



## STAFF REPORT

**Report To:** Board of Supervisors      **Meeting Date:** August 4, 2022

**Staff Contact:** Nancy Paulson, City Manager

**Agenda Title:** For Possible Action: Discussion and possible action regarding a proposed settlement offer in the amount of \$400,000, payable to Plaintiff Tahoe Hemp, LLC, to settle all claims arising from litigation relating to proposed hemp cultivation on Carson City Open Space Property located at 4900 Carson River Road ("Buzzy's Ranch"). (Nancy Paulson, npaulson@carson.org)

**Staff Summary:** This agenda item is for the Board of Supervisors to consider a settlement offer by the Plaintiff and Appellant, Tahoe Hemp LLC, who has filed a breach of contract lawsuit with related claims against the City based on the decision to not allow hemp to be cultivated at Buzzy's Ranch. If the Board of Supervisors accepts the settlement offer, the District Attorney's Office may proceed with all necessary action to finalize the settlement. If, however, the Board chooses not to accept the settlement offer, the District Attorney's Office will continue to defend the City in an appeal before the Nevada Supreme Court.

**Agenda Action:** Formal Action / Motion      **Time Requested:** 5 Minutes

### **Proposed Motion**

Depends on the Board of Supervisors' decision to accept or reject the settlement offer.

### **Board's Strategic Goal**

Efficient Government

### **Previous Action**

June 18, 2020: The Board of Supervisors authorized the District Attorney's Office to take all necessary action in representing the City in the litigation, including the filing of counterclaims and representing the City on appeal.

January 16, 2020: The Board of Supervisors authorized the District Attorney's Office to initiate litigation relating to the proposed hemp cultivation in consultation with the City Manager if deemed to be in the best interest of the City.

### **Background/Issues & Analysis**

In 2010, Carson City applied for and received a Conservation and Resource Protection Grant (Q-1) from the Nevada Division of State Lands to help fund the purchase of 365 acres of property located at 4900 Carson River Road. The property was purchased from James Jarrard and the Jimmie Pete Jarrard Children's Trust ("Jarrard Trust"). The State Lands grant provided 75 percent of the total project cost (\$2,788,430) with the remaining 25 percent (\$929,477) paid from Carson City Open Space funds.

The Purchase and Sale Agreement between the Jarrard Trust and the City allows Mr. Jarrard to continue ranching and grazing operations on the property provided it does not interfere with or materially impair use of

the Mexican Ditch trail, observation of wildlife and access to wetlands for studies and environmental assessments.

In June 2019, representatives from Tahoe Hemp, LLC (“Tahoe Hemp”) entered the property and began clearing brush in preparation of seeding hemp. Tahoe Hemp did not notify Carson City or seek permission prior to clearing. The District Attorney’s Office sent a cease and desist email to legal counsel for Tahoe Hemp and requested a meeting to discuss the proposed cultivation.

On June 25, 2019, staff met with representatives from Tahoe Hemp on-site to discuss the project and review the area where planting was proposed. Staff informed Tahoe Hemp that more research was necessary to determine the viability of hemp production on City property.

On November 15, 2019, the District Attorney’s Office sent a letter to legal counsel for Tahoe Hemp outlining the City’s concerns and interpretation of the Purchase and Sale Agreement as it related to the production of hemp. The letter indicated that the City could not approve the proposed project because it would jeopardize the grant funding. In response to this correspondence, a representative from Tahoe Hemp, Leslie Goeres, sent an email indicating that Tahoe Hemp planned to enter City property and proceed with site preparation for planting hemp for commercial cultivation without authorization and over the City’s express objection. On November 21, 2019, a cease and desist letter was sent to counsel for Jarrard Trust and Tahoe Hemp via email and certified mail.

On January 15, 2020, Tahoe Hemp filed a Complaint for Breach of Contract, Inverse Condemnation and Writ of Mandamus in the First Judicial District Court naming Carson City as a defendant. On March 9, 2020, Carson City filed its Motion to Dismiss or in the alternative Motion for Summary Judgment seeking dismissal of the complaint on various grounds. Following briefing by the parties, the Court entered an Order Granting in Part and Denying in Part the Motion to Dismiss. The Court ordered Tahoe Hemp to join the State of Nevada Lands Division and James Jarrard as indispensable parties.

On June 1, 2020, Tahoe Hemp filed and served a First Amended Complaint pursuant to the Court’s order. On June 18, 2020, the Board of Supervisors authorized the filing of counterclaims against Jarrard Trust and an Answer and Counterclaim was filed.

Upon the completion of the discovery phase of the litigation, Carson City filed a Motion for Summary Judgment against Tahoe Hemp and Jarrard Trust. Plaintiffs Tahoe Hemp and Jarrard Trust also filed a Motion for Summary Judgment and both motions were fully briefed and submitted to the Court for decision.

On September 13, 2021, the Court granted Carson City’s Motion for Summary Judgment in part, finding in favor of Carson City on almost all claims and counterclaims. The Court did not issue an order on Carson City’s claim for injunctive relief. Carson City filed a motion for attorneys’ fees and costs and was awarded \$16,687.50 in attorneys’ fees and \$29,632.34 in costs. Carson City was awarded nominal damages of \$1 on its counterclaims for a total judgment of \$46,320.84.

Tahoe Hemp and Jarrard Trust filed an appeal of the judgment on March 2, 2022. The case was assigned to the Nevada Supreme Court’s settlement conference program for possible resolution. A mediation was held in front of a court appointed settlement judge on May 9, 2022. After engaging in discussions, Tahoe Hemp made a final settlement offer of \$400,000 to resolve all claims.

If the Board of Supervisors does not accept the settlement offer, the appeal will proceed to briefing and decision before the Nevada Supreme Court.

**Applicable Statute, Code, Policy, Rule or Regulation**

N/A

**Financial Information**

**Is there a fiscal impact?** Yes

**If yes, account name/number:** Insurance Fund, Claims Payable 5900745-500513

**Is it currently budgeted?** No

**Explanation of Fiscal Impact:** If settled, the Insurance Fund, Claims/Settlements Payable 5900745-500513 would be reduced by \$400,000.

**Alternatives**

N/A

**Attachments:**

[2021.09.13 Order Granting in Part and Denying in Part Carson City's Motion for Summary Judgment.pdf](#)

[2022.03.02 Case Appeal Statement.pdf](#)

[2022.03.02 Notice of Appeal.pdf](#)

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

*Aye/Nay*

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(Vote Recorded By)

REC'D & FILED

2021 SEP 13 PM 5:17

AUDREY DEVLATT  
CLERK

BY \_\_\_\_\_  
DEPUTY

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR CARSON CITY**

-oOo-

**TAHOE HEMP LLC, and JAMES  
JARRARD as Trustee of the Jimmie Pete  
Jarrard Children's Trust,**

**Plaintiffs,**

**vs.**

**CASE NO. 20 OC 00010 1B**

**CARSON CITY, a political subdivision of  
the State of Nevada; NEVADA DIVISION  
OF STATE LANDS, and DOES 1-10**

**DEPT. 2**

**Defendants.**

**CARSON CITY, a political subdivision of  
the State of Nevada,**

**Counterclaimant,**

**vs.**

**Jimmie Pete Jarrard Children's Trust  
and James Jarrard, Trustee,**

**Counterdefendants.**

**ORDER GRANTING IN PART AND DENYING IN PART CARSON CITY'S  
MOTION FOR SUMMARY JUDGMENT**

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**Procedural Background**

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This matter comes before the Court on Defendant/Counterclaimant Carson City's Motion for Summary Judgment. After being fully briefed, the matter was submitted for decision. The Court hereby enters its Findings of Fact and Conclusions of Law.

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**Findings of Fact**

1. In 1996 Carson City voters approved ballot Question #18, the Quality-of-Life Initiative, with the goal of using an increased sales tax to fund the acquisition and preservation of open space, parks, and trails in the city.

2. The Board also adopted Carson City Municipal Code (CCMC) 13.06.

3. Carson City identified Buzzy's Ranch (the Ranch) as a top priority for acquisition and preservation due to its location next to the Carson River, the extent of wetland and wildlife habitat, and its status as one of the few remaining working cattle ranches left in Carson City.

4. On September 28, 2007 Carson City made a Question 1 (Q1) grant application to the Nevada Division of State Lands ("NDSL") Conservation and Resource Protection Grant Program (Conservation Grant) to fund acquisition of the Ranch. The application identified James Jarrard as the Ranch owner. The application includes an Authorization for Representation that Jarrard signed, which authorized Juan Guzman, Carson City Opens Space manager, to act as Jarrard's representative "in connection with the application," and agreed "to be bound by" Guzman. Guzman signed the application on July 28, 2007 and Jarrard signed it on September 28, 2007.

6. The "Detailed Description of the Project" section of the Attachment Q1-C: Application Checklist Jarrard Property," states in part:

Once the acquisition is completed, Carson City anticipates the continuation of agricultural use of the land through sales, reservations, and leases. . . . Scenic views of the property are enjoyed from higher areas of Carson River Road and the Mexican ditch Trail and provides a fantastic pastoral landscape of greenery when the irrigated fields are in season . . . Besides

1 the scenic quality, the property has been in pasture production over 100  
2 years, a truly historic asset.”

3 7. The Summary of the Proposed Operation and Maintenance Plan section of  
4 the Attachment Q1-C: Application Checklist Jarrard Property, states in part: “It is the  
5 intention of Carson City to continue the agricultural practices present on the land.”

6 8. One of the questions in the Attachment Q1-C: Application Checklist  
7 is: “Will the proposal result in: a change in . . . vegetation . . . . The answer was a  
8 checkmark in the “No” column.

9 9. Carson City’s planned use of these properties include habitat  
10 preservation, restoration, public recreation, and the continuation of growing  
11 pasture. Letter mailed to adjacent property owners and attached to the Q. 1-C  
12 Application.

13 10. NDSL awarded Carson City a \$2,793,000 Q1 grant which funded 75% of  
14 the total purchase price, Carson City was responsible for the remaining 25%, \$931,048,  
15 which it would pay from open space funds.

16 11. Negotiations between Carson City and Jarrard regarding purchase of the  
17 Ranch continued until March 26, 2010.

18 12. On April 15, 2010, the Board of Supervisors approved authorizing Guzman  
19 to execute the funding agreement and a Nonrevocable Agreement to Restrict Property  
20 (“Nonrevocable Agreement”) with the Nevada Division of State Lands (“NDSL”), and to  
21 approve the Purchase and Sale Agreement (“PSA”) with Jarrard. Chris MacKenzie,  
22 counsel for Jarrard, was present during the meeting when both items were discussed  
23 and approved.

24 13. As a condition of the Q1 grant funding, Carson City was required to  
25 execute a Nonrevocable Agreement.

26 14. Jarrard had no obligation to be a party to a Nonrevocable Agreement, and  
27 he was not a party to that agreement or even mentioned in that agreement.

1           15.    The Nonrevocable Agreement defined the authorized uses of the Ranch as  
2 follows:

3           Authorized Uses. Pursuant to this Nonrevocable Agreement to Restrict  
4 Property, Grantee agrees that the Property will be used only for open space  
5 purposes that are consistent with the objectives for which the Property is  
6 acquired and the local jurisdiction's adopted open space plan. The Grantee  
7 further agrees that the Property will be used for ranching and purposes that  
8 are consistent with the protection or enhancement of wildlife habitat,  
9 protection of sensitive or unique vegetation, protection of historic or  
10 cultural resources, protection of riparian corridors, floodplains, or wetlands  
11 and/or to protect or preserve the benefits of the Property or natural  
12 resources within the State for the public.

