

IN THE
COURT OF APPEALS OF MARYLAND

September Term, 2017

No. 98

JANE AND JOHN DOE, *et al.*,

Appellants,

v.

ALTERNATIVE MEDICINE MARYLAND, LLC, *et al.*,

Appellees.

*On Writ of Certiorari to the Court of Special Appeals
(The Honorable Barry G. Williams)*

RECORD EXTRACT

Volume 1 of 3

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Medical, LLC, Kind Therapeutics, USA,
LLC, SunMed Growers, LLC, Maryland
Wholesale Medical Cannabis Trade
Association, and, the Coalition for Patient
Medicinal Access, LLC*

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06/12/17

06/12/17

Case Number: 24-C-16-005801 OG DJ
Date Filed: 10/31/2016
Status: Open/Inactive
Judge Assigned: Williams, Barry G.
Location :
CTS Start : 10/31/16 Target : 04/29/18

Alternative Medicine Maryland, LLC Vs Natalie M. Laprade Maryland Medi

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Case Folder ID	C16005801V12

INVOLVED PARTIES

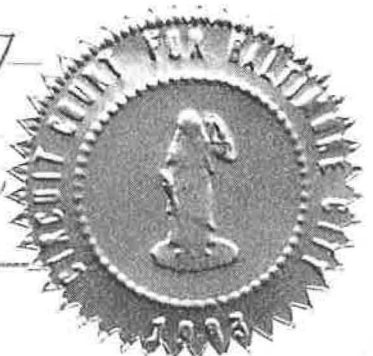
Type Num	Name(Last,First:Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PLT 001	Alternative Medicine Maryland, LLC			10/31/16
		Party ID: 5260349		
	Mail: 14 State Circle Annapolis, MD 21401	10/31/16		11/01/16 AAW
Attorney: 0008326	Pica, John A. Royston, Mueller, McLean & Reid, LLP 102 W Pennsylvania Avenue 102 W Pennsylvania Ave, S Suite 600, MD 21204-4510 (410)823-1800	Appear: 10/31/2016		11/01/16
0008964	Brown, Brian S Brown & Barron LLC 7 St. Paul Street Suite 800	Appear* 03/16/2017		03/20/17

I, Marilyn Bentley, Clerk of the Circuit Court
for Baltimore City, hereby certify that this is
a true copy from the record in this court.
Witness the hand and act of the undersigned

this 12th day of June 2017

Marilyn Bentley

Circuit Court for Baltimore City, Maryland
E 000001



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11/01/16

0823807 Casciano, Christopher T
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05/22/17

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DEF 001	Natalie M. Laprade	Maryland Medical Cannabis Commission Party ID: 5260350		10/31/16
	Mail: 200 Saint Paul Place Baltimore, MD 21202 Serve On: Brian E. Frosh, Attorney General	10/31/16		11/01/16 AAW
	Attorney: 0023421 Ellis, Kathleen Office Of The Attorney General-Dept. Of Health & Mental Hygiene 300 W. Preston Street Room 302 Baltimore, MD 21201 (410)767-1864	Appear: 05/31/2017		06/01/17
	0823322 Nelson, Heather B Attorney General's Office 300 W Preston Street Suite 302 Baltimore, MD 21201 (410)767-7546	Appear: 12/14/2016		01/06/17
DEF 002	Maryland Department Of Health And Mental Hygiene	Party ID: 5260351		10/31/16
	Mail: 200 Saint Paul Street Baltimore, MD 21202 Serve On: Brian E. Frosh, Attorney General	10/31/16		11/01/16 AAW
	Attorney: 0023421 Ellis, Kathleen Office Of The Attorney General-Dept. Of Health & Mental Hygiene 300 W. Preston Street Room 302 Baltimore, MD 21201	Appear: 05/31/2017		06/01/17

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01/06/17

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF 003	Davies, Paul W., M.D.			10/31/16
		Party ID: 5260353		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
	Office Of The Attorney General-Dept. Of Health & Mental Hygiene			
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	Baltimore, MD 21201			
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DEF 004	Broccolino, Dario, Esq.			10/31/16
		Party ID: 5260354		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
	Office Of The Attorney General-Dept. Of Health & Mental Hygiene			
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DEF 005	Charles, Pharm.D., William C.			10/31/16
		Party ID: 5260356		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
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Type Num	Name(Last.First.Mid.Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF 006	Chen, Kevin W., Ph.D			10/31/16
		Party ID: 5260357		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
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DEF 007	Gontrum, John T., Esq.			10/31/16
		Party ID: 5260358		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
	Office Of The Attorney General-Dept. Of Health & Mental Hygiene			
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	(410)767-1864			
DEF 008	Gouin-Paul, Cristina			10/31/16
		Party ID: 5260360		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
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Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF 009	Horberg, M.D., MAS, FACP, FIDSA, Michael A.			10/31/16
		Party ID: 5260362		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
	Office Of The Attorney General-Dept. Of Health & Mental Hygiene			
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	Baltimore, MD 21201			
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DEF 010	Lavin, Robert A., M.D.			10/31/16
		Party ID: 5260364		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
	Office Of The Attorney General-Dept. Of Health & Mental Hygiene			
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	Baltimore, MD 21201			
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DEF 011	Marshall, Jean Gilmor, R.N.			10/31/16
		Party ID: 5260366		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
	Office Of The Attorney General-Dept. Of Health & Mental Hygiene			
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	Baltimore, MD 21201			
	(410)767-1864			
DEF 012	Washington, Sandra			10/31/16
		Party ID: 5260367		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW

4201 Patterson Avenue
 Baltimore, MD 21215

Attorney: 0023421 Ellis, Kathleen Appear: 05/31/2017 06/01/17
 Office Of The Attorney General-Dept. Of Health & Mental Hygiene
 300 W. Preston Street
 Room 302
 Baltimore, MD 21201
 (410)767-1864

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
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DEF	013 Moore, Shannon K.			10/31/16
		Party ID: 5260368		

	Capacity : C/O The Natalie M. LaPrade			
Mail:	Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			

Attorney: 0023421 Ellis, Kathleen Appear: 05/31/2017 06/01/17
 Office Of The Attorney General-Dept. Of Health & Mental Hygiene
 300 W. Preston Street
 Room 302
 Baltimore, MD 21201
 (410)767-1864

DEF	014 Robshaw, Colonel Harry, III			10/31/16
		Party ID: 5260369		

	Capacity : C/O The Natalie M. LaPrade			
Mail:	Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			

Attorney: 0023421 Ellis, Kathleen Appear: 05/31/2017 06/01/17
 Office Of The Attorney General-Dept. Of Health & Mental Hygiene
 300 W. Preston Street
 Room 302
 Baltimore, MD 21201
 (410)767-1864

DEF	015 Rosen-Cohen, Nancy, Ph.D			10/31/16
		Party ID: 5260370		

	Capacity : C/O The Natalie M. LaPrade			
Mail:	Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			

Attorney: 0023421 Ellis, Kathleen Appear: 05/31/2017 06/01/17
 Office Of The Attorney General-Dept. Of Health & Mental Hygiene

300 W. Preston Street
 Room 302
 Baltimore, MD 21201
 (410)767-1864

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
DEF 016	Sterling, Eric E., Esq.			10/31/16
		Party ID: 5260371		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
	Office Of The Attorney General-Dept. Of Health & Mental Hygiene			
	300 W. Preston Street			
	Room 302			
	Baltimore, MD 21201			
	(410)767-1864			
DEF 017	Taylor, Allison W.			10/31/16
		Party ID: 5260372		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
	Office Of The Attorney General-Dept. Of Health & Mental Hygiene			
	300 W. Preston Street			
	Room 302			
	Baltimore, MD 21201			
	(410)767-1864			
DEF 018	Traunfeld, Jon. M.S.			10/31/16
		Party ID: 5260373		
	Capacity : C/O The Natalie M. LaPrade			
	Mail: Maryland Medical Cannabis Commission	10/31/16		11/01/16 AAW
	4201 Patterson Avenue			
	Baltimore, MD 21215			
	Attorney: 0023421 Ellis, Kathleen	Appear: 05/31/2017		06/01/17
	Office Of The Attorney General-Dept. Of Health & Mental Hygiene			
	300 W. Preston Street			
	Room 302			
	Baltimore, MD 21201			
	(410)767-1864			

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
INT 001	Holistic Industries, LLC			01/25/17
		Party ID: 5295780		
Attorney:	0012751 Marcus, Bruce L MarcusBonsib, L L C 6411 Ivy Lane Suite 116 Greenbelt, MD 20770 (301)441-3000		Appear: 01/25/2017	01/27/17
	0022799 Jones, Gary R Baxter, Baker, Sidle, Conn & Jones, P A 120 E Baltimore Street Suite 2100 Baltimore, MD 21202-1643 (410)230-3800		Appear: 01/25/2017	01/27/17
	0816717 Vranian, Danielle M Baxter, Baker, Sidle, Conn & Jones PA 120 East Baltimore Street Suite 2100 Baltimore, MD 21202 (410)230-3800		Appear: 01/25/2017	01/27/17
	0820837 Patterson, Sydney M Law Office Of MarcusBonsib, LLC 6411 Ivy Lane Suite 116 Greenbelt, MD 20770 (301)441-3000		Appear: 01/25/2017	01/27/17
INT 002	Doe, Jane			02/08/17
		Party ID: 5299903		
Attorney:	0814637 Berman, Michael D Rifkin, Weiner, Livingston, Levitan & Silver, LLC 2002 Clipper Park Road Suite 108 Baltimore, MD 21211 (410)206-5049		Appear: 02/08/2017	02/08/17
INT 003	Doe, John			02/08/17
		Party ID: 5299904		
Attorney:	0814637 Berman, Michael D Rifkin, Weiner, Livingston, Levitan & Silver, LLC 2002 Clipper Park Road Suite 108 Baltimore, MD 21211 (410)206-5049		Appear: 02/08/2017	02/08/17

