

**ORDR**

SADMIRA RAMIC, ESQ.  
Nevada Bar No.: 15984  
CHRISTOPHER M. PETERSON, ESQ.  
Nevada Bar No.: 13932  
SOPHIA A. ROMERO, ESQ.  
Nevada Bar No.: 12446  
**AMERICAN CIVIL LIBERTIES  
UNION OF NEVADA**  
601 South Rancho Drive, Suite B-11  
Las Vegas, NV 89106  
Telephone: (702) 366-1226  
Facsimile: (702) 830-9205  
Email: ramic@aclunv.org  
*Attorneys for Petitioners/Plaintiffs*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

CANNABIS EQUITY AND INCLUSION  
COMMUNITY (CEIC), a domestic nonprofit  
corporation; ANTOINE POOLE, an individual,  
  
Petitioners/Plaintiffs,  
  
vs.  
  
STATE OF NEVADA ex rel. BOARD OF  
PHARMACY, a public entity of the State of  
Nevada,  
  
Respondent/Defendant.

Case No.: A-22-851232-W

Department: 15

**ORDER DENYING  
RESPONDENT'S/DEFENDANT'S  
MOTION TO DISMISS FOR LACK  
OF STANDING AND FAILURE TO  
STATE A CLAIM**

This matter having come before this court on July 13, 2022, on Respondent/Defendant Nevada Board of Pharmacy's (herein after "the Board") Motion to Dismiss for Lack of Jurisdiction and Failure to State a Claim; Sadmira Ramic, Esq., and Sophia A. Romero, Esq., of the American Civil Liberties Union of Nevada, appearing on behalf of Petitioners/Plaintiffs, Cannabis Equity and Inclusion Community (CEIC) and Antoine Poole; Brett Kandt, Esq. of the Nevada Board of Pharmacy appearing on behalf of the State of Nevada; the Court having reviewed the papers and pleadings on file herein, having heard the arguments of counsel at the hearing on this matter, and with good cause appearing therefore:

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

- 2 1. Under NRS 34.300 and NRS 34.210, a motion to dismiss is a proper response to a petition  
3 for a writ of mandamus;
- 4 2. Accepting the allegations as true, both Cannabis Equity and Inclusion Community (CEIC)  
5 and Antoine Poole have standing under Nevada law to seek Writ Relief;
- 6 3. Accepting the allegations as true, both Cannabis Equity and Inclusion Community  
7 (CEIC) and Antoine Poole have standing under Nevada law to seek Declaratory and  
8 Injunctive Relief;
- 9 4. Accepting the allegations as true, the Petition and Complaint state a claim upon which  
10 relief can be granted;
- 11 5. Substantive arguments pertaining to the Motion to Dismiss for Failure to State a Claim  
12 are more appropriately addressed using pleadings under Nevada Revised Statutes and  
13 Nevada Rules of Civil Procedure following the submission of an Answer by the Board;
- 14 6. The Board's Motion to Dismiss pursuant to NRCP 12(b)(1) and (b)(5) is hereby DENIED  
15 without prejudice in its entirety;
- 16 7. The Petitioners'/Plaintiffs' motion for a temporary injunction is hereby DENIED without  
17 prejudice;
- 18 8. In conformance with the First Stipulation and Order Setting Briefing Schedule entered by  
19 the Court on June 1, 2022: a) the Board shall file its Answer within 14 days of notice of  
20 entry of this order; b) Petitioners/Plaintiffs shall file a Reply within 7 days of service of  
21 the Answer; and c) the hearing will be scheduled within 7 days of the Reply being filed.

22 IT IS SO ORDERED this \_\_\_\_ day of July, 2022.

Dated this 26th day of July, 2022

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24 \_\_\_\_\_  
HONORABLE JUDGE JOE HARDY JR.

25 **999 C29 B394 E08D**  
26 **Joe Hardy**  
27 **District Court Judge**

1 Respectfully submitted by:

2 **AMERICAN CIVIL LIBERTIES**  
3 **UNION OF NEVADA**

4 /s/ Sadmira Ramic

5 **SADMIRA RAMIC, ESQ.**  
6 Nevada Bar No. 15984  
7 **CHRISTOPHER M. PETERSON, ESQ.**  
8 Nevada Bar No. 13932  
9 **SOPHIA A. ROMERO, ESQ.**  
10 Nevada Bar No.: 12446  
11 601 South Rancho Drive, Suite B-11  
12 Las Vegas, NV 89106  
13 Telephone: (702) 366-1226  
14 Facsimile: (702) 366-1331  
15 Email: ramic@aclunv.org

Approved as to form and content by:

**NEVADA BOARD OF PHARMACY**



\_\_\_\_\_  
16 **BRETT KANDT, ESQ.**  
17 Nevada Bar No. 5384  
18 General Counsel  
19 **PETER K. KEEGAN**  
20 Nevada Bar No. 12237  
21 Assistant General Counsel  
22 *Attorneys for Respondent/Defendant*

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Cannabis Equity and Inclusion  
7 Community, Plaintiff(s)

CASE NO: A-22-851232-W

8 vs.

DEPT. NO. Department 15

9 Nevada ex reL. Board of  
10 Pharmacy, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12  
13 This automated certificate of service was generated by the Eighth Judicial District  
14 Court. The foregoing Order was served via the court's electronic eFile system to all  
recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 7/26/2022

16 Peter Keegan

p.keegan@pharmacy.nv.gov

17 William Kandt

bkandt@pharmacy.nv.gov

18 Sadmira Ramic

ramic@aclunv.org

19 Christopher Peterson

peterson@aclunv.org

20 Courtney Jones

jones@aclunv.org

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23  
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25  
26  
27  
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