13           16.    The Nonrevocable Agreement contains a penalty clause that requires  
14 Carson City to convey the Ranch to the State of Nevada if corrective action was not taken  
15 to cure an unauthorized use or threat of an unauthorized use. Additionally, any  
16 unauthorized use would also subject Carson City to a penalty of being forced to repay  
17 NDSL the total amount of the grant, \$2,793,000.

18           17.    On April 21, 2010, Jarrard entered into the PSA with Carson City for the  
19 purchase of the Ranch consisting of three parcels of real property totaling 368.78 acres.

20           18.    Section B of the PSA states Carson City acquired the Ranch to "preserve  
21 open space and for other purposes as set forth in Carson City Municipal Code Chapter  
22 13.06."

23           19.    Section 4(g) of the PSA states: "Title to the Property shall be conveyed by  
24 Grant, Bargain and Sale Deed AND MUST CONTAIN THE FOLLOWING LANGUAGE:  
25 "This land was purchased with the Quality-of-Life Sales and Use Tax and is subject to  
26 the provisions of the Carson City Municipal Code Section 13.06."

27           20.    CCMC 13.06.010 states in part: "In the broadest sense, the objective of the  
open space program is to promote quality of life for citizens of Carson City through the  
preservation and protection of the quality of the natural environment which has given  
Carson City much of its character."

1           21.     CCMC 13.06.100 states in part, “generally, lands acquired with open space  
2 funds shall be preserved and managed in or near natural condition. Such lands might  
3 include . . . agricultural lands.”

4           22.     Under the PSA Jarrard retained “the right to use of the Property for  
5 grazing livestock, ranching and other agricultural purposes” subject to the conditions of  
6 Section 9 of the PSA. The PSA allowed Jarrard to “manage and conduct agricultural  
7 activities on the Property, directly or through a third-party lease” and included the right  
8 to irrigate “according to Seller’s historical practices.”

9           23.     Section 7(c) of the PSA provides: “SELLER shall not commit knowingly or  
10 suffer to be committed any waste in or upon the Property. Waste shall include, but not  
11 be limited to, any injury to the Property which renders it in a condition materially  
12 different from its condition at the date of this Agreement.

13           24.     The PSA identified a Grazing Lease and Crop Sharing Agreement with  
14 Michael “Mickey” Andersen that survived close of escrow pursuant to Jarrard’s  
15 reservation of use.

16           25.     The PSA, Nonrevocable Agreement, and Deed were recorded against the  
17 parcels of property sold to Carson City by Jarrard.

18           26.     For more than 10 years after execution of the PSA, Jarrard continued  
19 cattle grazing and pasture production on the Ranch through crop sharing agreements  
20 and grazing leases with Mickey Andersen. No farming or other crop cultivation has  
21 been conducted on the property and it remains a working cattle ranch.

22           27.     The 2018 Federal Farm Bill is part of the Agricultural Act of 2018 which  
23 legalized the production and sale of hemp. Jarrard using the Federal Farm Bill.

24           28.     On June 6, 2019, Jarrard and Tahoe Hemp, LLC (“Tahoe Hemp”), through  
25 Robert Lopez (“Lopez”) executed a document titled “Lease/Rental Agreement” on a  
26 printed Residential Lease/Rental Agreement (“Rental Agreement”) template produced  
27



1 by the Reno-Sparks Association of Realtors with certain blank spaces filled in by Jarrard  
2 and/or Tahoe Hemp with typewritten terms.

3 29. The Rental Agreement lists the Ranch as the premises, \$40,000 for rent,  
4 with a deposit of \$10,000 paid on June 6, 2019 and the balance to be paid upon crop  
5 harvest and payment from buyer. The Rental Agreement lists Jarrard as the owner of  
6 the Ranch.

7 30. The Rental Agreement form includes a term stating that the premises will  
8 be used exclusively as a residence, but it also provides rent would begin from the  
9 issuance of a Hemp Growers License from the Nevada Department of Agriculture. The  
10 Rental Agreement was for 12 months.

11 31. Jarrard also executed a "Notarized Authorization" stating that Jarrard and  
12 Tahoe Hemp were negotiating a possible lease of a portion of the Ranch to Tahoe Hemp  
13 for agricultural purposes. The Notarized Authorization authorized Tahoe Hemp to use  
14 Jarrard's irrigation water rights and exercise his rights on the property upon execution  
15 of an acceptable lease.

16 32. The Rental Agreement and Notarized Authorization were submitted to the  
17 Nevada Department of Agriculture ("NDA") on or about June 6, 2019, with an  
18 application for a hemp grower's certificate.

19 33. The hemp grower's application contains a section regarding ownership of  
20 the intended hemp cultivation site. The applicant must either check a box indicating  
21 they are the legal landowner of the proposed site or provide a notarized statement from  
22 the legal landowner authorizing cultivation of industrial hemp on the property.

23 34. Tahoe Hemp did not request or obtain a notarized authorization from  
24 Carson City, the legal landowner, prior to submitting the application for a hemp  
25 grower's certificate to the NDA.  
26  
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1           35.    On or about June 19, 2019, before NDA issued Tahoe Hemp a hemp  
2 grower's certificate, Lopez entered the Ranch and started clearing brush to prepare the  
3 field for planting with hemp seed.

4           36.    When Carson City learned Tahoe Hemp was clearing brush on the Ranch it  
5 contacted Jarrard's attorney and requested Jarrard stop Tahoe Hemp from further  
6 clearing of the brush.

7           37.    On June 21, 2019, NDA issued an industrial hemp grower's certificate to  
8 Tahoe Hemp for 98.2 acres on the Ranch.

9           38.    Three days later, NDA revoked the certificate because Tahoe Hemp did not  
10 have the proper landowner approval. NDA advised Tahoe Hemp not to produce hemp  
11 on the Ranch. NDA acknowledged Carson City as the owner of the Ranch and NDA  
12 could not approve a grower's certificate until Tahoe Hemp obtained proper landowner  
13 approval.

14          39.    On June 25, 2019, Carson City representatives met on-site at the Ranch  
15 with Mr. Mackenzie, Lopez, Mr. Andersen and a few other people on-site to tour the  
16 property and discuss the proposed plan for cultivation.

17          40.    On July 2, 2019, Carson City informed Mr. Mackenzie that Tahoe Hemp  
18 would have to obtain the Board of Supervisors' approval for a notarized authorization  
19 for the hemp grower's application and the earliest date that could occur would be early  
20 August 2019.

21          41.    Mr. MacKenzie acknowledged this information and stated he passed along  
22 the news to Lopez.

23          42.    Lopez sent an email to NDA on July 25, 2019, which said he decided not to  
24 move forward with the application in Carson City and requested a refund of the  
25 application fee.

26          43.    Carson City continued to research hemp cultivation and its possible  
27 impact on the property and ramifications with the Nonrevocable Agreement and grant

1 funding. This included a meeting with the Director of NDSL.

2 44. After concluding that hemp cultivation would jeopardize the funding and  
3 ownership of the property, Carson City sent a letter to Tahoe Hemp on November 15,  
4 2019, and outlined the reasons Carson City declined to provide notarized authorization  
5 to grow hemp on the Ranch.

6 45. Tahoe Hemp responded by stating Tahoe Hemp's intended to enter the  
7 Ranch, begin turning the soil and proceed with planting hemp seed over Carson City's  
8 objection.

### 9 10 **Legal Standard**

11 Summary judgment is proper and "shall be rendered forthwith" when the  
12 pleadings and other evidence on file demonstrate that no genuine issue as to any  
13 material fact remains and that the moving party is entitled to a judgment as a matter of  
14 law. NRCP 56; *Tucker v. Action Equip. and Scaffold Co.*, 113 Nev. 1349, 1353, 951 P.2d  
15 1027, 1029 (1997). When reviewing a motion for summary judgment, the evidence, and  
16 any reasonable inferences drawn from it, must be viewed in a light most favorable to the  
17 nonmoving party. *Lipps v. Southern Nevada Paving*, 116 Nev. 497, 498, 998 P.2d 1183,  
18 1184 (2000) (citing *Butler v. Bogdanovich*, 101 Nev. 449, 451, 705 P.2d 662, 663  
19 (1985)). However, the nonmoving party may not defeat a motion for summary  
20 judgment by relying "on the gossamer threads of whimsy, speculation and conjecture."  
21 *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 713-14, 57 P.3d 82, 87 (2002)  
22 (quoting *Posadas v. City of Reno*, 109 Nev. 448, 452, 851 P.2d 438, 442 (1993)).

23 "When a motion for summary judgment is made and supported as required by  
24 NRCP 56, the non-moving party may not rest upon general allegations and conclusions,  
25 but must, by affidavit or otherwise, set forth specific facts demonstrating the existence  
26 of a genuine factual issue." *Pegasus*, 118 Nev. at 713, 57 P.3d at 87. Summary judgment  
27 is appropriate under NRCP 56 when the pleadings and evidence that are properly before

1 the court demonstrate that no genuine issue of material fact exists, and the moving  
2 party is entitled to judgment as a matter of law. *Wood v. Safeway, Inc.*, 121 Nev. 724,  
3 731, 121, P. 3d 1026, 1031 (2005) (citing *Pegasus*, 118 Nev. at 713, 57 P.3d at 87). A  
4 factual dispute is genuine when the evidence is such that a rational trier of fact could  
5 return a verdict for the nonmoving party. *Id.*

### 6 7 **Analysis**

8 The dispute between the parties boils down to whether the Property Settlement  
9 Agreement permits growing hemp on the Ranch.

10 Jarrard argued that under the unambiguous terms of the PSA it retained the right  
11 to use the Ranch for agricultural purposes and that nothing in the PSA prohibits  
12 growing hemp. The parties agreed in paragraph 17 of the PSA that they “intend the plain  
13 meaning of the provisions herein.” “Agriculture” means “the science or art of the  
14 production of plants . . . for man’s use.” *Webster’s Third New International Dictionary*  
15 44 (2002). In general, the term “agricultural purposes” would include the production of  
16 hemp. The parties also agreed in paragraph 17 that the PSA contains the entire  
17 agreement between the parties.

18 The following analysis assumes the PSA is unambiguous and therefore does not  
19 consider parole evidence.

20 Carson City bargained for and the PSA specifically provides that Carson City  
21 bought the Ranch “to preserve the open space qualities” of the Ranch, and “to manage  
22 and conduct agricultural activities” on the Ranch. Under Section 7(c) of the PSA Jarrard  
23 agreed not to “commit knowingly or suffer to be committed any waste in or upon the  
24 Property.” “Waste” is defined in Section 7(c) and it “include[s], but [is] not be limited to,  
25 any injury to the Property which renders it in a condition materially different from its  
26 condition at the date of this Agreement.”

1 Tahoe Hemp's plan to destroy 98.2 acres—27% of the total acreage of the Ranch—  
2 98.2 acres of existing pasture and/or natural habitat and replace it with an industrial  
3 hemp operation will render the Ranch in a condition materially different from its  
4 condition at the date of the PSA.