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
INT 004	The Coalition For Patient Medicinal Access, LLC			02/08/17
		Party ID: 5299909		
	Attorney: 0814637 Berman, Michael D		Appear: 02/08/2017	02/08/17
	Rifkin, Weiner, Livingston, Levitan & Silver, LLC			
	2002 Clipper Park Road			
	Suite 108			
	Baltimore, MD 21211			
	(410)206-5049			
INT 005	Curio Cultivation LLC			02/08/17
		Party ID: 5299911		
	Attorney: 0814637 Berman, Michael D		Appear: 02/08/2017	02/08/17
	Rifkin, Weiner, Livingston, Levitan & Silver, LLC			
	2002 Clipper Park Road			
	Suite 108			
	Baltimore, MD 21211			
	(410)206-5049			
INT 006	ForwardGro LLC			02/08/17
		Party ID: 5299913		
	Attorney: 0814637 Berman, Michael D		Appear: 02/08/2017 Removed:05/31/17	02/08/17
INT 007	Doctors Orders Maryland LLC			02/08/17
		Party ID: 5299914		
	Attorney: 0814637 Berman, Michael D		Appear: 02/08/2017	02/08/17
	Rifkin, Weiner, Livingston, Levitan & Silver, LLC			
	2002 Clipper Park Road			
	Suite 108			
	Baltimore, MD 21211			
	(410)206-5049			
INT 008	SunMed Growers, LLC			02/08/17
		Party ID: 5299915		
	Attorney: 0814637 Berman, Michael D		Appear: 02/08/2017	02/08/17
	Rifkin, Weiner, Livingston, Levitan & Silver, LLC			
	2002 Clipper Park Road			
	Suite 108			
	Baltimore, MD 21211			
	(410)206-5049			
INT 009	Temescal Wellness Of Maryland, LLC			05/31/17
		Party ID: 5340055		
	Mail: One East Pratt Street, Suite 904	05/31/17		06/01/17 AS
	Baltimore, MD 21202			

Attorney: 0017688 Schulman, Robert B
 Schulman Hershfield & Gildea P A
 One East Pratt Street
 Suite 904
 Baltimore, MD 21202
 (410)332-0850

Appear: 05/31/2017

06/01/17

0029251 Bekman, Paul D
 Bekman, Marder & Adkins LLC
 300 W Pratt St Ste 450
 Baltimore, MD 21201
 (410)539-6633

Appear: 05/31/2017

06/01/17

CALENDAR EVENTS

Date	Time	Fac	Event Description	Text SA	Jdg Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec			
02/21/17	02:00P	528	Motion Hearing (Civil)	Y	BGW	01 /01	02/10/17 DLI
Held/Concluded			02/24/17 E B.Williams	N			
05/25/17	02:00P	528	Hearing	Y	BGW	01 /01	05/18/17 DLI KA
Cancelled/Vacated			06/05/17 C B.Williams				
06/02/17	10:00A	528	Hearing	Y	BGW	01 /01	05/26/17 AAW
Held/Concluded			06/05/17 C B.Williams	N			

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
BGW Williams, Barry G.	J	01/05/17	RR	01/06/17
BGW Williams, Barry G.	J	02/07/17		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00001000	Complaint for Declaratory Judgment and Preliminary and Permanent Injunctive Relief with Exhibits	10/31/16	11/01/16	PLT001	TBA		AAW
00001001	Answer to Complaint for Declaratory Judgment	03/10/17	03/15/17	DEF001	TBA		PW PW

Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis
Commission, DEF002-Maryland Department Of Health And Mental
Hygiene

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00002000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF005	TBA Moot	11/28/16	LAH LAH
00003000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF016	TBA Moot	11/28/16	LAH LAH
00004000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF018	TBA Moot	11/28/16	LAH LAH
00005000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF017	TBA Moot	11/28/16	LAH LAH
00006000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/28/16	11/28/16	DEF015	TBA Moot	11/28/16	LAH LAH
00007000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF014	TBA Moot	11/28/16	LAH LAH
00008000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF003	TBA Moot	11/28/16	LAH LAH
00009000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF004	TBA Moot	11/28/16	LAH LAH
00010000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF010	TBA Moot	11/28/16	LAH LAH
00011000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF002	TBA Moot	11/28/16	LAH LAH
00012000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF001	TBA Moot	11/28/16	LAH LAH
00013000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF007	TBA Moot	11/28/16	LAH LAH
00014000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF008	TBA Moot	11/28/16	LAH LAH
00015000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF011	TBA Moot	11/28/16	LAH LAH
00016000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF009	TBA Moot	11/28/16	LAH LAH
00017000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF012	TBA Moot	11/28/16	LAH LAH

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00018000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF013	TBA Moot	11/28/16	LAH LAH
00019000	Return of Service - Served WRIT OF SUMMONS (Private Process) served	11/14/16	11/28/16	DEF006	TBA Moot	11/28/16	LAH LAH
00020000	Notice of Service of Discovery Material	12/05/16	12/07/16	PLT001	TBA		PW
00021000	Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment, Memorandum, Exhibits Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	12/12/16	12/14/16	DEF001	BGW Denied	02/21/17	HK DG
00021001	Opposition To Defendants' Motion To Dismiss, Or In the Alternative, Motion For Summary Judgment, With Exhibits And Request For Hearing	12/30/16	01/03/17	PLT001	TBA		AS
00021002	Supplement to Opposition to Defendants' Motion to Dismiss, or in the alternative Motion for Summary Judgment, Exhibits	02/17/17	02/21/17	PLT001	TBA		HK
00021003	Order of Court ORDERED that the Defts' Motion to Dismiss, or in the Alternative, for Summary Judgment (Pleading No. 21) is hereby DENIED. Williams, B. Judge	02/23/17	02/23/17	000	BGW		DG
00021004	Copies Mailed	02/23/17	02/23/17	000	TBA		DG
00022000	Line to Supplement Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	12/23/16	12/27/16	DEF001	TBA Moot	12/27/16	TP
00024000	Motion To Intervene, With Exhibits And Memorandum (Entry Of Appearance Attached But Not Entered)	12/30/16	01/03/17	000	BGW Denied	02/21/17	AS DG
00024001	Request for Hearing on Selected Motion	12/30/16	01/03/17	000	TBA		AS AS
00024002	Response To Motion To Intervene Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	01/05/17	01/06/17	DEF001	TBA		AS
00024003	Intervening Defendants Line Supplementing Motion To Intervene, With Objection, And Rule 2-504 Request For Scheduling Conference, With Exhibits And Request For Hearing	01/12/17	01/13/17	000	TBA		AS AS

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00024004	Opposition to motion to intervene, memorandum of law and req for hearing	01/05/17	02/02/17	PLT001	TBA		VT VT
00024005	Reply in support of motion to intervene filed by proposed defs	01/11/17	02/02/17	000	TBA		VT
00024006	Order of Court ORDERED, that the Proposed Intervening Defts' Motion to Intervene (Pleading No. 24) is hereby DENIED, Williams, B. Judge	02/23/17	02/23/17	000	BGW		DG
00024007	Copies Mailed	02/23/17	02/23/17	000	TBA		DG
00025000	Motion For Specially Assign. With Memorandum	12/30/16	01/03/17	000	TBA		AS AS
00025001	Initial Response To Motion To Specially Assign Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	01/05/17	01/06/17	DEF001	TBA		AS
00026000	Motion to Consolidate, With Memorandum	12/30/16	01/03/17	000	BGW Denied	02/21/17	AS DG
00026001	Initial Response To Consolidate Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	01/05/17	01/06/17	DEF001	TBA		AS
00026002	Order of Court ORDERED, that the Proposed Intervening Defts' Motion to Consolidate (Pleading No. 26 & 40) is hereby Denied, Williams, B. Judge	02/23/17	02/23/17	000	BGW		DG
00026003	Copies Mailed	02/23/17	02/23/17	000	TBA		DG
00027000	Motion to Dismiss This Action, With Memorandum	12/30/16	01/03/17	000	BGW Denied	02/21/17	AS DG
00027001	Request for Hearing on Selected Motion	12/30/16	01/03/17	000	TBA		AS
00027002	Initial Response To Motion To Dismiss The Action Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	01/05/17	01/06/17	DEF001	TBA		AS
00027003	Order of Court ORDERED, that the Proposed Intervening Defts' Motion to Dismiss (Pleading No. 27 & 39) is hereby DENIED as moot, Williams B. Judge	02/23/17	02/23/17	000	BGW		DG

