM OF LAS VEGAS	134.82	No
85	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
86	NYE FARM TECH, LTD	URBN LEAF	133.34	No
87	GFIVE DISPENSARY, LLC	G5	128.83	No
88	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
89	GB SCIENCES NEVADA, LL	GB SCIENCES	125.00	No
90	KINDIBLES, LLC	AREA 51	117.50	No
91	KINDIBLES, LLC	AREA 51	117.50	No
92	KINDIBLES, LLC	AREA 51	117.50	No
93	KINDIBLES, LLC	AREA 51	117.50	No
94	NLV WELLNESS, LLC	ETHCX	109.67	No
95	GREENWAY MEDICAL, LLC	GREENWAY MEDICAL	101.00	No
96	MILLER FARMS, LLC	LUCID	88.66	No
97	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No

DOUGLAS COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	GREEN THERAPEUTICS, LLC	PROVISIONS	188.34	Yes
3	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	184.84	No
4	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	148.51	No
5	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	No
6	WENDOVERA, LLC	WENDOVERA	145.66	No
7	NCMM, LLC	NCMM	144.16	No

ELKO COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
2	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.53	No
3	QUALCAN, LLC	QUALCAN	209.66	No
4	HARVEST of NEVADA, LLC	HARVEST	195.01	No
5	JUST QUALITY, LLC	PANACA CANNABIS (HUSH)	163.83	No
6	WENDOVERA, LLC	WENDOVERA	145.66	No
7	H&K GROWERS, CORP	H&K GROWERS	125.83	No
8	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
ESMERALDA COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	POLARIS WELLNESS CENTER, LLC	POLARIS MMJ	185.17	Yes
3	BLUE COYOTE RANCH, LLC	BLUE COYOTE RANCH	100.83	No
EUREKA COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	EUREKA NEWGEN FARMS, LLC	EUREKA NEWGEN FARMS	97.67	Yes
HUMBOLDT COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes
2	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	Yes
3	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
4	RURAL REMEDIES, LLC	DOC'S APOTHECARY	119.16	No
5	MILLER FARMS, LLC	LUCID	88.66	No
LANDER COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	TRNVP098, LLC	GRASSROOTS	196.49	Yes
3	HARVEST of NEVADA, LLC	HARVEST	195.01	No
4	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No
5	RURAL REMEDIES, LLC	DOC'S APOTHECARY	119.16	No
LINCOLN COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
LYON COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes
2	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.17	No
3	HIGH SIERRA HOLISTICS, LLC	HSH	184.83	No
4	5SEAT INVESTMENTS, LLC	KANNA	162.00	No
5	GREEN LEAF FARMS, LLC	PLAYERS NETWORK	143.17	No
6	FOREVER GREEN, LLC	FOREVER GREEN	141.01	No
7	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
8	MILLER FARMS, LLC	LUCID	88.66	No
9	INTERNATIONAL SERVICES AND REBUILDING, INC	VOODOO WELLNESS	56.00	No

MINERAL COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	TRNVP098, LLC	GRASSROOTS	196.49	Yes

NYE COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
2	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	No
3	COMMERCE PARK MEDICAL, LLC	THRIVE	212.16	No
4	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
5	TGIG, LLC	THE GROVE	196.67	No
6	TRNVP098, LLC	GRASSROOTS	196.49	No
7	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
8	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
9	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.50	No
10	GREEN LIFE PRODUCTIONS, LLC	GREEN LIFE PRODUCTIONS	180.68	No
11	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
12	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
13	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
14	5SEAT INVESTMENTS, LLC	KANNA	161.67	No
15	NYE FARM TECH, LTD	URBN LEAF	133.34	No
16	NLV WELLNESS, LLC	ETHCX	109.67	No
17	MILLER FARMS, LLC	LUCID	88.66	No
18	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No

PERSHING COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes

STOREY COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	TRNVP098, LLC	GRASSROOTS	196.49	Yes
2	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	146.99	Yes

WHITE PINE COUNTY				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
2	TRNVP098, LLC	GRASSROOTS	196.49	Yes
3	DIVERSIFIED MODALITIES MARKETING, LTD	DIVERSIFIED MODALITIES MARKETING	138.66	No

Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
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WASHOE COUNTY- RENO				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE TROPICANA, LLC	ESSENCE	227.84	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	Yes
3	DEEP ROOTS MEDICAL, LLC	DEEP ROOTS HARVEST	222.49	Yes
4	CHEYENNE MEDICAL, LLC	THRIVE	216.50	Yes
5	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	Yes
6	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.66	Yes
7	COMMERCE PARK MEDICAL, LLC	THRIVE	212.16	No
8	QUALCAN, LLC	QUALCAN	209.66	No
9	WELLNESS CONNECTION OF NEVADA, LLC	CULTIVATE	208.33	No
10	CIRCLE S FARMS, LLC	CIRCLE S	208.00	No
11	MM DEVELOPMENT COMPANY, INC	PLANET 13 / MEDIZIN	204.01	No
12	WSCC, INC	SIERRA WELL	201.50	No
13	ACRES MEDICAL, LLC	ACRES DISPENSARY	199.84	No
14	TGIG, LLC	THE GROVE	196.67	No
15	TRNVP098, LLC	GRASSROOTS	196.49	No
16	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
17	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
18	FRANKLIN BIO SCIENCE NV, LLC	BEYOND/HELLO	190.66	No
19	LIVFREE WELLNESS, LLC	THE DISPENSARY	190.50	No
20	INYO FINE CANNABIS DISPENSARY, LLC	INYO	189.68	No
21	GREEN THERAPEUTICS, LLC	PROVISIONS	188.34	No
22	BIONEVA INNOVATIONS OF CARSON CITY, LLC	BIONEVA INNOVATIONS	187.67	No
23	HIGH SIERRA HOLISTICS, LLC	HSH	184.83	No
24	GTI NEVADA, LLC	RISE	184.33	No
25	HIGH SIERRA CULTIVATION, LLC	HIGH SIERRA	183.33	No
26	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
27	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
28	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.50	No
29	NEVADA GROUP WELLNESS, LLC	PRIME	178.18	No
30	WAVESEER OF NEVADA, LLC	JENNY'S DISPENSARY	175.67	No
31	WELLNESS & CAREGIVERS OF NEVADA NLV, LLC	MMD	172.16	No
32	THC NEVADA, LLC	CANNA VIBE	170.99	No
33	HELIOS NV, LLC	HYDROVIZE	167.17	No
34	MMNV2 HOLDINGS I, LLC	MEDMEN	166.83	No
35	GLOBAL HARMONY, LLC	TOP NOTCH	166.34	No
36	FSWFL, LLC	GREEN HARVEST (Have A Heart)	164.83	No
37	NEVADA MEDICAL GROUP, LLC	THE CLUBHOUSE DISPENSARY	164.32	No
38	GREENPOINT NEVADA, INC	CHALICE FARMS	159.84	No
39	NEVADA WELLNESS CENTER, LLC	NWC	155.18	No
40	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.50	No
41	NEVCANN, LLC	NEVCANN	150.67	No
42	D LUX, LLC	D LUX	149.83	No
43	PURE TONIC CONCENTRATES, LLC	THE GREEN HEART	141.83	No
44	CN LICENSECO I, INC	CANA NEVADA	139.01	No
45	LIBRA WELLNESS CENTER, LLC	LIBRA WELLNESS	134.17	No
46	H&K GROWERS, CORP	H&K GROWERS	126.50	No
47	BLOSSUM GROUP, LLC	HEALING HERB	125.50	No
48	LYNCH NATURAL PRODUCTS, LLC	LNP	124.00	No
49	RURAL REMEDIES, LLC	DOC'S APOTHECARY	120.16	No
50	NEVADA BOTANICAL SCIENCE, INC	VIGOR DISPENSARIES	115.34	No
51	NV GREEN, INC	NV GREEN	105.84	No
52	MILLER FARMS, LLC	LUCID	88.66	No
53	MM R&D, LLC	SUNSHINE CANNABIS	64.66	No

WASHOE COUNTY- SPARKS				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
1	ESSENCE HENDERSON, LLC	ESSENCE	227.17	Yes
2	NEVADA ORGANIC REMEDIES, LLC	THE SOURCE	222.99	No
3	LONE MOUNTAIN PARTNERS, LLC	ZENLEAF	214.50	No
4	GREENMART OF NEVADA NLV, LLC	HEALTH FOR LIFE	213.33	No
5	TGIG, LLC	THE GROVE	196.67	No
6	TRNVP098, LLC	GRASSROOTS	196.49	No
7	CLARK NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	192.01	No
8	NYE NATURAL MEDICINAL SOLUTIONS, LLC	NUVEDA (THE GREEN SOLUTION)	191.67	No
9	SERENITY WELLNESS CENTER, LLC	OASIS CANNABIS	180.17	No
10	CLARK NMSD, LLC	NUVEDA (THE GREEN SOLUTION)	178.84	No
11	ROMBOUGH REAL ESTATE, INC	MOTHER HERB	178.83	No
12	GREENPOINT NEVADA, INC	CHALICE FARMS	161.17	No
13	NULEAF INCLINE DISPENSARY, LLC	NULEAF	152.33	No
14	D LUX, LLC	D LUX	149.83	No
15	CN LICENSECO I, INC	CANA NEVADA	139.01	No
16	RURAL REMEDIES, LLC	DOC'S APOTHECARY	120.16	No

WASHOE COUNTY- UNINCORPORATED WASHOE				
Rank	Business Name	DBA/LOGO	Score	Conditional License Yes / No
NO ALLOCATION				