5 Tahoe Hemp's plan and brush clearing constitutes waste as defined by the PSA.  
6 Tahoe Hemp's clearing of pasture and/or natural vegetation on the Ranch and its stated  
7 intention to begin turning the soil and planting hemp seed violated the PSA.

8 Jarrard breached its duty not to commit knowingly or suffer to be committed any  
9 waste in or upon the property by signing the agreement with Tahoe Hemp which  
10 resulted in Tahoe Hemp starting to clear brush on the Ranch in preparation for the  
11 hemp seeding. If the contract is ambiguous and parole evidence were considered,  
12 Carson City's case is stronger because of the language included in the Q1.

### 13 14 **Conclusions of Law**

15 No genuine issue as to any material fact remains and entry of summary judgment  
16 is appropriate.

17 Tahoe Hemp has standing to bring claims against Carson City.

18 Because Jarrard is not a party to the Nonrevocable Agreement neither he nor his  
19 designee has duties or obligations under that agreement.

20 Tahoe Hemp's clearing brush on the Ranch, to implement a plan to destroy 98.2  
21 acres of existing pasture and/or natural habitat—27% of the total acreage of the  
22 Property—98.2 acres of existing pasture and/or natural habitat and replace it with an  
23 industrial hemp operation violated the PSA.

24 Jarrard breached his duty not to commit knowingly or suffer to be committed any  
25 waste in or upon the property by signing the agreement with Tahoe Hemp which  
26 resulted in Tahoe Hemp starting to clear brush on the Ranch in preparation for the  
27 hemp seeding.

1 Carson City was not obligated to sign the Hemp Grower's Application.

2 Carson City did not breach the Purchase and Sale Agreement by refusing to  
3 submit the Notarized Authorization to the Agricultural Department.

4 Carson City did not breach the implied covenant of good faith and fair dealing.

5 Carson City did not take any real or personal interest in any private property  
6 from Jarrard or Tahoe Hemp.

7 Carson City is entitled to a declaratory judgment.

8 Carson City did not provide points and authorities in support of summary  
9 judgment on the injunction claim.


10  
11 **THE COURT ORDERS:**

12 Carson City's motion for summary judgment on all of Jarrard's and Tahoe  
13 Hemp's claims in their First Amended Complaint is granted and judgment will be  
14 entered in favor of Carson City.

15 Carson City's breach of contract and declaratory relief claims are granted and  
16 judgment will be entered in favor of Carson City on those claims.

17 Carson City's claim for injunctive relief is denied.

18  
19 DATED this 13 day of September, 2021.

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24 James E. Wilson, Jr.  
25 District Judge  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the First Judicial District Court of Nevada; that on the 13 day of September 2021, I served a copy of this document by placing a true copy in an envelope addressed to:

Richard G. Campbell, Jr., Esq. Sihomara L. Graves, Esq. Severin A. Carlson, Esq. 50 West Liberty Street Suite 700 Reno, NV 89501	Benjamin R. Johnson, Esq. Office of the District Attorney 885 E. Musser St., Ste. 2030 Carson City, NV 89701
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the envelope sealed and then deposited in the Court's central mailing basket in the court clerk's office for delivery to the USPS at 1111 South Roop Street, Carson City, Nevada, for mailing.

  
Billie Shadron  
Judicial Assistant

1 KAEMPFER CROWELL  
Richard G. Campbell, Jr., No. 1832  
2 Severin A. Carlson, No. 9373  
Sihomara L. Graves, No. 13239  
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7 Attorneys for Plaintiff Tahoe Hemp LLC and James  
Jarrard as Trustee of the Jimmie Pete Jarrard Children's  
8 Trust; and Counterdefendants Jimmie Pete Jarrard Children's  
Trust and James Jarrard as Trustee  
9

10 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
11 IN AND FOR CARSON CITY

12 Tahoe Hemp, LLC; and James Jarrard as Trustee of  
the Jimmie Pete Jarrard Children's Trust,  
13 Plaintiffs,

Case No.: 20 OC 00010 1B

Dept. No.: 2

14 vs.

15 Carson City, a political subdivision of the State of  
Nevada; Nevada Division of State Lands, and  
16 Defendant DOES 1-10,

17 Defendants.

18 Carson City, a political subdivision of the State of  
Nevada,

19 Counterclaimant,

20 vs.

21 Jimmie Pete Jarrard Children's Trust and James  
Jarrard, Trustee,

22 Counterdefendants.

23 CASE APPEAL STATEMENT  
24



1           **1. Name of appellant filing this case appeal statement:**

2           Appellants are Tahoe Hemp, LLC, individually and James Jarrard as Trustee of the  
3 Jimmie Pete Jarrard Children's Trust (collectively, "Appellants").

4           **2. Identify the judge issuing the decision, judgment or order appealed from:**

5           The Honorable District Judge James E. Wilson, Jr.

6           **3. Identify each appellant and the name and address of counsel for each**  
7 **appellant:**

8           There are two appellants: Tahoe Hemp, LLC, individually and James Jarrard as Trustee  
9 of the Jimmie Pete Jarrard Children's Trust.

10          Counsel for all Appellants:

11          Richard G. Campbell, Esq.  
12          Severin A. Carlson, Esq  
13          Sihomara L. Graves, Esq.  
14          KAEMPFER CROWELL  
15          50 West Liberty St., Suite 700  
16          Reno, Nevada 89501

17          **4. Identify each respondent and the name and address of appellate counsel, if**  
18 **known, for each respondent (if the name of a respondent's appellate counsel is unknown,**  
19 **indicate as much and provide the name and address of that respondent's trial counsel):**

20          The respondent is Carson City (hereinafter "Respondent"), a political subdivision of the  
21 State of Nevada.

22          Appellants are not aware of whether Respondent have retained separate appellate  
23 counsel. Counsel for Respondent in the District Court is as follows:

24          Jason D. Woodbury  
            J. Daniel Yu  
            Benjamin R. Johnson  
            Office of the District Attorney  
            855 E. Musser Street, Suite 2030  
            Carson City, Nevada 89701

1           **5. Indicate whether any attorney identified above in response to question 3 or 4**  
2 **is not licensed to practice law in Nevada and, if so, whether the district court granted that**  
3 **attorney permission to appear under SCR 42 (attach a copy of any district court order**  
4 **granting such permission):**

5           All attorneys are licensed in Nevada.

6           **6. Indicate whether Appellants were represented by appointed or retained**  
7 **counsel in the district court:**

8           Appellants were represented by retained counsel identified in response to question 3.

9           **7. Indicate whether Appellants are represented by appointed or retained counsel**  
10 **on appeal:**

11           Appellants are represented by the retained counsel identified in response to question 3.

12           **8. Indicate whether Appellants were granted leave to proceed in *forma pauperis***  
13 **and the date of entry of the district court order granting such leave:**

14           Not applicable.

15           **9. Indicate the date the proceeding commenced in the district court, e.g., date of**  
16 **complaint, indictment, information or petition was filed:**

17           The Complaint was filed on or about January 15, 2020.

18           **10. Provide a brief description of the nature of the action and result in the district**  
19 **court, including the type of judgment or order being appealed and the relief granted by**  
20 **the district court:**

21           This action originated as a contract dispute between Plaintiffs, Tahoe Hemp, LLC,  
22 individually and James Jarrard as Trustee of the Jimmie Pete Jarrard Children's Trust  
23 ("Plaintiffs") and Defendant, Carson City ("Carson City"), specifically that per the terms and  
24 conditions of the Purchase and Sale Agreement ("PSA") between Carson City and the Jimmie

1 Pete Jarrard Children's Trust ("Jarrard"), the latter retained the agricultural rights to a parcel of  
2 land without limitation as to what sort of agricultural activities Jarrard could maintain on that  
3 land, including but not limited to, hemp cultivation. Plaintiffs filed their Complaint on the basis  
4 that Carson City violated Jarrard's agricultural rights by illegally and wrongfully interfering with  
5 those rights in breach of the PSA. Carson City filed its counterclaim against Plaintiffs, claiming  
6 that the PSA limited Jarrard's reservation of use of the land, including hemp cultivation, and that  
7 the PSA did not reference or identify any other uses or third-party beneficiaries on the property.  
8 Carson City alleged in its counterclaim that Jarrard breached the PSA by entering into an invalid  
9 lease with Tahoe Hemp, LLC for the cultivation of hemp on the Ranch, without Carson City's  
10 authorization and over its express objection, and in violation of Chapter 13.06 of the Carson City  
11 Municipal Code ("CCMC") and Nonrevocable Agreement to Restrict Property between Carson  
12 City and Jarrard. A bench trial was scheduled to commence on October 18, 2021 with a pretrial  
13 conference scheduled on September 14, 2021.

14 Plaintiffs filed their Motion for Partial Summary Judgment on July 26, 2021.  
15 Carson City filed its own Motion for Summary Judgment on July 26, 2021. Defendant Carson  
16 City filed its Opposition to the Motion for Partial Summary Judgment on August 8, 2021 and  
17 Plaintiffs filed their Opposition to Carson City's Motion for Summary Judgment on August 12,  
18 2021. Plaintiffs filed their Reply in support of the Motion for Partial Summary Judgment on  
19 August 19, 2021 and filed a Request for Submission of the Motion for Partial Summary  
20 Judgment on August 23, 2021. Carson City filed its Reply in support of the Motion for  
21 Summary Judgment on August 23, 2021 and Request for Submission regarding the same.

22 On September 13, 2021, the Court entered an Order Granting in Part and Denying in  
23 Part Carson City's Motion for Summary Judgment (the "Order") where it issued Findings of  
24 Fact, Conclusions of Law, and Order ("FFCL") in favor of Defendant Carson City with respect

1 to all of Plaintiff's claims, Defendant Carson City's breach of contract and declaratory relief  
2 claims. However, the Court denied Carson City's injunctive relief claim and failed to issue any  
3 findings of fact, conclusions of law, or otherwise adjudicate the issue of damages. The Court  
4 vacated the September 14, 2021 pretrial conference and October 18, 2021 bench trial on  
5 September 13, 2021.

6 On December 8, 2021, the parties entered into a Stipulation on the issue of damages  
7 resolving the remaining adjudicated issue in the case. The Court approved the Stipulation and  
8 entered its Order granting the Stipulation on December 10, 2021; with Notice of Entry of the  
9 same filed December 17, 2021. The Final Judgment was entered on February 22, 2022 and the  
10 Notice of Entry of Judgment was filed on February 23, 2022.

11 This appeal is made on the Court's September 13, 2021 Order Granting in Part and  
12 Denying in Part Carson City's Motion for Summary Judgment which became a Final Judgement  
13 entered on February 22, 2022 and has become ripe for appeal upon the notice of entry of the  
14 Final Judgment entered on February 23, 2022.

15 **Indicate whether the case has previously been the subject of an appeal to or original**  
16 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**  
17 **number of the prior proceeding:**

18 This case has not previously been the subject of an appeal or original writ proceeding.

19 **11. Indicate whether this appeal involves child custody or visitation:**

20 This appeal does not involve child custody or visitation.

21 **12. If this is a civil case, indicate whether this appeal involves the possibility of**  
22 **settlement:**

23 This appeal involves the possibility of settlement.

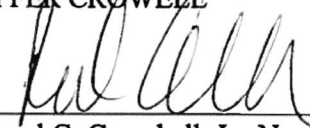
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**AFFIRMATION:** The undersigned affirms pursuant to NRS 239B.030 that the preceding document does not contain the social security number of any person.