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00027004	Copies Mailed	02/23/17	02/23/17	000	TBA		DG
00028000	Designation of Expert Witnesses	12/30/16	01/03/17	PLT001	TBA		AS
00029000	SUPPLEMENTAL CERTIFICATE OF SERVICE FILE BY PROPOSED INTERVENING DEFTS	01/03/17	01/04/17	000	TBA		BLB
00030000	LINE FILED BY PROPOSED INTERVENING DEFTS	01/03/17	01/04/17	000	TBA Moot	01/04/17	BLB
00031000	AMENDED ENTRY OF APPEARANCE OF ATTYS. FOR PROPOSED INTERVENING DEFENDANTS AND REDLINED	01/03/17	01/04/17	000	TBA Moot	01/04/17	BLB BLB
00032000	MOTION TO SPECIALLY ASSIGN AND REDLINED FILED BY PROPOSED INTERVENING DEFTS WITH A REQUEST FOR HEARING	01/03/17	01/04/17	000	TBA		BLB VT
00032001	REPLY IN SUPPORT OF MOTION TO SPECIALLY ASSIGN EXHIBITS AND REQUEST HEARING FILED BY THE PROPOSED INTERVENING DEFTS	01/11/17	01/17/17	000	TBA		BLB VT
00033000	Correspondence To the Judge	01/05/17	01/06/17	PLT001	TBA		AS
00034000	Notice of Service of Discovery Material	01/09/17	01/10/17	PLT001	TBA		KLF
00035000	Intervening Defendants' Correspondence To Judge Pierson	01/12/17	01/13/17	000	TBA		AS AS
00036000	Intervening Defendants' Correspondence To Judge Williams	01/12/17	01/13/17	000	TBA		AS
00037000	Entry of Appearance	01/25/17	01/27/17	INT001	TBA		AAW
00038000	Motion to Intervene Memorandum, Exhibits and Request Hearing	01/25/17	01/31/17	INT001	BGW Denied	02/21/17	BLB DG
00038001	Opposition to Proposed Intervenor Holistic Industries, LLC's Motion to Intervene and Request for Hearing	02/09/17	02/10/17	PLT001	TBA		HK
00038002	Order of Court ORDERED, that the Proposed Intervening Deft's Motion to Intervene (Pleading No. 38) is hereby Denied. Williams, B., Judge	02/23/17	02/23/17	000	BGW		DG
00038003	Copies Mailed	02/23/17	02/23/17	000	TBA		DG
00039000	Motion to Dismiss w/redlined copy, memorandum and req for hearing filed by proposed intervening defs *** PLEASE SEE ENTRY #27/3 FOR ORDER OF COURT ***	01/03/17	02/02/17	000	BGW Denied	02/21/17	VT DG

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00040000	Motion to Consolidate w/redlined copy, memorandum and red for hearing filed by proposed intervening parties **** PLEASE SEE ENTRY #26/2 FOR ORDER OF COURT ****	01/03/17	02/02/17	000	BGW Denied	02/21/17	VT OG
00040001	Reply in support of motion to consolidate w/req for hearing filed by proposed intervening parties	01/11/17	02/02/17	000	TBA		VT VT
00041000	Supplemental Motion to Consolidate Filed by INT003-Doe, INT002-Doe, INT001-Holistic Industries, LLC, INT008-SunMed Growers, LLC, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT006-ForwardGro LLC, INT007-Doctors Orders Maryland LLC	02/06/17	02/08/17	INT003	TBA		VB VB
00042000	Order of Court It is this 7th day of February 2017 Ordered this case is specially assigned to Honorable Barry Williams for all further proceedings Pierson, J	02/08/17	02/08/17	000	WMP		VT
00043000	Notice Motion Hearing Sent Event: MOTN Block Date: 02/21/17 Facility: 528 PARTIES : Nelson, Heather 300 W Preston Street Suite 302, Baltimore, MD, 21201 Davies, Paul Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Broccolino, Dario Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Charles, Pharm.D., William Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Chen, Kevin Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Gontrum, John Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Gouin-Paul, Cristina Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Horberg, M.D., MAS, FACP, FIDSA, Michael Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Lavin, Robert Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Marshall, Jean Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Washington, Sandra Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Moore, Shannon Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Robshaw, Colonel Harry Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Rosen-Cohen, Nancy Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215	02/10/17	02/10/17	000	TBA Moot	02/10/17	DL1

Sterling, Eric Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Taylor, Allison Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Traunfeld, Jon Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Marcus, Bruce 6411 Ivy Lane Suite 116, Greenbelt, MD, 20770
 Patterson, Sydney 6411 Ivy Lane Suite 116, Greenbelt, MD, 20770
 Jones, Gary 120 E Baltimore Street Suite 2100, Baltimore, MD,
 212021643
 Vranian, Danielle 120 East Baltimore Street Suite 2100,
 Baltimore, MD, 21202
 Berman, Michael 2002 Clipper Park Road Suite 108, Baltimore, MD,
 21211
 Warnken, Byron 2 Reservoir Circle Suite 104, Pikesville, MD,
 21208
 Pica, John 102 W Pennsylvania Avenue 102 W Pennsylvania Ave. S,
 Suite 600, MD, 212044510

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00044000	Open Court Proceeding 2/21/17 Defendants motion to intervene in Alternative Medicine Maryland, LLC is hereby heard and "Denied". (Williams, J) 2/21/17 Defendants motion to dismiss, or in the alternative for summary judgment in Alternative Medicine Maryland, LLC is hereby heard and "Denied". (Williams, J)	02/21/17	02/21/17	000	TBA		MC ELJ
00045000	Line with Affidavits Filed by INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT002-Doe, INT008-SunMed Growers, LLC	02/21/17	02/22/17	INT003	TBA Moot	02/22/17	AAW
00046000	Notice of Service of Discovery Material	03/10/17	03/13/17	PLT001	TBA		GI
00047000	Appeal Order to COSA Filed by INT002-Doe, INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT006-ForwardGro LLC, INT007-Doctors Orders Maryland LLC, INT008-SunMed Growers, LLC	03/15/17	03/16/17	INT002	TBA		WZ
00048000	Appeal Order to COSA	03/16/17	03/17/17	INT001	TBA		WZ
00049000	Notice of Service of Discovery Material	03/17/17	03/20/17	PLT001	TBA		GI
00050000	Notice to Enter Appearance	03/16/17	03/20/17	PLT001	TBA		AS
00051000	Objection To Subpoena For Deposition	03/23/17	03/24/17	DEF002	TBA		TP
00052000	Amended Appeal Order to COSA Filed by INT002-Doe, INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC,	03/22/17	03/24/17	INT002	TBA		WZ

INT006-ForwardGro LLC. INT007-Doctors Orders Maryland LLC,
INT008-SunMed Growers, LLC

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00053000	Correspondence	03/27/17	03/28/17	000	TBA		JF JF
00054000	Transcript of Testimony held on 02/21/17 before Judge Barry G. Williams Cost: \$34.00	03/31/17	03/31/17	000	TBA		MK
00055000	Appeal Order to COSA ORDER TO PROCEED NO. 00040 SEPTEMBER TERM, 2017. DUE MAY 30, 2017 ASSIGN TO J.FORTUNE	03/31/17	03/31/17	000	TBA		JF
00056000	Court of Special Correspondence March 28, 2017 Civil Appeal information Report Received for Appellant's Amended Notice of Appeal noted on March 22, 2017. This information Report will be made a part of the file previously established for the appeal noted on March 15, 2017 and the cross appeal noted March 16, 2017, all will be assigned No. 40 September Term, 2017	04/03/17	04/05/17	000	TBA		JF
00057000	Motion for Protective Order, with Memorandum Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene Filed by DEF002-Maryland Department Of Health And Mental Hygiene, DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission	04/17/17	04/18/17	DEF002	BGW Denied	05/03/17	AS DG
00057001	Order of Court ORDERED that Defts' Motion for a Protective Order (#57) is hereby DENIED, and it is further ORDERED that Defts' Motion to Quash Subpoena for Deposition (#58) is DENIED. ORDERED that Defts' Emergency Motion to Shorten Time for Response (#59) is DENIED, and it is further ORDERED that Pltff Alternative Medicine Maryland, LLC be permitted to depose Commissioner Harry Robshaw on May 10, 2017, Williams, B. Judge	05/08/17	05/08/17	000	BGW		DG
00057002	Copies Mailed	05/08/17	05/08/17	000	TBA		DG
00058000	Motion to Quash Subpoena for Deposition, with Memorandum Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	04/17/17	04/18/17	DEF001	BGW Denied	05/03/17	AS DG
00059000	Emergency Motion to Shorten Time for Response Filed by DEF002-Maryland Department Of Health And Mental Hygiene.	04/17/17	04/18/17	DEF002	BGW Denied	05/03/17	AS DG

DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00060000	Notice of Service of Discovery Material	04/18/17	04/19/17	PLT001	TBA		BE
00061000	Affidavit of Service AS TO A SUBPOENA ON SANDY HILLMAN ON 4/20/17	04/28/17	05/01/17	000	TBA		BE
00062000	Motion to Compel and Request For Hearing, proposed order.memo and Exhibits Attached	05/01/17	05/02/17	PLT001	TBA		TP TP
00062001	Opposition to Plt's motion to compell testimony and documents from May Jo Mather see original #73	05/15/17	05/17/17	DEF001	TBA		TP
00063000	Objection to Subpoenas for Deposition	05/01/17	05/02/17	DEF002	TBA		VB
00064000	Notice of Service of Discovery Material	05/02/17	05/05/17	PLT001	TBA		PW
00065000	Objection to Subpoenas for deposition Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	05/04/17	05/05/17	DEF001	TBA		TP
00066000	Subpoena Issued	05/05/17	05/08/17	PLT001	TBA		GI
00067000	Appeal Order to COSA Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	05/08/17	05/08/17	DEF001	TBA		WZ
00068000	Motion to Stay Circuit Court Proceedings Pending Further Review Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	05/08/17	05/08/17	DEF001	BGW Denied	05/26/17	WZ AJ
00068001	Response in Opposition to Motion, Exhibits and Request Hearing	05/15/17	05/16/17	PLT001	TBA		BLB
00068002	Order of Court Ordered that Defendants Motion to Stay Circuit Court Proceedings Pending Further Review (#68) is hereby Denied.	05/26/17	05/31/17	000	BGW		AJ
00068003	Copies Mailed	05/26/17	05/31/17	000	BGW		AJ
00069000	Notice of Service of Discovery Material	05/08/17	05/09/17	PLT001	TBA		BE
00070000	Affidavit of Service AS A SUBPOENA ON HANNAH BYRON ON 05/03/17	05/10/17	05/11/17	000	TBA		BE

