

IN THE SUPREME COURT OF THE STATE OF NEVADA

MEDICAL CANNABIS HEALING, LLC,
A NEVADA DOMESTIC LIMITED-
LIABILITY COMPANY D/B/A
KUSHBERRY FARMS,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE TARA
CLARK NEWBERRY,

Respondents,

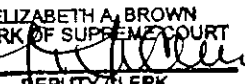
and

UNIFIRST, CORP, A
MASSACHUSETTS CORPORATION,
AND ROGER KIRKPATRICK,
Real Parties in Interest.

No. 91011

FILED

NOV 20 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order granting a motion to dismiss and compelling arbitration. A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether mandamus relief will be considered is solely within this court's discretion. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). The petitioner bears the burden of proving that extraordinary relief is warranted. *See Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). While this court has considered challenges to orders compelling arbitration through writ petitions, this

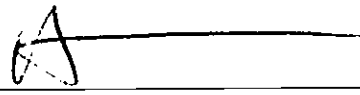
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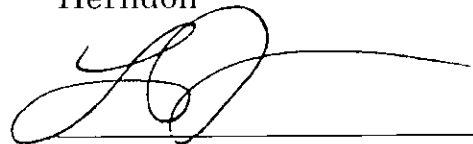
court will only exercise its discretion to do so when the petitioner meets its burden of demonstrating there is no adequate remedy available in the ordinary course of the law. *Tallman v. Eighth Jud. Dist. Ct.*, 131 Nev. 713, 718-19, 359 P.3d 113, 117-18 (2015).

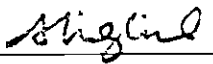
We conclude petitioner Medical Cannabis Healing, LLC (MCH) has failed to demonstrate that extraordinary writ relief is warranted here. *Pan*, 120 Nev. at 228, 88 P.3d at 844. MCH's reliance on federal criminal law as a defense to arbitration neither defeats an arbitrator's jurisdiction nor bars enforcement of an arbitration award. *See Next Level Ventures, LLC v. Avid Holdings, Ltd.*, No. 23-35404, 2024 WL 4457232, at *1 (9th Cir. Oct. 10, 2024) (rejecting argument that enforcing arbitration agreement and award under the FAA violates the federal Controlled Substances Act). And because the remedy sought here involves payment for lawful uniform and facilities services, not the funding or advancement of activity that violates federal law, the district court was not prohibited from compelling arbitration under the FAA. *See Uber Techs., Inc. v. Royz*, 138 Nev. 690, 693, 517 P.3d 905, 908 (2022) (stating that the district court must enforce arbitration under the FAA when the FAA governs an arbitration agreement); *see also Shulman v. Kaplan*, 58 F.4th 404, 409 (9th Cir. 2023) (“[T]he fact that Appellants seek damages for economic harms related to cannabis is not relevant to whether a court could, theoretically, fashion a remedy to redress their injuries.”) To the extent MCH argues that NRS 597.995 prohibits arbitration, that argument fails because the FAA applies and preempts NRS 597.995's application. *MMAWC, LLC v. Zion Wood Obi Wan Tr.*, 135 Nev. 275, 278, 448 P.3d 568, 571 (2019) (holding that when the FAA applies, it preempts NRS 597.995 defenses).

And to the extent the petition raises any other issues, we conclude they are more appropriately addressed in an appeal from the final judgment or order confirming or vacating any arbitration award. Accordingly, MCH has failed to meet its burden of demonstrating that extraordinary writ relief is warranted, and we

ORDER the petition DENIED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Tara D. Clark Newberry, District Judge
G. Dallas Horton & Associates
Lincoln, Gustafson & Cercos
Eighth District Court Clerk