DATED: March 2, 2022.

KAEMPFER CROWELL

By: 

Richard G. Campbell, Jr., No. 1832  
Severin A. Carlson, No. 9373  
Sihomara L. Graves, No. 13239  
50 West Liberty Street, Suite 700  
Reno, Nevada 89501

Attorneys for Plaintiffs Tahoe Hemp LLC and James Jarrard as Trustee of the Jimmie Pete Jarrard Children's Trust; and Counterdefendants Jimmie Pete Jarrard Children's Trust and James Jarrard as Trustee

KAEMPFER  
CROWELL

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am employed by the law firm of Kaempfer Crowell, and that on this 2<sup>nd</sup> day of March, 2022, I deposited for mailing in Reno, Nevada, a true and correct copy of the foregoing document **CASE APPEAL STATEMENT** addressed to the following:

Jason D. Woodbury  
J. Daniel Yu  
Benjamin R. Johnson  
OFFICE OF THE DISTRICT ATTORNEY  
855 E. Musser Street, Suite 2030  
Carson City, Nevada 89701

*Attorneys for Defendant Carson City*

DATED: March 2<sup>nd</sup>, 2022

  
\_\_\_\_\_  
Brittany Sheehan  
An employee of Kaempfer Crowell

**RECEIVED**

**MAR 03 2022**

**Carson City  
District Attorney**

1 KAEMPFFER CROWELL  
Richard G. Campbell, Jr., No. 1832  
2 Severin A. Carlson, No. 9373  
Sihomara L. Graves, No. 13239  
3 50 West Liberty Street, Suite 700  
Reno, Nevada 89501  
4 Telephone: (775) 852-3900  
Facsimile: (775) 327-2011  
5 [rcampbell@kcnvlaw.com](mailto:rcampbell@kcnvlaw.com)  
[scarlson@kcnvlaw.com](mailto:scarlson@kcnvlaw.com)  
6 [sgraves@kcnvlaw.com](mailto:sgraves@kcnvlaw.com)

7 Attorneys for Plaintiff Tahoe Hemp LLC and James  
Jarrard as Trustee of the Jimmie Pete Jarrard Children's  
8 Trust; and Counterdefendants Jimmie Pete Jarrard Children's  
Trust and James Jarrard as Trustee  
9

10 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

11 IN AND FOR CARSON CITY

12 Tahoe Hemp, LLC; and James Jarrard as Trustee of  
the Jimmie Pete Jarrard Children's Trust,  
13 Plaintiffs,

14 vs.

15 Carson City, a political subdivision of the State of  
Nevada; Nevada Division of State Lands, and  
16 Defendant DOES 1-10,

Defendants.

17 Carson City, a political subdivision of the State of  
Nevada,

18 Counterclaimant,

19 vs.

20 Jimmie Pete Jarrard Children's Trust and James  
Jarrard, Trustee,

21 Counterdefendants.  
22

23 NOTICE OF APPEAL  
24

REC'D & FILED ✓

2022 MAR -2 PM 3: 53

AUBREY ROBERTS  
Electronically Filed  
BY Marie 04/2022 01:23 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

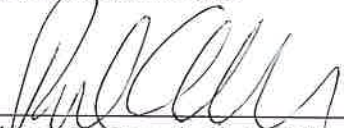


1 Notice is hereby given that Tahoe Hemp, LLC, a Nevada limited liability company  
2 individually and James Jarrard as Trustee of the Jimmie Pete Jarrard Children's Trust, hereby  
3 appeal to the Supreme Court of Nevada from the District Court's Order Granting in Part and  
4 Denying in Part Carson City's Motion for Summary Judgment, which became final pursuant to  
5 the Final Judgment entered on February 22, 2022, and is attached hereto as **Exhibit 1**. The  
6 Notice of Entry of Final Judgment was filed on February 23, 2022 and is attached hereto as  
7 **Exhibit 2**.

8 **AFFIRMATION:** The undersigned affirms pursuant to NRS 239B.030 that the  
9 preceding document does not contain the social security number of any person.

10 DATED: March 2, 2022.

11 KAEMPFFER-CROWELL

12 By: 

13 Richard G. Campbell, Jr., No. 1832  
14 Severin A. Carlson, No. 9373  
15 Sihomara L. Graves, No. 13239  
50 West Liberty Street, Suite 700  
Reno, Nevada 89501

16 Attorneys for Plaintiffs Tahoe Hemp LLC and  
17 James Jarrard as Trustee of the Jimmie Pete  
18 Jarrard Children's Trust; and Counterdefendants  
19 Jimmie Pete Jarrard Children's Trust and James  
20 Jarrard as Trustee


1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRC 5(b), I certify that I am employed by the law firm of Kaempfer Crowell,  
3 and that on this 2<sup>nd</sup> day of March, 2022, I deposited for mailing in Reno, Nevada, a true and correct  
4 copy of the foregoing document **NOTICE OF APPEAL** addressed to the following:

5 Jason D. Woodbury  
6 J. Daniel Yu  
7 Benjamin R. Johnson  
8 OFFICE OF THE DISTRICT ATTORNEY  
9 855 E. Musser Street, Suite 2030  
10 Carson City, Nevada 89701

11 *Attorneys for Defendant Carson City*

12 DATED: March 2<sup>nd</sup>, 2022

13   
14 \_\_\_\_\_  
15 Brittany Sheehan  
16 An employee of Kaempfer Crowell


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**EXHIBIT INDEX**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>	<b>PAGES</b>
1	Final Judgment	2
2	Notice of Entry and Final Judgment	6



REC'D & FILED  
2022 FEB 22 PM 4: 25

AUBREY NEWLAND  
CLERK  
BY  DEPUTY

1 JASON D. WOODBURY  
District Attorney, Bar No. 6870  
2 J. DANIEL YU  
Assistant District Attorney, Bar No. 10806  
3 BENJAMIN R. JOHNSON  
Senior Deputy District Attorney, Bar No. 10632  
4 885 E. Musser Street, Suite 2030  
5 Carson City, NV 89701  
(775) 887-2072  
6 bjohnson@carson.org  
Attorneys for Defendant and  
7 Counterclaimant Carson City

8  
9 IN THE FIRST JUDICIAL DISTRICT COURT OF NEVADA  
CARSON CITY

10 Tahoe Hemp LLC; and James Jarrard as  
11 Trustee of the Jimmie Pete Jarrard  
12 Children's Trust,

Case No.: 20 OC 00010 1B

Dept. No.: 2

13 Plaintiff,

14 v.

JUDGMENT

15 Carson City, a political subdivision of the  
16 State of Nevada, Defendant DOES 1-10,  
and Nevada Division of State Lands.

17 Defendants.

18 Carson City, a political subdivision of the  
19 State of Nevada,

Counterclaimant,

20 v.

21 Jimmie Pete Jarrard Children's Trust  
22 and James Jarrard, Trustee,

23 Counterdefendants.

24 On September 13, 2021, the Court entered its Order Granting In Part and  
25 Denying in Part Carson City's Motion for Summary Judgment ("Order"). The Court

Office of the District Attorney  
Carson City, Nevada  
885 East Musser St., Suite 2030, Carson City, Nevada 89701  
Tel: (775) 887-2070 Fax: (775) 887-2128

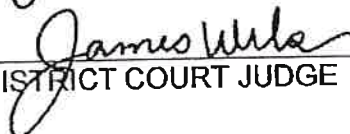
1 granted summary judgment in Carson City's Favor on Carson City's breach of contract  
2 and declaratory judgment claims. The Court also granted summary judgment in  
3 Carson City's favor and against Tahoe Hemp, LLC and the Jimmie Pete Jarrard  
4 Children's Trust and James Jarrard as Trustee on all of Plaintiffs claims for relief. On  
5 December 10, 2021, the parties filed a Stipulation regarding damages for a nominal  
6 award of \$1.00. Good cause appearing, the Court hereby enters Judgment as follows:

7 IT IS ORDERED AND ADJUDGED that the Defendant, Carson City, recover  
8 nominal damages from Defendants Tahoe Hemp, LLC and the Jimmie Pete Jarrard  
9 Children's Trust and James Jarrard as Trustee, in the sum of \$1.00.

10 IT IS FURTHER ORDERED AND ADJUDGED that Defendant Carson City  
11 recover ~~\$16,687.50 in attorneys' fees and \$29,632.34 in costs for a total judgment of~~  
12 \$46,320.84.

13 IT IS FURTHER ORDERED AND ADJUDGED that based on the Court's  
14 findings as set out in its Order of September 13, 2021, Defendant's request for  
15 declaratory relief is granted and IT IS DECLARED that: Hemp is not an allowed  
16 agricultural use of the subject property, 4900 Carson River Road and hemp cultivation  
17 would violate the terms of the Purchase and Sale Agreement, the Nonrevocable  
18 Agreement to Restrict Property and the requirements of Carson City Municipal Code  
19 13.06.

20 DATED this 22 day of February, 2022.

21   
22 DISTRICT COURT JUDGE

23 Prepared by:  
24 Benjamin R. Johnson, Bar No. 10632  
25 885 E. Musser Street, Suite 2030  
Carson City, NV 89701  
(775) 887-2072



REC'D & FILED  
2022 FEB 23 AM 9:54  
AUBREY ROWLATT  
CLERK  
BY COOPER  
DEPUTY

1 JASON D. WOODBURY  
District Attorney, Bar No. 6870  
2 J. DANIEL YU  
Assistant District Attorney, Bar No. 10806  
3 BENJAMIN R. JOHNSON  
Deputy District Attorney, Bar No. 10632  
4 Nevada Bar No. 10632  
885 E. Musser Street, Suite 2030  
5 Carson City, Nevada 89701  
(775) 887-2070  
6 Attorneys for Defendant and  
Counterclaimant Carson City  
7

8 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
9 IN AND FOR CARSON CITY

10 Tahoe Hemp LLC; and James Jarrard as  
Trustee of the Jimmie Pete Jarrard  
11 Children's Trust,

Case No.: 20 OC 00010 1B

Dept: II

12 Plaintiff,

13 v.

14 Carson City, a political subdivision of the  
State of Nevada, Defendant DOES 1-10,  
15 and Nevada Division of State Lands.

16 Defendant.

17 Carson City, a political subdivision of the  
State of Nevada,

18 Counterclaimant,

19 v.

20 Jimmie Pete Jarrard Children's Trust  
21 and James Jarrard, Trustee,

22 Counterdefendants.

23 NOTICE OF ENTRY OF JUDGMENT

24 TO: ALL INTERESTED PARTIES:  
25

Office of the District Attorney  
Carson City, Nevada  
885 East Musser St., Suite 2030, Carson City, Nevada 89701  
Tel.: (775) 887-2070 Fax: (775) 887-2129

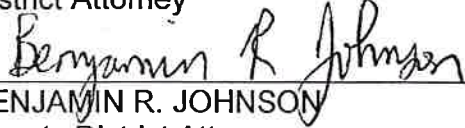


1 PLEASE TAKE NOTICE that on February 22, 2022, the above-captioned Court  
2 entered a Judgment in the above-referenced case. A copy of said Judgment is  
3 attached hereto as Exhibit 1.