E 000018

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00071000	Motion to Shorten Time for Response Filed by DEF002-Maryland Department Of Health And Mental Hygiene. DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission	05/12/17	05/15/17	DEF002	BGW Denied	05/26/17	AS AJ
00071001	Response to Defendant's Motion to Shorten Time for Response	05/16/17	05/17/17	PLT001	TBA		AS
00071002	Order of Court Ordered that Defendants Motion to Shorten Time for Response (#71) is hereby Denied as moot.	05/26/17	05/31/17	000	BGW		AJ
00071003	Copies Mailed	05/26/17	05/31/17	000	BGW		AJ
00072000	Motion for Emergency Temporary Restraining Order, Memorandum, Exhibits and for Immediate emergency hearing	05/15/17	05/16/17	PLT001	BGW Granted	05/25/17	BLB DG
00072001	Opposition to Plaintiff's Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why a Preliminary Injunction Should Not be Granted, with Exhibits Filed by DEF002-Maryland Department Of Health And Mental Hygiene. DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission	05/17/17	05/18/17	DEF002	TBA		AS
00072002	Commission's Supplement to Commission's Opposition to Plaintiff's Motion for Emergency Temporary Restraining Order and Request for Order to Show Cause Why a Preliminary Injunction Should Not be Granted, with Exhibits Filed by DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF002-Maryland Department Of Health And Mental Hygiene	05/24/17	05/25/17	DEF001	TBA		AS
00072003	ORDER GRANTING PLTFF'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER ORDERED that the Pltff's Emergency Motion for T.R.O (#74) is GRANTED conditioned on posting of bond in the amount of \$100.00, etc. ORDERED that Defts. Natalie M. LaPrade Maryland Medical Cannabis and ENJOINED from authorizing granted and/or issuing any final licenses to cultivate and grow medical cannabis in Maryland prior to a full adversarial hearing on the propriety of granting a Preliminary Injunction; and ORDERED that any person affected by this order may apply for a modification or dissolution of the ordere on two days' notice to the party who obtained the order; and it is further ORDERED that hearing on Friday, June 2, 2017 @ 10:00am; ORDERED that this order shall expire in ten (10) days time, on June 4th 2017, Williams, B Judge	05/25/17	05/25/17	000	BGW		DG
00072004	Copies Mailed	05/25/17	05/25/17	000	TBA		DG

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00072005	Memorandum in Opposition to Preliminary Injunction	05/30/17	06/02/17	INT006	TBA		AS
00073000	Motion for Protective Order	05/15/17	05/17/17	DEF001	TBA		TP TP
00074000	Hearing/Trial Notice Sent Event: HEAR Block Date: 05/25/17 Facility: 528 PARTIES : Nelson, Heather 300 W Preston Street Suite 302, Baltimore, MD, 21201 Davies, Paul Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Broccolino, Dario Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Charles, Pharm.D., William Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Chen, Kevin Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Gontrum, John Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Gouin-Paul, Cristina Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Horberg, M.D., MAS, FACP, FIDSA, Michael Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Lavin, Robert Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Marshall, Jean Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Washington, Sandra Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Moore, Shannon Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Robshaw, Colonel Harry Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Rosen-Cohen, Nancy Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Sterling, Eric Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Taylor, Allison Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Traunfeld, Jon Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Marcus, Bruce 6411 Ivy Lane Suite 116, Greenbelt, MD, 20770 Patterson, Sydney 6411 Ivy Lane Suite 116, Greenbelt, MD, 20770 Jones, Gary 120 E Baltimore Street Suite 2100, Baltimore, MD, 212021643 Vranian, Danielle 120 East Baltimore Street Suite 2100, Baltimore, MD, 21202 Berman, Michael 2002 Clipper Park Road Suite 108, Baltimore, MD, 21211	05/18/17	05/18/17	000	TBA Moot	05/18/17	DL1

Warnken, Byron 2 Reservoir Circle Suite 104, Pikesville, MD, 21208
 Pica, John 102 W Pennsylvania Avenue 102 W Pennsylvania Ave, S, Suite 600, MD, 212044510
 Brown, Brian 7 St. Paul Street Suite 800, Baltimore, MD, 21202

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00075000	Attorney Appearance Filed	05/17/17	05/19/17	PLT001	TBA		BE
00076000	Record on Appeal Forwarded to COSA Forward one box, contents includes 7 red brick binders, one transcript book to the Court of Special Appeals via FedEx #8115-9310-9369	05/22/17	05/22/17	000	TBA		JF JF
00076001	Copies Mailed	05/22/17	05/22/17	000	TBA		JF
00077000	Motion to Strike Testimony of Expert Witness, Memorandum Filed by DEF002-Maryland Department Of Health And Mental Hygiene, DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission	05/24/17	05/25/17	DEF002	TBA		HK HK
00078000	Special of Appeals Order of Court Upon consideration of the "Motion for Immediate Stay of Circuit Court Proceedings Pending Further Review" filed by Natalie M. LaPrade Maryland Medical Cannabis Commission, the Department of Health and Mental Hygiene, and the individually named commissioners, Alternative Medicine Maryland, LLC's opposition thereto, and the scheduled deposition of Harry Robshaw III having been held and concluded, it is this 19th day of May 2017, by the Court of Special Appeals. Ordered, that the Motion be, and is hereby, denied as moot.	05/24/17	05/25/17	000	TBA		JF
00079000	Open Court Proceeding 5-25-17 - Plaintiff's motion for Temporary Restraining Order for Injunction heard and GRANTED. Williams, J. 5-25-17 - Order to be filed. Williams, J. 5-25-17 - Hearing set for 6/2/17 P. 31 at 10:00 am. Williams, J.	05/25/17	05/25/17	000	TBA		SHO ELJ
00080000	Court of Special Appeals Correspondence Filed by Attorney: Heather B Nelson Esq	05/25/17	05/26/17	000	TBA		JF
00081000	Hearing/Trial Notice Sent Event: INJ Block Date: 06/02/17 Facility: 528 PARTIES : Nelson, Heather 300 W Preston Street Suite 302, Baltimore, MD, 21201 Davies, Paul Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215 Broccolino, Dario Maryland Medical Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215	05/26/17	05/26/17	000	TBA Moot	05/26/17	AAW

Charles, Pharm.D., William Maryland Medical Cannabis Commission
 4201 Patterson Avenue, Baltimore, MD, 21215
 Chen, Kevin Maryland Medical Cannabis Commission 4201 Patterson
 Avenue, Baltimore, MD, 21215
 Gontrum, John Maryland Medical Cannabis Commission 4201 Patterson
 Avenue, Baltimore, MD, 21215
 Gouin-Paul, Cristina Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Horberg, M.D., MAS, FACP, FIDSA, Michael Maryland Medical
 Cannabis Commission 4201 Patterson Avenue, Baltimore, MD, 21215
 Lavin, Robert Maryland Medical Cannabis Commission 4201 Patterson
 Avenue, Baltimore, MD, 21215
 Marshall, Jean Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Washington, Sandra Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Moore, Shannon Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Robshaw, Colonel Harry Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Rosen-Cohen, Nancy Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Sterling, Eric Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Taylor, Allison Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Traunfeld, Jon Maryland Medical Cannabis Commission 4201
 Patterson Avenue, Baltimore, MD, 21215
 Marcus, Bruce 6411 Ivy Lane Suite 116, Greenbelt, MD, 20770
 Patterson, Sydney 6411 Ivy Lane Suite 116, Greenbelt, MD, 20770
 Jones, Gary 120 E Baltimore Street Suite 2100, Baltimore, MD,
 212021643
 Vranian, Danielle 120 East Baltimore Street Suite 2100,
 Baltimore, MD, 21202
 Berman, Michael 2002 Clipper Park Road Suite 108, Baltimore, MD,
 21211
 Warnken, Byron 2 Reservoir Circle Suite 104, Pikesville, MD,
 21208
 Pica, John 102 W Pennsylvania Avenue 102 W Pennsylvania Ave, S,
 Suite 600, MD, 212044510
 Brown, Brian 7 St. Paul Street Suite 800, Baltimore, MD, 21202
 Casciano, Christopher 7 St. Paul Street Suite 800, Baltimore, MD,
 21202

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00082000	Line filing bond pursuant to Order Dated May 25, 2017	05/26/17	05/30/17	PLT001	TBA Moot	05/30/17	TP
00083000	Motion to Shorten Time to Respond to Renewal of the Motion to Intervene. Motion to Intervene in this Action, to Consolidate, for Stay Pending Appeal and Motion to Continue June 2, 2017 Hearing; and	05/30/17	05/31/17	INT003	TBA		AS AS

Opposition to Motion for Preliminary Injunction
 Filed by INT003-Doe, INT002-Doe, INT001-Holistic Industries, LLC,
 INT007-Doctors Orders Maryland LLC, INT008-SunMed Growers, LLC,
 INT004-The Coalition For Patient Medicinal Access, LLC,
 INT005-Curio Cultivation LLC, INT006-ForwardGro LLC