4 DATED this 23<sup>rd</sup> day of February, 2022.

5 JASON D. WOODBURY  
6 District Attorney

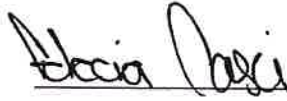
7 By:

  
8 BENJAMIN R. JOHNSON  
9 Deputy District Attorney

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Carson City District Attorney, and that on this 23rd day of February, 2022, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF JUDGMENT** on the following parties by first class mail, postage prepaid:

Richard C. Campbell, Jr., Esq.  
Severin A. Carlson, Esq.  
Sihomara L. Graves, Esq.  
Kaempfer Crowell  
50 West Liberty Street, Suite 700  
Reno, NV 89501  
Attorneys for Plaintiffs and  
Counterdefendants Tahoe Hemp and Jarrard

  
\_\_\_\_\_

Office of the District Attorney  
Carson City, Nevada  
885 East Musser St., Suite 2030, Carson City, Nevada 89701  
Tel.: (775) 887-2070 Fax: (775) 887-2129

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# EXHIBIT 1

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# EXHIBIT 1

REC'D & FILED  
2022 FEB 22 PM 4: 25

AUBREY ROWLAND  
CLERK  
BY  DEPUTY

1 JASON D. WOODBURY  
District Attorney, Bar No. 6870  
2 J. DANIEL YU  
Assistant District Attorney, Bar No. 10806  
3 BENJAMIN R. JOHNSON  
4 Senior Deputy District Attorney, Bar No. 10632  
885 E. Musser Street, Suite 2030  
5 Carson City, NV 89701  
(775) 887-2072  
6 bjohnson@carson.org  
7 Attorneys for Defendant and  
Counterclaimant Carson City

8  
9 IN THE FIRST JUDICIAL DISTRICT COURT OF NEVADA  
CARSON CITY

10 Tahoe Hemp LLC; and James Jarrard as  
11 Trustee of the Jimmie Pete Jarrard  
12 Children's Trust,

Case No.: 20 OC 00010 1B

Dept. No.: 2

13 Plaintiff,

14 v.

JUDGMENT

15 Carson City, a political subdivision of the  
16 State of Nevada, Defendant DOES 1-10,  
and Nevada Division of State Lands.

17 Defendants.

18 Carson City, a political subdivision of the  
19 State of Nevada,

Counterclaimant,

20 v.

21 Jimmie Pete Jarrard Children's Trust  
22 and James Jarrard, Trustee,

23 Counterdefendants.

24 On September 13, 2021, the Court entered its Order Granting In Part and  
25 Denying in Part Carson City's Motion for Summary Judgment ("Order"). The Court

Office of the District Attorney  
Carson City, Nevada  
885 East Musser St., Suite 2030, Carson City, Nevada 89701  
Tel: (775) 887-2070 Fax: (775) 887-2128

1 granted summary judgment in Carson City's Favor on Carson City's breach of contract  
2 and declaratory judgment claims. The Court also granted summary judgment in  
3 Carson City's favor and against Tahoe Hemp, LLC and the Jimmie Pete Jarrard  
4 Children's Trust and James Jarrard as Trustee on all of Plaintiffs claims for relief. On  
5 December 10, 2021, the parties filed a Stipulation regarding damages for a nominal  
6 award of \$1.00. Good cause appearing, the Court hereby enters Judgment as follows:

7 IT IS ORDERED AND ADJUDGED that the Defendant, Carson City, recover  
8 nominal damages from Defendants Tahoe Hemp, LLC and the Jimmie Pete Jarrard  
9 Children's Trust and James Jarrard as Trustee, in the sum of \$1.00.

10 IT IS FURTHER ORDERED AND ADJUDGED that Defendant Carson City  
11 recover ~~\$16,687.50 in attorneys' fees and \$29,632.34 in costs for a total judgment of~~  
12 \$46,320.84.

13 IT IS FURTHER ORDERED AND ADJUDGED that based on the Court's  
14 findings as set out in its Order of September 13, 2021, Defendant's request for  
15 declaratory relief is granted and IT IS DECLARED that: Hemp is not an allowed  
16 agricultural use of the subject property, 4900 Carson River Road and hemp cultivation  
17 would violate the terms of the Purchase and Sale Agreement, the Nonrevocable  
18 Agreement to Restrict Property and the requirements of Carson City Municipal Code  
19 13.06.

20 DATED this 22 day of February, 2022.

21  
22   
DISTRICT COURT JUDGE

23 Prepared by:  
24 Benjamin R. Johnson, Bar No. 10632  
25 885 E. Musser Street, Suite 2030  
Carson City, NV 89701  
(775) 887-2072



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**1. Name of appellant filing this case appeal statement:**

Appellants are Tahoe Hemp, LLC, individually and James Jarrard as Trustee of the Jimmie Pete Jarrard Children’s Trust (collectively, “Appellants”).

**2. Identify the judge issuing the decision, judgment or order appealed from:**

The Honorable District Judge James E. Wilson, Jr.

**3. Identify each appellant and the name and address of counsel for each appellant:**

There are two appellants: Tahoe Hemp, LLC, individually and James Jarrard as Trustee of the Jimmie Pete Jarrard Children’s Trust.

Counsel for all Appellants:

Richard G. Campbell, Esq.  
Severin A. Carlson, Esq  
Sihomara L. Graves, Esq.  
KAEMPFER CROWELL  
50 West Liberty St., Suite 700  
Reno, Nevada 89501

**4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):**

The respondent is Carson City (hereinafter “Respondent”), a political subdivision of the State of Nevada.

Appellants are not aware of whether Respondent have retained separate appellate counsel. Counsel for Respondent in the District Court is as follows:

Jason D. Woodbury  
J. Daniel Yu  
Benjamin R. Johnson  
Office of the District Attorney  
855 E. Musser Street, Suite 2030  
Carson City, Nevada 89701

1           **5. Indicate whether any attorney identified above in response to question 3 or 4**  
2 **is not licensed to practice law in Nevada and, if so, whether the district court granted that**  
3 **attorney permission to appear under SCR 42 (attach a copy of any district court order**  
4 **granting such permission):**

5           All attorneys are licensed in Nevada.

6           **6. Indicate whether Appellants were represented by appointed or retained**  
7 **counsel in the district court:**

8           Appellants were represented by retained counsel identified in response to question 3.

9           **7. Indicate whether Appellants are represented by appointed or retained counsel**  
10 **on appeal:**

11           Appellants are represented by the retained counsel identified in response to question 3.

12           **8. Indicate whether Appellants were granted leave to proceed in *forma pauperis***  
13 **and the date of entry of the district court order granting such leave:**

14           Not applicable.

15           **9. Indicate the date the proceeding commenced in the district court, *e.g.*, date of**  
16 **complaint, indictment, information or petition was filed:**

17           The Complaint was filed on or about January 15, 2020.

18           **10. Provide a brief description of the nature of the action and result in the district**  
19 **court, including the type of judgment or order being appealed and the relief granted by**  
20 **the district court:**

21           This action originated as a contract dispute between Plaintiffs, Tahoe Hemp, LLC,  
22 individually and James Jarrard as Trustee of the Jimmie Pete Jarrard Children's Trust  
23 ("Plaintiffs") and Defendant, Carson City ("Carson City"), specifically that per the terms and  
24 conditions of the Purchase and Sale Agreement ("PSA") between Carson City and the Jimmie



1 Pete Jarrard Children’s Trust (“Jarrard”), the latter retained the agricultural rights to a parcel of  
2 land without limitation as to what sort of agricultural activities Jarrard could maintain on that  
3 land, including but not limited to, hemp cultivation. Plaintiffs filed their Complaint on the basis  
4 that Carson City violated Jarrard’s agricultural rights by illegally and wrongfully interfering with  
5 those rights in breach of the PSA. Carson City filed its counterclaim against Plaintiffs, claiming  
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8 Carson City alleged in its counterclaim that Jarrard breached the PSA by entering into an invalid  
9 lease with Tahoe Hemp, LLC for the cultivation of hemp on the Ranch, without Carson City’s  
10 authorization and over its express objection, and in violation of Chapter 13.06 of the Carson City  
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12 City and Jarrard. A bench trial was scheduled to commence on October 18, 2021 with a pretrial  
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14 Plaintiffs filed their Motion for Partial Summary Judgment on July 26, 2021.  
15 Carson City filed its own Motion for Summary Judgment on July 26, 2021. Defendant Carson  
16 City filed its Opposition to the Motion for Partial Summary Judgment on August 8, 2021 and  
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1 to all of Plaintiff's claims, Defendant Carson City's breach of contract and declaratory relief  
2 claims. However, the Court denied Carson City's injunctive relief claim and failed to issue any  
3 findings of fact, conclusions of law, or otherwise adjudicate the issue of damages. The Court  
4 vacated the September 14, 2021 pretrial conference and October 18, 2021 bench trial on  
5 September 13, 2021.

6 On December 8, 2021, the parties entered into a Stipulation on the issue of damages  
7 resolving the remaining adjudicated issue in the case. The Court approved the Stipulation and  
8 entered its Order granting the Stipulation on December 10, 2021; with Notice of Entry of the  
9 same filed December 17, 2021. The Final Judgment was entered on February 22, 2022 and the  
10 Notice of Entry of Judgment was filed on February 23, 2022.

11 This appeal is made on the Court's September 13, 2021 Order Granting in Part and  
12 Denying in Part Carson City's Motion for Summary Judgment which became a Final Judgment  
13 entered on February 22, 2022 and has become ripe for appeal upon the notice of entry of the  
14 Final Judgment entered on February 23, 2022.

15 **Indicate whether the case has previously been the subject of an appeal to or original**  
16 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**  
17 **number of the prior proceeding:**

18 This case has not previously been the subject of an appeal or original writ proceeding.

19 **11. Indicate whether this appeal involves child custody or visitation:**

20 This appeal does not involve child custody or visitation.

21 **12. If this is a civil case, indicate whether this appeal involves the possibility of**  
22 **settlement:**

23 This appeal involves the possibility of settlement.

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**AFFIRMATION:** The undersigned affirms pursuant to NRS 239B.030 that the preceding document does not contain the social security number of any person.

DATED: March 2, 2022.

KAEMPFER CROWELL

By: 

Richard G. Campbell, Jr., No. 1832  
Severin A. Carlson, No. 9373  
Sihomara L. Graves, No. 13239  
50 West Liberty Street, Suite 700  
Reno, Nevada 89501

Attorneys for Plaintiffs Tahoe Hemp LLC and James Jarrard as Trustee of the Jimmie Pete Jarrard Children's Trust; and Counterdefendants Jimmie Pete Jarrard Children's Trust and James Jarrard as Trustee

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am employed by the law firm of Kaempfer Crowell, and that on this 2<sup>nd</sup> day of March, 2022, I deposited for mailing in Reno, Nevada, a true and correct copy of the foregoing document **CASE APPEAL STATEMENT** addressed to the following:

Jason D. Woodbury  
J. Daniel Yu  
Benjamin R. Johnson  
OFFICE OF THE DISTRICT ATTORNEY  
855 E. Musser Street, Suite 2030  
Carson City, Nevada 89701

*Attorneys for Defendant Carson City*

DATED: March 2<sup>nd</sup>, 2022

  
\_\_\_\_\_  
Brittany Sheehan  
An employee of Kaempfer Crowell

Judge: WILSON JR, JAMES E

Case No. 20 OC 00010 1B  
Ticket No.  
CTN:

TAHOE HEMP LLC et al

By:

CARSON CITY NEVADA DRSPND

-vs-

By: CARSON CITY DISTRICT  
ATTORNEY  
885 E MUSSER STREET  
CARSON CITY, NV 89701

Dob: Sex:  
Lic: Sid:

Plate#: Make: Year: Accident: Type: Venue: Location:

JARRARD, JAMES PLNTPET  
NEVADA DIVISION OF STATE PLNTPET  
LANDS  
TAHOE HEMP LLC PLNTPET

Bond: Set:  
Type: Posted:

Charges:

Ct. Offense Dt: Cvr:  
Arrest Dt:  
Comments:

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	03/02/22	RECEIPT	1BPETERSON	0.00	0.00
2	03/02/22	APPEAL BOND DEPOSIT Receipt: 73420 Date: 03/02/2022	1BPETERSON	500.00	0.00
3	03/02/22	NOTICE OF POSTING COST BOND	1BPETERSON	0.00	0.00
4	03/02/22	CASE APPEAL STATEMENT	1BPETERSON	0.00	0.00
5	03/02/22	NOTICE OF APPEAL FILED Receipt: 73421 Date: 03/02/2022	1BPETERSON	24.00	0.00
6	02/23/22	NOTICE OF ENTRY OF ORDER	1BSBARAJAS	0.00	0.00
7	02/22/22	JUDGMENT	1BSBARAJAS	0.00	0.00

Attorney Fees:  
16,687.50  
Court Costs:  
29,632.34  
Judgment Total:  
46,319.84

Terms: JUDGMENT ENTERED @  
4:25 PM

Judgment Type: JUDGMENT  
AWARDED FOR THE PLAINTIFF  
Judgment Date: 02/22/2022

Judgment For: JARRARD, JAMES  
- PLNTF/PETNR

NEVADA DIVISION  
OF STATE LANDS - PLNTF/PETNR

TAHOE HEMP LLC  
- PLNTF/PETNR

Judgment Against: CARSON CITY  
NEVADA - DEFENDANT/RESPONDENT

Judgment Balance:  
46,319.84  
Case Total:  
92,639.68  
Case Balance:  
92,639.68

8	02/22/22	JUDGMENT	1BSBARAJAS	0.00	0.00
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No.	Filed	Action	Operator	Fine/Cost	Due
9	12/17/21	NOTICE OF ENTRY OF ORDER	1BSBARAJAS	0.00	0.00
10	11/10/21	SUMMARY JUDGMENT	1BCCOOPER	0.00	0.00
11	11/10/21	JUDGMENT	1BCCOOPER	0.00	0.00
		Judgment Amount: 0.00			
		Attorney Fees: 16,687.50			
		Court Costs: 29,632.34			
		Judgment Total: 46,319.84			
		Terms: JUDGMENT ENTERED @ 12:196 PM			
		Judgment Type: SUMMARY JUDGMENT			
		Judgment Date: 11/10/2021			
		Judgment For: CARSON CITY NEVADA - DEFENDANT/RESPONDENT			
		Judgment Against: TAHOE HEMP LLC - PLNTF/PETNR			
		JARRARD, JAMES - PLNTF/PETNR			
		Judgment Balance: 46,319.84			
		Case Total: 46,319.84			
		Case Balance: 46,319.84			
12	11/10/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
13	11/10/21	ORDER GRANTING CARSON CITY'S MOTION FOR ATTORNEYS FEES AND COSTS	1BCCOOPER	0.00	0.00
14	11/05/21	REQUEST FOR SUBMISSION	1BSBARAJAS	0.00	0.00
15	11/04/21	DEFENDANT AND COUNTERCLAIMANT CCARSON CITY'S REPLY IN SUPPORT OF MOTION FOR ATTORNEY'S FEES AND COSTS	1BSBARAJAS	0.00	0.00
16	10/27/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BSBARAJAS	0.00	0.00
17	10/27/21	ORDER DENYING MOTION TO RETAX COSTS	1BSBARAJAS	0.00	0.00
18	10/25/21	OPPOSITION TO DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S MOTION FOR ATTORNEY'S FEES AND COSTS	1BCFRANZ	0.00	0.00
19	10/22/21	REQUEST FOR SUBMISSION	1BSBARAJAS	0.00	0.00
20	10/22/21	REPLY IN SUPPORT OF MOTION TO RETAX COSTS	1BSBARAJAS	0.00	0.00
21	10/07/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S OPPOSITION TO MOTION TO RETAX	1BPETERSON	0.00	0.00
22	10/06/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S MOTION FOR ATTORNEY'S FEES AND COSTS	1BPETERSON	0.00	0.00
23	09/23/21	MOTION TO RETAX COSTS	1BPETERSON	0.00	0.00
24	09/20/21	PROOF OF SERVICE	1BPETERSON	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
25	09/20/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S VERIFIED MEMORANDUM OF COSTS	1BPETERSON	0.00	0.00
26	09/15/21	NOTICE OF ENTRY OF ORDER	1BPETERSON	0.00	0.00
27	09/13/21	ORDER TO VACATE HEARING	1BSBARAJAS	0.00	0.00
28	09/13/21	ORDER GRANTING IN PART AND DENYING IN PART CARSON CITY'S MOTION FOR SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
29	09/13/21	OPPOSITION TO DEFENDANT/COUNTERCLAIMANT CARSON CITY'S MOTION TO STRIKE PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION IN LIMINE	1BSBARAJAS	0.00	0.00
30	09/10/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S TRIAL STATEMENT	1BCCOOPER	0.00	0.00
31	09/09/21	PLAINTIFFS/COUNTERDEFENDANTS TRIAL STATEMENT	1BCCOOPER	0.00	0.00
32	09/09/21	CARSON CITY'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE PRETRIAL STATEMENT (SECOND REQUEST)	1BCCOOPER	0.00	0.00
33	09/08/21	STIPULATION AND ORDER TO EXTEND DEADLINE FOR FILING JOINT PRETRIAL STATEMENT	1BCCOOPER	0.00	0.00
34	08/31/21	CERTIFICATE OF SERVICE	1BCCOOPER	0.00	0.00
35	08/27/21	MOTION TO STRIKE PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION IN LIMINE TO EXCLUDE DEFENDANT/COUNTERCLAIMANT CARSON CITY'S REBUTTAL EXPERT WILL ADLER'S EXPERT OPINION	1BSBARAJAS	0.00	0.00
36	08/25/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
37	08/25/21	ORDER FOR PROPOSED ORDER (4)	1BCCOOPER	0.00	0.00
38	08/23/21	REQUEST FOR SUBMISSION OF CARSON CITY'S MOTION FOR SUMMARY JUDGMENT	1BPETERSON	0.00	0.00
39	08/23/21	REQUEST FOR SUBMISSION OF CARSON CITY'S MOTIONS IN LIMINE	1BPETERSON	0.00	0.00
40	08/23/21	REQUEST FOR SUBMISSION	1BPETERSON	0.00	0.00
41	08/23/21	REQUEST FOR SUBMISSION	1BPETERSON	0.00	0.00
42	08/23/21	PLAINTIFFS'/COUNTERDEFENDANTS' REPLY IN SUPPORT OF THEIR MOTION IN LIMINE TO EXCLUDE DEFENDANT/COUNTERCLAIMANT CARSON CITY'S REBUTTAL EXPERT WILL ADLER'S EXPERT OPINION	1BPETERSON	0.00	0.00
43	08/23/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S REPLY IN SUPPORT OF MOTIONS IN LIMINE	1BPETERSON	0.00	0.00
44	08/23/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT EXHIBIT APPENDIX 1	1BPETERSON	0.00	0.00
45	08/23/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT	1BPETERSON	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
46	08/23/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S MOTION TO EXCEED PAGE LIMIT	1BPETERSON	0.00	0.00
47	08/19/21	PLAINTIFF'S/COUNTERDEFENDANTS' REPLY IN SUPPORT OF THEIR MOTION FOR PARTIAL SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
48	08/12/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S OPPOSITION TO MOTION IN LIMINE TO EXCLUDE CARSON CITY'S REBUTTAL EXPERT WILL ADLERS EXPERT OPINION EXHIBIT APPENDIX 3	1BCCOOPER	0.00	0.00
49	08/12/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S OPPOSITION TO M OTION IN LIMINE TO EXCLUDE CARSON CITY'S REBUTTAL EXPERT WILL ADLERS EXPERT OPINION EXHIBIT APPENDIX 2	1BCCOOPER	0.00	0.00
50	08/12/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S OPPOSITION TO MOTION IN LIMINE TO EXCLUDE CARSON CITY'S REBUTTAL EXPERT WILL ADLERS EXPERT OPINION EXHIBIT APPENDIX 1	1BCCOOPER	0.00	0.00
51	08/12/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S OPPOSITION TO MOTION IN LIMINE TO EXCLUDE CARSON CITY'S REBUTTAL EXPERT WILL ADLERS EXPERT OPINION	1BCCOOPER	0.00	0.00
52	08/12/21	PLAINTIFFS/COUNTERDEFENDANTS OPPOSITION TO DEFENDANT/COUNTERCLAIMANTS MOTIONS IN LIMINE	1BCCOOPER	0.00	0.00
53	08/12/21	PLAINTIFFS/COUNTERDEFENDANTS OPPOSITION TO DEFENDANT/COUNTERCLAIMANTS MOTION FOR SUMMARY JUDGMENT	1BCCOOPER	0.00	0.00
54	08/12/21	NOTICE OF ENTRY OF ORDER	1BCCOOPER	0.00	0.00
55	08/09/21	CARSON CITY'S OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT EXHIBIT APPENDIX 2	1BSBARAJAS	0.00	0.00
56	08/09/21	CARSON CITY'S OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT EXHIBIT APPENDIX 1	1BSBARAJAS	0.00	0.00
57	08/09/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
58	07/29/21	STIPULATION AND ORDER TO EXTEND PAGE LIMITS FOR DISPOSITIVE MOTION AND OPPOSITION	1BSBARAJAS	0.00	0.00
59	07/27/21	CARSON CITY'S MOTION FOR SUMMARY JUDGMENT APPENDIX 5	1BSBARAJAS	0.00	0.00
60	07/27/21	CARSON CITY'S MOTION FOR SUMMARY JUDGMENT APPENDIX 4	1BSBARAJAS	0.00	0.00
61	07/27/21	CARSON CITY'S MOTION FOR SUMMARY JUDGMENT APPENDIX 3	1BSBARAJAS	0.00	0.00
62	07/27/21	CARSON CITY'S MOTION FOR SUMMARY JUDGMENT APPENDIX 2	1BSBARAJAS	0.00	0.00
63	07/27/21	CARSON CITY'S MOTION FOR SUMMARY JUDGMENT APPENDIX 1	1BSBARAJAS	0.00	0.00
64	07/27/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S MOTION FOR SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00