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00084000	Motion to Continue June 2, 2017 Hearing Filed by INT002-Doe, INT006-ForwardGro LLC, INT005-Curio Cultivation LLC, INT004-The Coalition For Patient Medicinal Access, LLC, INT003-Doe, INT001-Holistic Industries, LLC, INT007-Doctors Orders Maryland LLC, INT008-SunMed Growers, LLC	05/30/17	05/31/17	INT002	TBA		AS AS
00085000	Emergency Motion to Dissolve or Modify TRO: for Renewal of the Motion to Intervene; to Intervene in this Action; to Consolidate; for Stay Pending Appeal; and in Opposition to Motion for Preliminary Injunction, with Exhibits and Memorandum Filed by INT001-Holistic Industries, LLC, INT007-Doctors Orders Maryland LLC, INT008-SunMed Growers, LLC, INT002-Doe, INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT006-ForwardGro LLC	05/30/17	05/31/17	INT001	TBA		AS AS
00086000	Attorney Appearance Filed Filed by DEF013-Moore, DEF012-Washington, DEF011-Marshall, DEF010-Lavin, DEF009-Horberg, M.D., MAS, FACP, FIDSA, DEF008-Gouin-Paul, DEF007-Gontrum, DEF006-Chen, DEF005-Charles, Pharm.D., DEF004-Broccolino, DEF003-Davies, DEF002-Maryland Department Of Health And Mental Hygiene, DEF001-Natalie M. Laprade Maryland Medical Cannabis Commission, DEF014-Robshaw, DEF018-Traunfeld, DEF017-Taylor, DEF016-Sterling	05/31/17	06/01/17	DEF013	TBA		AJ
00087000	Renewed Motion to Consolidate, with Exhibits	05/31/17	06/01/17	INT001	TBA		AS
00088000	Emergency Motion to Dissolve or Modify Temporary Restraining Order and Opposition to Motion for Preliminary Injunction, with Exhibits and Request for Hearing	05/31/17	06/01/17	INT001	BGW Denied	05/31/17	AS DG
00088001	Order of Court ORDERED that "Emergency Motion to Dissolve or Modify TRO: for Renewal of the Motion to Intervene; to Intervene in this action; to Consolidate; for Stay Pending Appeal; and in Opposition to Motion for Preliminary Injunction" is DENIED and all motions therein are DENIED; and it is further ORDERED that the above entities' motion entitled " Motion to Shorten time to Respond to Renewal of the Motion to Intervene in this Action, to Consolidate, for Stay Pending Appeal and Motion to Continue June 2, 2017 Hearing; and Opposition to Motion for Preliminary Injunction" is DENIED and all motions therein are DENIED; and it is further	06/02/17	06/02/17	000	BGW		DG

ORDEREED that the above entitles' motion entitled " Motion to Continue June 2, 2017 Hearing" is DENIED. Williams Judge

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00088002	Copies Mailed	06/02/17	06/02/17	000	TBA		DG
00089000	Motion to Continue June 2, 2017 Hearing, with Exhibits	05/31/17	06/01/17	INT001	TBA		AS AS
00090000	Motion to Stay Pending Outcome of Related Appeal, with Request for Hearing and Exhibits	05/31/17	06/01/17	INT001	TBA		AS AS
00091000	Motion to Shorten Time	05/31/17	06/01/17	INT001	TBA		AS AS
00092000	Attorney Appearance Filed	05/31/17	06/01/17	INT001	TBA		AS
00093000	Motion to Intervene, with Memorandum, Exhibits and Request for Hearing	05/31/17	06/01/17	INT001	TBA		AS
00094000	Notice to Withdrawal of Appearance	05/31/17	06/01/17	INT006	TBA		AS
00095000	Attorney Appearance Removed Michael D Berman	06/01/17	06/01/17	INT006	TBA Moot	05/31/17	AS
00096000	Line With Exhibits and Affidavits Filed by INT003-Doe, INT002-Doe, INT005-Curio Cultivation LLC, INT007-Doctors Orders Maryland LLC, INT008-SunMed Growers, LLC, INT004-The Coalition For Patient Medicinal Access, LLC	05/31/17	06/01/17	INT003	TBA Moot	06/01/17	AS
00097000	Notice to Enter Appearance	05/31/17	06/01/17	INT009	TBA		AS
00098000	Consolidated Motion to Dissolve and/or Modify Temporary Restraining Order, to Oppose the Motion for Preliminary Injunction and to Adopt Various Arguments and Evidence Submitted by Movants Jane Doe, John Doe, Curo Wellness, LLC, Doctor's Orders Maryland, LLC, Green Leaf Medical, LLC, Kind Therapeutics, USA LLC, Sun Med Growers, LLC, Maryland Wholesale Medical Cannabis Trade Association, and the Coalition for Patient Medicinal Access, LLC. Motion to Intervene, and Motion to Establish Bond in the Event an Injunction is Granted Pursuant to MD. Rule 15-503(a), with Memorandum, Request for Hearing and Affidavit	05/31/17	06/01/17	INT009	TBA		AS
00099000	BENCH MEMORANDUM	06/01/17	06/01/17	PLT001	TBA		BLB
00100000	Motion for Special Appearance Pro Hac Vice (Bezalel A. Stern)	05/30/17	06/02/17	INT006	TBA		AS AS
00101000	Notice of Appearance of New Counsel	05/30/17	06/02/17	INT006	BGW Denied	05/31/17	AS DG
00101001	Order of Court	06/02/17	06/02/17	000	BGW		DG

ORDERED that ForwardGro, LLC's request to "govern itself as party" going forward in this matter is DENIED; etc, Williams Judge

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
00101002	Copies Mailed	06/02/17	06/02/17	000	TBA		DG
00102000	Open Court Proceeding 06/02/17 Court of Appeals stayed the case. Williams, J 06/02/17 Order to be filed. Williams, J	06/02/17	06/02/17	000	TBA		DWN DWN
00103000	Appeal Order to COSA Filed by INT007-Doctors Orders Maryland LLC, INT001-Holistic Industries, LLC, INT002-Doe, INT003-Doe, INT004-The Coalition For Patient Medicinal Access, LLC, INT005-Curio Cultivation LLC, INT006-ForwardGro LLC, INT008-SunMed Growers, LLC, INT009-Temescal Wellness Of Maryland, LLC	06/01/17	06/02/17	INT007	TBA		WZ

SERVICE

Form Name	Issued	Response	Served	Returned	Agency
WRIT OF SUMMONS (Private Process) DEF001 Natalie M. Laprade Maryland Medic	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF002 Maryland Department Of Health And	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF003 Davies, Paul	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF004 Broccolino, Dario	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF005 Charles, Pharm.D., William	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF006 Chen, Kevin	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF007 Gontrum, John	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF008 Gouin-Paul, Cristina	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF009 Horberg, M.D., MAS, FACP, FIDSA,	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process)	11/01/16	12/04/16	11/04/16		Private Process

Form Name	Issued	Response	Served	Returned	Agency
DEF010 Lavin, Robert					
WRIT OF SUMMONS (Private Process) DEF011 Marshall, Jean	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF012 Washington, Sandra	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF013 Moore, Shannon	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF014 Robshaw, Colonel Harry	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF015 Rosen-Cohen, Nancy	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF016 Sterling, Eric	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF017 Taylor, Allison	11/01/16	12/04/16	11/04/16		Private Process
WRIT OF SUMMONS (Private Process) DEF018 Traunfeld, Jon	11/01/16	12/04/16	11/04/16		Private Process

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
IANS	1st Answer Tickle	OPEN	03/15/17	0	no	no	DANS	D	1	001
EXPU	Exhibit Pickup Notic	CANCEL	06/27/17	33	yes	no	DOCP	D	79	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
LSRV	120 Days Lack Of Jur	CANCEL	03/07/17	126	no	no	SMNS	F	0	000
SLDR	Set List - Discovery	CANCEL	05/08/17	21	no	no	MPRT	D	57	000
SLDR	Set List - Discovery	CANCEL	05/22/17	21	no	no	MCOP	D	62	000
SLDR	Set List - Discovery	CANCEL	06/05/17	21	no	no	MPRT	D	73	000
SLJR	Set List - JIC Rulin	CANCEL	05/29/17	21	no	no	MSTA	D	68	000
SLJR	Set List - JIC Rulin	CANCEL	06/21/17	21	no	no	MSTA	D	90	000
SLMH	Set List For Motions	CANCEL	01/04/17	5	no	no	DHRR	D	24	001
SLMR	Set List For Motions	CANCEL	01/20/17	21	yes	no	MOPH	D	27	000
SLMR	Set List For Motions	CANCEL	01/20/17	21	yes	no	MCON	D	26	000
SLMR	Set List For Motions	CANCEL	01/20/17	39	yes	no	DHRR	T	21	000
SLMR	Set List For Motions	CANCEL	02/15/17	43	yes	no	MOPH	D	32	000
SLMR	Set List For Motions	CANCEL	06/14/17	21	yes	no	MMTS	D	77	000
SLMR	Set List For Motions	CANCEL	06/20/17	21	yes	no	DMTN	D	85	000
SLMR	Set List For Motions	CANCEL	06/20/17	21	yes	no	DMTN	D	84	000
SLMR	Set List For Motions	CANCEL	06/20/17	21	yes	no	MOSA	D	100	000
SLMR	Set List For Motions	CANCEL	06/21/17	21	yes	no	DMTN	D	88	000
SLMR	Set List For Motions	CANCEL	06/21/17	21	yes	no	DMTN	D	89	000

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
TIME	Motion To Extend/Sho	CANCEL	12/31/16	1	yes	no		DSPC D	25	000
TIME	Motion To Extend/Sho	CANCEL	04/18/17	1	yes	no		MTST D	59	000
TIME	Motion To Extend/Sho	CANCEL	05/13/17	1	yes	no		MTST D	71	000
TIME	Motion To Extend/Sho	CANCEL	05/31/17	1	yes	no		MTST D	83	000
TIME	Motion To Extend/Sho	CANCEL	06/01/17	1	yes	no		MTST D	91	000

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

PUBLIC NOTE TITLES

- 1) 1/17/17 #32/1 SENT TO JUDGE BARRY WILLIAMN FILE IS WITH HIM
- 2) 1/17/17 #24/3-35 & 36 SENT TO JUDGE BARRY WILLAMS FILE IS
- 3) CLERK NOTES 2/23/17 PLEADINGS HAND DELIVERED TO JUDGE WILLIAMS
- 4) Answer to Complaint for Declaratory Judgment
- 5) Clerk Notes 4/26/17. Pleadings 57, 58, & 59 Sent To Judge Williams
- 6) Clerk Note:05/17/17 pleading #70,71 sent to Jessica(462)
- 7) 05/31/17 Updated Orders # 68/2 and #71/2 on Red Card
- 8) 06/01/17 Called Int. Def. Tesmesal Wellness of MD's attorney
- 9) Clerk Notes 6/1/17
- 10) recieved- one blk binder (pltf bench memorandum & table of contents)
- 11) located rm#409 in aisle /on top shelf

CASE FOLDER HISTORY

Date	Time	Type	User	Location	Clerk	Reason
06/05/17	11:22 AM	CheckIn		records	OM	
06/01/17	3:08 PM	Transfer	BAW	534 Courthouse East	DEN	transfer
06/01/17	12:15 PM	Transfer	BAW	534 Courthouse East	MST	Hearing on 6/2
06/01/17	12:15 PM	CheckOut	MST	Civil Div., Room 462 East	MST	EDIT
05/22/17	10:20 AM	CheckIn		records	OM	

06/02/2017

ALTERNATIVE MEDICINE MARYLAND, LLC,
Plaintiff

* IN THE
* CIRCUIT COURT

v.

* FOR

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

* BALTIMORE CITY
* Case No.: 24-C-16-005801

Defendants

*

* * * * *

ORDER

Upon consideration of Jane Doe, John Doe, Curio Wellness, LLC, Doctor's Orders Maryland, LLC, Green Leaf Medical, LLC Kind Therapeutics, USA, LLC, SunMed Growers, LLC, Maryland Wholesale Medical Cannabis Trade Association, and the Coalition for Patient Medicinal Access, LLC's motions entitled "Emergency Motion to Dissolve or Modify TRO; For Renewal of the Motion to Intervene; To Intervene in this Action; To Consolidate; For Stay Pending Appeal; And In Opposition To Motion for Preliminary Injunction," and "Motion to Shorten Time to Respond to Renewal of the Motion to Intervene, Motion to Intervene in this Action, To Consolidate, For Stay Pending Appeal And Motion To Continue June 2, 2017 Hearing; and Opposition to Motion for Preliminary Injunction" and "Motion to Continue June 2, 2017 Hearing" it is this 31st day of May, 2017, by the Circuit Court for Baltimore City:

ORDERED, that that above entities' motion entitled "Emergency Motion to Dissolve or Modify TRO; For Renewal of the Motion to Intervene; To Intervene in this Action; To Consolidate; For Stay Pending Appeal; And In Opposition To Motion for Preliminary Injunction" is **DENIED** and all motions therein are **DENIED**; and it is further

ORDERED that that above entities' motion entitled "Motion to Shorten Time to Respond to Renewal of the Motion to Intervene, Motion to Intervene in this Action, To

Notice to Clerk: Please mail copies to all parties.

Consolidate, For Stay Pending Appeal And Motion To Continue June 2, 2017 Hearing; and
Opposition to Motion for Preliminary Injunction" is **DENIED** and all motions therein are
DENIED; and it is further

ORDERED that that above entities' motion entitled "Motion to Continue June 2, 2017
Hearing" is **DENIED**.

Judge Barry G. Williams
Circuit Court for Baltimore City
Signature appears on the original document

Judge Barry G. Williams
Circuit Court for Baltimore City

TRUE COPY
TEST

Marilyn Bentley

MARILYN BENTLEY, CLERK



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Notice to the Clerk:
Please Mail Copies to All Parties

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ALTERNATIVE MEDICINE	*	IN THE
MARYLAND, LLC,	*	
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
NATALIE M. LAPRADE MARYLAND	*	BALTIMORE CITY
MEDICAL CANNABIS COMMISSION,	*	Case No.: 24-C-16-005801
<i>et al.</i> ,	*	
Defendants	*	

* * * * *

ORDER

Proposed Intervening Defendants, John and Jane Doe, the Coalition for Patient Medical Access, LLC, Curio Cultivation, LLC, ForwardGro, LLC, Doctors Orders Maryland, LLC, and SunMed Growers, LLC, filed a Motion to Intervene in this case on December 30, 2016. (Pleading No. 24). Defendants Natalie M. Laprade Maryland Medical Cannabis Commission, *et al.*, filed a timely response (Pleading No. 24/2). Plaintiff Alternative Medicine Maryland, LLC (Pleading No. 24/4) filed a timely opposition and on February 21, 2017, the court heard argument.

The Court has considered Proposed Intervening Defendants' Motion to Intervene, the Opposition thereto, and the oral arguments of counsel. For the reasons set forth on the record in open court, it is this 21st day of February, 2017;

ORDERED, that the Proposed Intervening Defendants' Motion to Intervene (Pleading No. 24) is hereby **DENIED**.

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TEST

MARILYN BENTLEY, CLERK

The Judge's signature appears on the original document.

Judge Barry/G. Williams

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ALTERNATIVE MEDICINE

* IN THE

MARYLAND, LLC,

*

Plaintiff

* CIRCUIT COURT

v.

* FOR

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

* BALTIMORE CITY

* Case No.: 24-C-16-005801

Defendants

*

* * * * *

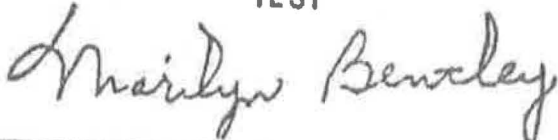
ORDER

Proposed Intervening Defendant Holistic Industries, LLC, filed a Motion to Intervene in the above captioned case on January 25, 2017. (Pleading No. 38). Plaintiff Alternative Medicine Maryland, LLC (Pleading No. 38/1) filed a timely opposition.

The Court has considered Proposed Intervening Defendant's Motion to Intervene and the responses thereto. For the reasons set forth on the record in open court, it is this 21st day of February, 2017;

ORDERED, that the Proposed Intervening Defendant's Motion to Intervene (Pleading No. 38) is hereby **DENIED**.

**TRUE COPY
TEST**



MARILYN BENTLEY, CLERK

The Judge's signature appears on the original document.

Judge Barry G. Williams

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ALTERNATIVE MEDICINE MARYLAND,
LLC,
Plaintiff

* IN THE
* CIRCUIT COURT

v.

* FOR

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

* BALTIMORE CITY
* Case No.: 24-C-16-005801

Defendants

*

* * * * *

ORDER

On May 30, 2017, ForwardGro, LLC filed a Notice of Appearance of New Counsel, which stated that “ForwardGro believes that this Court’s May 25 Email serves as a reconsideration of the Court’s prior February 21, 2017 denial of ForwardGro’s Motion to Intervene” and that “ForwardGro will govern itself as a party going forward in this matter, unless the Court orders otherwise.” The Court notes that this belief is not correct. The Court’s May 25, 2017 email did not serve as reconsideration of this Court’s February 21, 2017 denial of ForwardGro’s Motion to Intervene nor is ForwardGro LLC is permitted to “govern itself as a party,” in this matter absent express approval by this Court. As noted in the email, counsel for ForwardGro, LLC is invited to argue solely on the issue of whether or not the license issued to ForwardGro, LLC should be suspended, if and only if, the Court grants a Preliminary Injunction at the June 2, 2017 hearing. Therefore, it is this 31st day of May, 2017, by the Circuit Court for Baltimore City:

Notice to Clerk: Please mail copies to all parties.

ORDERED, that ForwardGro, LLC's request to "govern itself as party" going forward in this matter is **DENIED**; and it is further

ORDERED that ForwardGro, LLC will receive twenty-five (25) minutes of time to address the Court solely on the issue of whether or not the license issued to ForwardGro, LLC should be suspended, if a preliminary injunction is granted.

Barry Williams
Judge's Signature Appears
On Original Document

Judge Barry G. Williams
Circuit Court for Baltimore City

**TRUE COPY
TEST**

Marilyn Bentley

MARILYN BENTLEY, CLERK



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ALTERNATIVE MEDICINE MARYLAND, LLC
14 State Circle
Annapolis, MD 21401

Plaintiff

v.