No.	Filed	Action	Operator	Fine/Cost	Due
65	07/27/21	DEFENDANT AND COUNTERCLAIMANT CARSON CITY'S MOTION IN LIMINE	1BSBARAJAS	0.00	0.00
66	07/26/21	APPENDIX TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
67	07/26/21	MOTION FOR PARTIAL SUMMARY JUDGMENT Receipt: 70643 Date: 07/27/2021	1BSBARAJAS	200.00	0.00
68	07/26/21	APPENDIX PLAINTIFF'S/ COUNTERDEFENDANTS' MOTION IN LIMINE TO EXCLUDE DEFENDANT/COUNTERCLAIMANT CARSON CITY'S REBUTTAL EXPERT WILL ADLERES EXPERT OPINION VOLUME II	1BSBARAJAS	0.00	0.00
69	07/26/21	APPENDIX PLAINTIFF'S/ COUNTERDEFENDANTS' MOTION IN LIMINE TO EXCLUDE DEFENDANT/COUNTERCLAIMANT CARSON CITY'S REBUTTAL EXPERT WILL ADLERES EXPERT OPINION VOLUME I	1BSBARAJAS	0.00	0.00
70	07/26/21	PLAINTIFF'S/ COUNTERDEFENDANTS' MOTION IN LIMINE TO EXCLUDE DEFENDANT/COUNTERCLAIMANT CARSON CITY'S REBUTTAL EXPERT WILL ADLERES EXPERT OPINION	1BSBARAJAS	0.00	0.00
71	07/26/21	STIPULATION AND ORDER FOR DISMISSAL	1BSBARAJAS	0.00	0.00
72	07/07/21	ORDER SETTING PRETRIAL CONFERENCE	1BSBARAJAS	0.00	0.00
73	07/02/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BPETERSON	0.00	0.00
74	07/02/21	STIPULATION AND ORDER TO EXTEND DISCOVERY AND DEADLINES RELATED TO DISPOSITIVE MOTIONS (SECOND REQUEST)	1BPETERSON	0.00	0.00
75	06/29/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
76	06/29/21	ORDER TO VACATE HEARING	1BCCOOPER	0.00	0.00
77	06/29/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
78	06/29/21	ORDER TO VACATE HEARING	1BCCOOPER	0.00	0.00
79	05/26/21	NOTICE OF ENTRY OF ORDER	1BSBARAJAS	0.00	0.00
80	05/25/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BSBARAJAS	0.00	0.00
81	05/25/21	STIPULATION AND ORDER TO EXTEND DEADLINE FOR REBUTTAL EXPERT WITNESS DISCLOSURE (SECOND REQUEST)	1BSBARAJAS	0.00	0.00
82	04/14/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BPETERSON	0.00	0.00
83	04/14/21	TRIAL DATE MEMO	1BPETERSON	0.00	0.00
84	04/14/21	PRETRIAL ORDER (CIVIL NON-JURY TRIAL)	1BPETERSON	0.00	0.00
85	04/06/21	NOTICE TO SET	1BPETERSON	0.00	0.00
86	04/02/21	NOTICE OF ENTRY OF ORDER	1BSBARAJAS	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
87	04/02/21	TRIAL CONTINUED - PROSECUTION REQUEST The following event: BENCH TRIAL scheduled for 08/23/2021 at 8:30 am has been resulted as follows:  Result: TRIAL CONTINUED - PROSECUTION REQUEST Judge: WILSON JR, JAMES E Location: DEPT II	1BJHIGGINS	0.00	0.00
88	04/01/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJHIGGINS	0.00	0.00
89	04/01/21	STIPULATION AND ORDER TO CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINES (FIRST REQUEST)	1BJHIGGINS	0.00	0.00
90	03/19/21	NOTICE OF ENTRY OF ORDER	1BPETERSON	0.00	0.00
91	03/05/21	NEVADA DIVISION OF STATE LANDS' ANSWER TO FIRST AMENDED COMPLAINT	1BSBARAJAS	0.00	0.00
92	02/16/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
93	02/16/21	ORDER DENYING NEVADA DIVISOIN OF STATE LAND'S MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION TO NOTICE ALL INTERESTED PARTIES UNDER THE NONREVOCABLE AGREEMENT	1BCCOOPER	0.00	0.00
94	02/12/21	PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT NEVADA DIVISION OF STATE LANDS	1BSBARAJAS	0.00	0.00
95	02/12/21	PLAINTIFF'S AND COUNTERDEFENDANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENT TO DEFENDANT/COUNTERCLAIMANT CARSON CITY, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA	1BSBARAJAS	0.00	0.00
96	02/02/21	ORDER FOR PROPOSED ORDER	1BCFRANZ	0.00	0.00
97	01/29/21	REQUEST FOR SUBMISSION OF NEVADA DIVISION OF STATE LAND'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO NOTICE ALL INTERESTED PARTIES UNDER THE NONREVOCABLE AGREEMENT	1BSBARAJAS	0.00	0.00
98	01/29/21	NEVADA DIVISION OF STATE LAND'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO NOTICE ALL INTERESTED PARTIES UNDER THE NONREVOCABLE AGREEMENT	1BSBARAJAS	0.00	0.00
99	01/29/21	NOTICE OF APPEARANCE	1BSBARAJAS	0.00	0.00
100	01/25/21	ERRATA TO PLAINTIFFS OPPOSITION TO NEVADA DIVISION OF STATE LANDS OTIONTO DISMISS OR IN THE ALTERNATIVE MOTIONTO NOTICE ALL INTERESTED PARTIES UNDER THE NONREVOCABLE AGREEMENT	1BCCOOPER	0.00	0.00
101	01/19/21	OPPOSITION TO NEVADA DIVISION OF STATE LANDS MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION TO NOTICE ALL INTERESTED PARTIES UNDER THE NO NREOVACABLE AGREEMENT	1BCCOOPER	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
102	01/05/21	STIPULATION AND ORDER TO EXTEND DEADLINE TO FILE RESPONSE TO NEVADA DIVISION OF STATES LANDS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO NOTICE ALL INTERESTED PARTIES UNDER THE NONREVOCABLE AGREEMENT (FIRST RESPONSE) - GRANTED	1BSBARAJAS	0.00	0.00
103	12/21/20	HEARING N OT REQUESTED NEVADA DIVISION OF STATE LANDS MOTION TO DISISS OR IN THE ALTERNATIVE M OTION TO OTICE ALL INTERESTED PARTIES UNDER THE NON REVOCABLE AGREEMENT	1BCCOOPER	0.00	0.00
104	11/17/20	PRETRIAL ORDER	1BSBARAJAS	0.00	0.00
105	11/16/20	STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES IN CASE CONFERENCE REPORT AND TO NAME STATE LAND AS A DEFENDANT THIS MATTER	1BSBARAJAS	0.00	0.00
106	11/05/20	HEARING DATE MEMO	1BPETERSON	0.00	0.00
107	10/23/20	NOTICE TO SET TRIAL	1BCCOOPER	0.00	0.00
108	08/28/20	JOINT CASE CONFERENCE REPORT	1BCCOOPER	0.00	0.00
109	07/08/20	ANSWER TO CARSON CITY'S COUNTERCLAIM	1BJHIGGINS	0.00	0.00
110	06/26/20	DECLARATION OF SERVICE	1BCCOOPER	0.00	0.00
111	06/18/20	CARSON CITY'S ANSWER TO FIRST AMENDED COMPLAINT AND COUNTERCLAIM	1BSBARAJAS	0.00	0.00
112	06/16/20	ISSUING SUMMONS	1BPOKEEFE	0.00	0.00
113	06/01/20	FIRST AMENDED COMPLAINT	1BPOKEEFE	0.00	0.00
114	04/17/20	NOTICE OF ENTRY OF ORDER	1BCCOOPER	0.00	0.00
115	04/17/20	AMENDED ORDER GRANTING IN PART AND DENYING IN PART CARSON CITY'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT	1BJHIGGINS	0.00	0.00
116	04/16/20	NOTICE OF ENTRY OF ORDER	1BJHIGGINS	0.00	0.00
117	04/16/20	ORDER GRANTING IN PART AND DENYING IN PART CARSON CITY'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT	1BJHIGGINS	0.00	0.00
118	04/10/20	NOTICE OF ENTRY OF ORDER	1BPOKEEFE	0.00	0.00
119	04/08/20	STIPULATION AND ORDER TO EXCEED PAGE LIMIT FOR REPLY BRIEF	1BPOKEEFE	0.00	0.00
120	04/06/20	REQUEST FOR SUBMISSION OF MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT	1BPOKEEFE	0.00	0.00
121	04/06/20	CARSON CITY'S REPLY IN SUPPORT OF MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT	1BPOKEEFE	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
122	04/06/20	CARSON CITY'S NON-OPPOSITION TO TAHOE HEMP'S MOTION TO EXCEED PAGE LIMIT	1BPOKEEFE	0.00	0.00
123	04/03/20	NOTICE OF ENTRY OF ORDER	1BJULIEH	0.00	0.00
124	04/03/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
125	04/03/20	ORDER GRANTING TAHOE HEMP LLC'S MOTION TO EXCEED PAGE LIMIT FOR ITS OPPOSITION TO CARSON CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT	1BCCOOPER	0.00	0.00
126	04/03/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
127	04/03/20	ORDER GRANTING CARSON CITY'S MOTION FOR LEAVE TO EXCEED PAGE LIMIT	1BCCOOPER	0.00	0.00
128	04/01/20	REQUEST FOR SUBMISSION OF MOTION FOR LEAVE TO EXCEED PAGE LIMIT	1BCFRANZ	0.00	0.00
129	04/01/20	CARSON CITY'S REPLY IN SUPPORT OF MOTION FOR LEAVE TO EXCEED PAGE LIMIT	1BCFRANZ	0.00	0.00
130	03/26/20	TAHOE HEMP LLC'S MOTION TO EXCEED PAGE LIMIT FOR ITS OPPOSITION TO CARSON CITY'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT	1BJULIEH	0.00	0.00
131	03/26/20	TAHOE HEMP LLC'S OPPOSITION TO CARSON CITY'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT	1BJULIEH	0.00	0.00
132	03/23/20	TAHOE HEMP LLC'S OPPOSITION TO CARSON CITY'S MOTION FOR LEAVE TO EXCEED PAGE LIMIT FOR ITS MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT (2)	1BCFRANZ	0.00	0.00
133	03/09/20	CARSON CITY'S MOTION FOR LEAVE TO EXCEED PAGE LIMIT FOR ITS MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
134	03/09/20	APPENDIX 1 FOR CARSON CITY'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
135	03/09/20	CARSON CITY'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT	1BSBARAJAS	0.00	0.00
136	02/14/20	EXEMPT FROM ARBITRATION	1BSBARAJAS	0.00	0.00
137	01/21/20	ISSUING SUMMONS	1BSBARAJAS	0.00	0.00
138	01/15/20	NRCP 7.1 DISCLOSURE	1BJULIEH	0.00	0.00
139	01/15/20	PLAINTIFF'S/PETITIONER'S INITIAL APPEARANCE AFFIRMATION PURSUANT TO NRS 239.030	1BJULIEH	0.00	0.00

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140	01/15/20	COMPLAINT FOR BREACH OF CONTRACT, INVERSE CONDEMANATION WRIT OF MANDAMUS Receipt: 63762 Date: 01/15/2020	1BJULIEH	265.00	0.00
Total:				989.00	0.00

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Totals By:	COST	489.00	0.00
	HOLDING	500.00	0.00
	INFORMATION	0.00	0.00
*** End of Report ***			

Office of the District Attorney  
Carson City, Nevada  
885 East Musser St., Suite 2030, Carson City, Nevada 89701  
Tel.: (775) 887-2070 Fax: (775) 887-2129

REC'D & FILED ✓  
2022 FEB 22 PM 4: 25

AUSREY ROWLAND  
CLERK  
BY \_\_\_\_\_ DEPUTY

1 JASON D. WOODBURY  
District Attorney, Bar No. 6870  
2 J. DANIEL YU  
Assistant District Attorney, Bar No. 10806  
3 BENJAMIN R. JOHNSON  
Senior Deputy District Attorney, Bar No. 10632  
4 885 E. Musser Street, Suite 2030  
5 Carson City, NV 89701  
(775) 887-2072  
6 bjohnson@carson.org  
7 Attorneys for Defendant and  
Counterclaimant Carson City

8  
9 IN THE FIRST JUDICIAL DISTRICT COURT OF NEVADA  
CARSON CITY

10 Tahoe Hemp LLC; and James Jarrard as  
11 Trustee of the Jimmie Pete Jarrard  
12 Children's Trust,

Case No.: 20 OC 00010 1B

Dept. No.: 2

13 Plaintiff,

14 v.