NATALIE M. LAPRADE
MARYLAND MEDICAL
CANNABIS COMMISSION
4201 Patterson Avenue
Baltimore, Maryland 21215

SERVE ON:
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Baltimore, Maryland 21202

And

MARYLAND DEPARTMENT OF
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201 West Preston Street
Baltimore, Maryland 21201

SERVE ON:
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Baltimore, Maryland 21202

and, in their official capacities:

Paul W. Davies, M.D.
c/o the Natalie M. LaPrade
Maryland Medical Cannabis Commission
4201 Patterson Avenue
Baltimore, Maryland 21215

and

Dario Broccolino, Esq.
c/o the Natalie M. LaPrade
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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No.: _____

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And *
Kevin W. Chen, Ph.D. *
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And *
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And	*
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And	*
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Eric E. Sterling, Esq.	*
c/o the Natalie M. LaPrade	*

Maryland Medical Cannabis Commission
4201 Patterson Avenue
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And

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Allison W. Taylor
c/o the Natalie M. LaPrade
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And

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Jon Traunfeld, M.S.
c/o the Natalie M. LaPrade
Maryland Medical Cannabis Commission
4201 Patterson Avenue
Baltimore, Maryland 21215

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*
*

Defendants

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* * * * *

**COMPLAINT FOR DECLARATORY JUDGMENT AND PRELIMINARY AND
PERMANENT INJUNCTIVE RELIEF.**

Plaintiff Alternative Medicine Maryland, LLC ("AMM"), by its attorneys, John A. Pica, Jr. and John Pica and Associates, LLC and Byron L. Warnken, Byron B. Warnken, and Warnken, LLC, files this Complaint seeking a declaratory judgment and injunctive relief against Defendants the Natalie M. LaPrade Maryland Medical Cannabis Commission ("the Commission"), the Maryland Department of Health and Mental Hygiene ("DHMH"), and Paul W. Davies, M.D., Dario Broccolino, Esq., William C. Charles, Pharm.D., Kevin W. Chen, Ph.D., John T. Gontrum, Esq., Cristina Gouin- Paul, Michael A. Horberg, M.D., MAS, FACP, FIDSA, Robert A. Lavin, M.D., Jean Gilmor Marshall, R.N., Shannon K. Moore, Colonel Harry Robshaw, III, Nancy Rosen-Cohen, Ph.D., Eric E. Sterling, Esq., Allison W. Taylor, and Jon Traunfeld, M.S. ("the Commissioner Defendants").

INTRODUCTION

1. Medical cannabis is a new form of medicine in Maryland that can alleviate pain and suffering from debilitating and chronic diseases. In this case, the Legislature entrusted the Commission to exercise good judgment and implement the wishes of the

Legislature. Instead, the Commission acted arbitrarily, capriciously, and unreasonably. The Commission's approval of 15 applicants as the only entities permitted to grow medical cannabis in Maryland cannot stand for three reasons.

2. First, the Commission was derelict in its legislatively mandated duty to "actively seek to achieve racial, ethnic, and geographic diversity when licensing medical cannabis growers." The Commission ignored race and ethnicity throughout the licensing process in clear contravention of its authorizing statute. Then, the Commission compounded its failure by replacing top ranked applicants with lower ranked applicants in the name of geographic diversity, but gave no consideration to the ethnic and racial diversity of its applicants.

3. Second, the Commission violated the Dormant Commerce Clause of the United States Constitution by discriminating against applicants whose owners reside out of the State of Maryland. Discriminating against entities with out of state ties burdens interstate commerce. Because Congress alone has the Commerce Power, state agencies are prohibited from enacting facially discriminatory burdens on interstate commerce.

4. Third, the Commission disregarded its responsibility to establish reliable criteria that applicants were adequately capitalized. The Commission made it impossible to determine what constituted proof of adequate capitalization, created unreasonable systems of scoring adequate capitalization thereby producing undercapitalized licensees, and arbitrarily accepted unfounded assertions about applicants' capital resources.

5. Alternative Medicine Maryland ("AMM") applied for but was not awarded a license to grow medical cannabis. Despite multiple Maryland public information act requests to the Commission, AMM has not been provided with its licensing scoring or ranking.

6. AMM is more than 80% African-American owned, has significant ties to the State of New York, and had verified capitalization of more than 9 million dollars to fund its comprehensive plan to help supply Maryland patients with medical cannabis.

7. The Commission is now moving forward with Stage 2 of the licensing process, but without AMM. AMM seeks (1) a preliminary injunction prohibiting the Commission from granting licenses, thereby protecting the public interest and preventing irreparable harm to AMM; (2) an injunction prohibiting the Commission from issuing final approval for any of the first 15 grower licenses or taking any other steps under Stage 2 of the Commission's licensing

scheme, until such time as the Commission takes corrective action with respect to the unlawful, unconstitutional, arbitrary, capricious, and/or unreasonable actions it has taken thus far; (3) a declaratory judgment that the Commission's actions were arbitrary, capricious, unreasonable, and/or illegal; (4) a Judicial Order requiring the Commission to redo Stage 1 of the grower license process, and in doing so, adhere to statutory criteria; (5) a Judicial Order requiring the Commission to conduct or order a disparity study; and (6) Other relief as requested below.

PARTIES

8. AMM is a Maryland limited liability company with its principal office at 14 State Circle, Annapolis, Maryland 21401.

9. The Commission is a statutorily-established commission within DHMH. The Commission's principal office is at 4201 Patterson Avenue, Baltimore, MD 21215 in Baltimore, Maryland. Although the Commission is an "independent commission," it functions within DHMH, Md. Code Ann., Health Gen. § 13-3302(b).

10. DHMH is a department of Maryland state government. DHMH's principal office is in Baltimore, Maryland.

11. The Commissioner Defendants are the individuals appointed to serve on the Commission. The Commissioners serve staggered four-year terms. *Id.* § 13-3303(b). Fifteen Commissioners are appointed by the Governor and one is designated by the Secretary of DHMH. The Commissioners include members of the public, licensed healthcare professionals, law enforcement representatives, attorneys, and representatives of other units of state government. *Id.* § 13-3303(a). The Commissioners are not compensated for their service. The Commissioner Defendants are sued in their official capacities only.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over this action because it is a proceeding invoking the Court's general equity and declaratory powers. Md. Code Ann., Cts. & Jud. Proc. §§ 1-501, 3-403. This Court has inherent authority to review and enjoin agency action.

13. This Court has personal jurisdiction over Defendants because they are units of Maryland state government and because the Commissioner Defendants are sued in their official capacities. *Id.* § 6-102.

14. Venue is proper in this Court because Defendants carry on a regular business in Baltimore City and maintain their principal offices in Baltimore City. *Id.* § 6-201.

15. Neither the Commission's authorizing statute nor its implementing regulations provide a requirement or forum for exhausting administrative remedies.

FACTS COMMON TO ALL COUNTS

The Commission's legislative mandate

16. x. The Maryland Legislature enacted enabling legislation which authorized the Commission to implement Maryland's Medical Cannabis Program. The legislation is codified at title 13, subtitle 33 of the Health General Article. The Commission's purpose is "to develop policies, procedures, guidelines, and regulations to implement programs to make medical cannabis available to qualifying patients in a safe and effective manner." *Id.* § 13-3302(c).

17. The Commission is required by law to:

- (a) create identification cards for qualified patients and caregivers; *id.* § 13-3302(d);
- (b) maintain a public web site informing the public about how to obtain medical cannabis, *id.* § 13-3302(e);
- (c) administer the Commission Fund, *id.* § 13-3303(h);
- (d) certify physicians who are qualified to prescribe medical cannabis to qualified patients, *id.* § 13-3304;
- (e) create application processes, criteria, and standards to license medical cannabis dispensaries, processors, and at least one private independent testing laboratory, § 13-3307 to -11;
- (f) conduct criminal history records checks for grower agents, dispensary agents, and processor agents, *id.* § 13-3312;
- (g) create application processes, criteria, and standards to license, before June 1, 2018, no more than fifteen medical cannabis growers to provide medical cannabis to processors, dispensaries, qualified patients and caregivers, and independent testing laboratories, *id.* § 13-3306(a)(1)-(3);
- (h) encourage licensing of growers with a demonstrated success of alleviating symptoms of specific diseases or conditions, *id.* § 13-3306(a)(8); and
- (i) "actively seek to achieve racial, ethnic, and geographic diversity when licensing medical cannabis growers," and "encourage applicants who qualify as a minority business enterprise." *Id.* § 13-3306(a)(9).

Arbitrary, capricious, illegal, or unreasonable agency action based on failing to actively seek racial and ethnic diversity in licensing medical cannabis growers

Evolution of the medical cannabis statute demonstrated undeniable increasing demand for racial and ethnic diversity

18. In 2013, the Legislature enacted legislation that would have implemented a medical marijuana program to be operated by academic medical centers. None of the academic medical centers expressed an interest in applying for a “medical marijuana” license. This led to the introduction of House Bill 881 in the next Legislative Session, which repealed the possible participation of academic medical centers and revised the program to allow for private industry in which applicants would compete for medical marijuana licenses.

19. House Bill 881, as introduced, made no mention of racial diversity in grower licenses.

20. House Bill 881, as introduced, had 54 sponsors from the House of Delegates.

21. HB 881 was referred to and voted upon favorably by the House Health and Government Operations Committee (HGO). In its committee report, HGO amended the bill with the following language: “The Commission shall seek to achieve racial, ethnic, and geographic diversity when licensing medical marijuana growers.” The full House adopted the committee report and passed the bill onto third reader which now included the language on seeking racial diversity. The amendments approved by the House added 27 additional House sponsors, bringing the total number of House sponsors to 81. House Bill 881 passed third reader in the House of Delegates by a vote of 125 to 11.