**JUDGMENT**

15 Carson City, a political subdivision of the  
16 State of Nevada, Defendant DOES 1-10,  
and Nevada Division of State Lands.

17 Defendants.

18 Carson City, a political subdivision of the  
19 State of Nevada,

20 Counterclaimant,

21 v.

22 Jimmie Pete Jarrard Children's Trust  
and James Jarrard, Trustee,

23 Counterdefendants.

24 On September 13, 2021, the Court entered its Order Granting In Part and  
25 Denying in Part Carson City's Motion for Summary Judgment ("Order"). The Court

1 granted summary judgment in Carson City's Favor on Carson City's breach of contract  
2 and declaratory judgment claims. The Court also granted summary judgment in  
3 Carson City's favor and against Tahoe Hemp, LLC and the Jimmie Pete Jarrard  
4 Children's Trust and James Jarrard as Trustee on all of Plaintiffs claims for relief. On  
5 December 10, 2021, the parties filed a Stipulation regarding damages for a nominal  
6 award of \$1.00. Good cause appearing, the Court hereby enters Judgment as follows:

7 IT IS ORDERED AND ADJUDGED that the Defendant, Carson City, recover  
8 nominal damages from Defendants Tahoe Hemp, LLC and the Jimmie Pete Jarrard  
9 Children's Trust and James Jarrard as Trustee, in the sum of \$1.00.

10 IT IS FURTHER ORDERED AND ADJUDGED that Defendant Carson City  
11 recover \$16,687.50 in attorneys' fees and \$29,632.34 in costs for a total judgment of  
12 \$46,320.84.

13 IT IS FURTHER ORDERED AND ADJUDGED that based on the Court's  
14 findings as set out in its Order of September 13, 2021, Defendant's request for  
15 declaratory relief is granted and IT IS DECLARED that: Hemp is not an allowed  
16 agricultural use of the subject property, 4900 Carson River Road and hemp cultivation  
17 would violate the terms of the Purchase and Sale Agreement, the Nonrevocable  
18 Agreement to Restrict Property and the requirements of Carson City Municipal Code  
19 13.06.

20 DATED this 22 day of February, 2022.

21  
22   
DISTRICT COURT JUDGE

23 Prepared by:  
24 Benjamin R. Johnson, Bar No. 10632  
25 885 E. Musser Street, Suite 2030  
Carson City, NV 89701  
(775) 887-2072

Office of the District Attorney  
Carson City, Nevada  
885 East Musser St., Suite 2030, Carson City, Nevada 89701  
Tel.: (775) 887-2070 Fax: (775) 887-2129

REC'D & FILED ✓

2022 FEB 23 AM 9:54

AUBREY ROWLATT  
CLERK  
BY \_\_\_\_\_  
DEPUTY

1 JASON D. WOODBURY  
District Attorney, Bar No. 6870  
2 J. DANIEL YU  
Assistant District Attorney, Bar No. 10806  
3 BENJAMIN R. JOHNSON  
Deputy District Attorney, Bar No. 10632  
4 Nevada Bar No. 10632  
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5 Carson City, Nevada 89701  
(775) 887-2070  
6 Attorneys for Defendant and  
7 Counterclaimant Carson City

8 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
9 IN AND FOR CARSON CITY

10 Tahoe Hemp LLC; and James Jarrard as  
Trustee of the Jimmie Pete Jarrard  
11 Children's Trust,

Case No.: 20 OC 00010 1B  
Dept: II

12 Plaintiff,

13 v.

14 Carson City, a political subdivision of the  
State of Nevada, Defendant DOES 1-10,  
15 and Nevada Division of State Lands.

16 Defendant.

17 Carson City, a political subdivision of the  
State of Nevada,

18 Counterclaimant,

19 v.

20 Jimmie Pete Jarrard Children's Trust  
21 and James Jarrard, Trustee,

22 Counterdefendants.

23 NOTICE OF ENTRY OF JUDGMENT

24 TO: ALL INTERESTED PARTIES:  
25

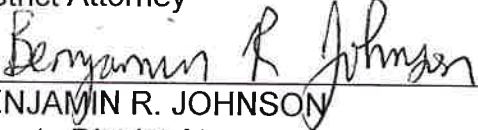


1 PLEASE TAKE NOTICE that on February 22, 2022, the above-captioned Court  
2 entered a Judgment in the above-referenced case. A copy of said Judgment is  
3 attached hereto as Exhibit 1.

4 DATED this 23<sup>rd</sup> day of February, 2022.

5 JASON D. WOODBURY  
6 District Attorney

7 By:

  
8 BENJAMIN R. JOHNSON  
9 Deputy District Attorney


10 Office of the District Attorney  
11 Carson City, Nevada  
12 885 East Musser St., Suite 2030, Carson City, Nevada 89701  
13 Tel.: (775) 887-2070 Fax: (775) 887-2129  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Carson City District Attorney, and that on this 23rd day of February, 2022, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF JUDGMENT** on the following parties by first class mail, postage prepaid:

Richard C. Campbell, Jr., Esq.  
Severin A. Carlson, Esq.  
Sihomara L. Graves, Esq.  
Kaempfer Crowell  
50 West Liberty Street, Suite 700  
Reno, NV 89501  
Attorneys for Plaintiffs and  
Counterdefendants Tahoe Hemp and Jarrard

  
\_\_\_\_\_

# EXHIBIT 1

# EXHIBIT 1

REC'D & FILED  
2022 FEB 22 PM 4:25

AUSREY NUNLATT  
CLERK  
BY \_\_\_\_\_ DEPILEY

1 JASON D. WOODBURY  
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2 J. DANIEL YU  
Assistant District Attorney, Bar No. 10806  
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6 bjohanson@carson.org  
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9 IN THE FIRST JUDICIAL DISTRICT COURT OF NEVADA  
CARSON CITY

10 Tahoe Hemp LLC; and James Jarrard as  
11 Trustee of the Jimmie Pete Jarrard  
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16 State of Nevada, Defendant DOES 1-10,  
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17 would violate the terms of the Purchase and Sale Agreement, the Nonrevocable  
18 Agreement to Restrict Property and the requirements of Carson City Municipal Code  
19 13.06.

20 DATED this 22 day of February, 2022.

21  
22   
DISTRICT COURT JUDGE

23 Prepared by:  
24 Benjamin R. Johnson, Bar No. 10632  
25 885 E. Musser Street, Suite 2030  
Carson City, NV 89701  
(775) 887-2072

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 20 OC 00010 1B

TITLE: TAHOE HEMP LLC; AND JAMES JARRARD AS TRUSTEE OF THE JIMMIE PETE JARRARD CHILDREN'S TRUST VS CARSON CITY, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, AND NEVADA DIVISION OF STATE LANDS

---

07/27/21 – DEPT. II – HONORABLE JAMES E. WILSON, JR.  
J. Higgins, Clerk – Not Reported

MINUTE ORDER

**COURT ORDERED:** The Clerk is hereby authorized to correct the file-stamp dates and times on the Defendant and Counterclaimant Carson City's Motions in Limine; Defendant and Counterclaimant Carson City's Motion for Summary Judgment; Carson City Motion for Summary Judgment Exhibit Appendix 1; Carson City Motion for Summary Judgment Exhibit Appendix 2; Carson City Motion for Summary Judgment Exhibit Appendix 3; Carson City Motion for Summary Judgment Exhibit Appendix 4; Carson City Motion for Summary Judgment Exhibit Appendix 5 filed July 27, 2021, respectively, to the date that it was delivered to the District Court Clerk's Office on July 26, 2021 at 4:30 p.m.

---

**DISTRICT COURT CIVIL COVER SHEET**

Carson City County, Nevada

Case No. 20 OC 00510 13

*(Assigned by Clerk's Office)*

**REC'D & FILED**

**I. Party Information** *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):  Tahoe Hemp. LLC 1662 Robb Drive Carson City, NV 89703	Defendant(s) (name/address/phone): 2020 JAN 15 PM 4:36 AUDREY ROWLATT Carson City Nevada BY: <u>Audrey Rowlatt</u> DEPUTY
Attorney (name/address/phone):  Richard G. Campbell, Jr./ Kaempfer Crowell 50 W. Liberty Street, Suite 700 Reno, NV 89501 775-852-3900	Attorney (name/address/phone):

**II. Nature of Controversy** *(please select the one most applicable filing type below)*

**Civil Case Filing Types**

<p align="center"><b>Real Property</b></p> <p><b>Landlord/Tenant</b></p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p><b>Title to Property</b></p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Foreclosure Mediation Assistance <input type="checkbox"/> Other Title to Property <p><b>Other Real Property</b></p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p><b>Negligence</b></p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <p><b>Malpractice</b></p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p align="center"><b>Torts</b></p> <p><b>Other Torts</b></p> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<p align="center"><b>Probate</b></p> <p><b>Probate</b> <i>(select case type and estate value)</i></p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Surviving Spouse <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <p><b>Estate Value</b></p> <input type="checkbox"/> Greater than \$300,000 <input type="checkbox"/> \$200,000-\$300,000 <input type="checkbox"/> \$100,001-\$199,999 <input type="checkbox"/> \$25,001-\$100,000 <input type="checkbox"/> \$20,001-\$25,000 <input type="checkbox"/> \$2,501-20,000 <input type="checkbox"/> \$2,500 or less	<p align="center"><b>Construction Defect &amp; Contract</b></p> <p><b>Construction Defect</b></p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p><b>Contract Case</b></p> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<p align="center"><b>Judicial Review/Appeal</b></p> <p><b>Judicial Review</b></p> <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p><b>Nevada State Agency Appeal</b></p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p><b>Appeal Other</b></p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p align="center"><b>Civil Writ</b></p> <p><b>Civil Writ</b></p> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<p align="center"><b>Other Civil Filing</b></p> <p><b>Other Civil Filing</b></p> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters	

*Business Court filings should be filed using the Business Court civil coversheet.*

January 15, 2020

Date

Signature of initiating party or representative

*See other side for family-related case filings.*