22. The Senate voted favorably on HB 881 by a vote of 45 to 1, with 1 excused absence.

23. The Senate’s version of HB 881 differed slightly from the version approved by the House. The presiding officers of each chamber appointed a conference committee to resolve the differences between the House and the Senate.

24. The conference committee strengthened the requirement of racial diversity in awarding medical cannabis grow room licenses by inserting the word “actively” in front of “seek racial diversity.” The final vote of both the House and Senate clarified intent by making the language much stronger. The conference committee’s proposed amendment thus read: “The Commission shall **actively** seek to achieve racial, ethnic, and geographic diversity when licensing medical marijuana growers.” (emphasis added). The conference committee’s amendment was enacted on April 14, 2014. 2014 Md. Laws Ch. 240 § 1, 256 § 1 (effective June 1, 2014) (hereinafter “the 2014 amendments”).

25. The Legislature's increasingly adamant demand for racial diversity demonstrates the clear, unmistakable Legislature intent—to achieve racial diversity in awarding grower licenses.

26. As further evidence that the statute requires racial diversity in the awarding of medical cannabis grower licenses, the Legislature differentiated between the awarding of licenses and encouraging applicants who qualify as minority business enterprises.

27. It is clear that “actively seek” means something more than encourage minority applicants to apply. There is a striking change of expression between the requirement to “actively seek to achieve” diversity, Health Gen. § 13-3306(a)(9)(i)(1), and the requirement to “encourage” minority business enterprises to apply in the very next section of the statute. *Id.* § 13-3306(a)(9)(i)(2).

28. Had the Legislature only intended the Commission to merely encourage racial diversity, it would have done so. Instead, the Legislature made it clear that the Commission was to achieve racial diversity in the awarding of grower licenses.

29. Subsequently, as discussed *infra*, the Commission failed to comply with its statutory duties.

30. In 2015, Delegate Dan Morhaim introduced House Bill 490. House Bill 490 substantially amended the medical cannabis statute. The bill made significant and substantive changes to the statute. In addition to the amendments to the statute proposed by Delegate Morhaim, the bill was amended by the house HGO committee, the Senate Judicial Proceedings Committee, as well as an amendment adopted on Senate floor by Senator Adelaide Eckardt. The House concurred with all of the Senate amendments. The legislature had an opportunity to repeal the language on racial diversity. Instead, the language on racial diversity remained in the statute as a further demonstration of legislative intent to achieve racial diversity in awarding medical cannabis grower licenses. House Bill 490 was introduced as emergency legislation and received a three fifths vote by the House of Delegates and the Senate of Maryland as required by Maryland law.

31. In 2016, Delegate Dan Morhaim introduced House Bill 104. House Bill 104 made significant and substantive changes to the medical cannabis statute. The Bill was amended by the House HGO committee. The committee report was adopted by the House, approved by the House of Delegates and passed by the Senate Judicial Proceedings Committee and the full

Senate. For a second year in a row, in making changes to statute, the Legislature had an opportunity to repeal the language on racial diversity, and for the second year in a row maintained its position and intent that the Commission should "actively seek racial diversity" in awarding medical cannabis grower licenses.

32. Therefore, in 2014, 2015, and 2016, the Legislature made its intent absolutely and unmistakably clear. The Commission was to "actively seek racial, ethnic, and geographic diversity."

The Commission's regulations are silent on racial and ethnic diversity.

33. Health Gen. § 13-3316 authorizes and directs the Commission to "adopt regulations to implement" the medical cannabis statute.

34. The Commission devised a two-stage application review and scoring process and promulgated regulations, which went through several drafts and public comment periods. The Commission determined that, during Stage I, it would issue "pre-approval" for up to 15 grower license applicants. COMAR 10.62.08.06(A)(1)(b). The Commission stated it intended to "award [grower] licenses to the best applications that most efficiently and effectively ensure public safety and safe access to medical cannabis." COMAR 10.62.08.05(G).

35. The Commission's Stage 1 scoring of grower applications apportions a total of 100% to six categories: operational factors (20 percent); safety and security factors (20 percent); commercial horticultural or agricultural factors (15 percent); production control factors (15 percent); business and economic factors (15 percent); and specified additional factors (15 percent). The scoring regulation provides:

I. The Commission, or a Commission independent contractor, shall review for a pre-approval for a license the submitted applications as described in Regulations .02B and .05E of this chapter. The applications shall, be ranked based on the following weighted criteria:

(1) Operational factors will be afforded 20 percent weight, including:

- (a) A detailed operational plan for the cultivation of medical cannabis; and
- (b) Summaries of policies and procedures for:
 - (i) Cultivation;
 - (ii) Growth;
 - (iii) Processing; and

(iv) Packaging;

(2) Safety and Security factors will be afforded 20 percent weight, including:

(a) Detailed plan or information describing the security features and procedures;

(b) Detailed plan describing how the grower will prevent diversion; and

(c) Detailed plan describing safety procedures;

(3) Commercial horticultural or agricultural factors will be afforded 15 percent weight, including, experience, knowledge and training in:

(a) Horticultural production; or

(b) Agricultural production;

(4) Production control factors will be afforded 15 percent weight, including:

(a) A detailed quality control plan;

(b) A detailed inventory control plan; and

(c) A detailed medical cannabis waste disposal

plan;

(5) Business and economic factors will be afforded 15 percent weight, including:

(a) A business plan demonstrating a likelihood of success, a sufficient business ability and experience on the part of the applicant, and providing for appropriate employee working conditions, benefits and training;

(b) Demonstration of adequate capitalization;

(c) A detailed plan evidencing how the grower will enforce the alcohol and drug free workplace policy.

(6) Additional factors that will be afforded 15 percent weight, including:

(a) Demonstrated Maryland residency among the owners and investors;

(b) Evidence that applicant is not in arrears regarding any tax obligation in Maryland and other jurisdictions;

(c) A detailed plan evidencing how the grower will distribute to dispensaries and processors; and,

(d) A list of proposed medical cannabis varieties proposed to be grown with proposed cannabinoid profiles, including:

(i) Varieties with high cannabidiol content;

and

(ii) Whether the strain has any demonstrated success in alleviating symptoms of specific diseases or conditions.

J. For scoring purposes, the Commission may take into account the geographic location of the growing operation to ensure there is geographic diversity in the award of licenses.

COMAR 10.62.08.05(I)-(J).

36. On January 23, 2015, the Commission initially issued proposed regulations that considered “racial, ethnic, and geographic diversity,” and minority business enterprises in the scoring criteria for Stage 1 grower license pre-approval.

37. During the 2015 Legislative Session, Delegate Christopher West requested advice from the Attorney General’s (AG) office about the constitutionality of the requirement to “actively seek to achieve” racial and ethnic diversity, and to “encourage” minority business enterprises to apply. The Attorney General responded to Delegate West on March 13, 2015, by letter authored by Kathryn Rowe, an Assistant Attorney General, and the letter was provided to the Commission. The letter stated, in part, that “constitutional limits, however, would prevent the Commission from conducting race or ethnicity-conscious licensing in the absence of a disparity study showing past discrimination in similar programs.” The AG also advised that absent a study, “the efforts of the Commission to seek racial and ethnic diversity among growers and dispensaries would have to be limited to broad publicity given to the availability of the licenses and encouragement of those from various groups.”

38. On September 14, 2015, the Commission removed all references to and mention of racial and ethnic diversity from its regulations. This was seemingly after receiving and misinterpreting the letter of advice from the AG’s office. The final version of COMAR 10.62.08.05 provides that the Commission may consider geographic diversity for scoring purposes, but does not prescribe how geographic diversity factors into the Stage 1 rating system. None of the Commission’s regulations mention racial or ethnic diversity.

39. The Commission failed to request additional advice from the Attorney General about whether and how to conduct the requisite “disparity study” mentioned in the AG’s letter. The AG has since (1) publicly admonished the Commission for completely failing to take racial and ethnic diversity into consideration based on the advice in the letter; (2) publicly stated that the Commission could have researched whether there was evidence of racial disparity in

industries similar to medical cannabis; and (3) noted that other agencies have employed efforts to promote racial and ethnic diversity in other new industries in Maryland, such as wind farming and gaming.

40. Stage 1 pre-approval is a substantial step toward gaining a grower license. In Stage 2, the applicant submits an audited financial statement and pays an additional license fee, and the Commission determines that the applicant's growing premises and operations conform to the specifications in its pre-approved license, COMAR 10.62.08/07. In Stage 2, like in Stage 1, the Commission provides no opportunity to actively seek racial and ethnic diversity.

41. Because the Commission presently can award no more than 15 licenses, Health Gen. § 13-3306(a)(2), those applicants not selected for Stage 1 pre-approval are blocked from participating in the program at this time.

After abandoning any attempt to achieve racial and ethnic diversity in its regulations, the Commission further failed to consider racial and ethnic diversity at any point in the Stage 1 pre-approval process.

42. Believing that expressly scoring based on race or ethnicity was no longer an option, the Commission completely abandoned any other attempt to "actively seek" racial or ethnic diversity among licensed growers, including, but not limited to, conducting or ordering a disparity study, having an outreach program, or any other option to satisfy their legislative mandate.

43. On September 28, 2015, the Commission released the Application for Medical Cannabis Grower License and announced that completed applications had to be submitted to DHMH by 4:00 p.m. on November 6, 2015, together with the Stage 1 application fee of \$2,000.

44. On October 7, 2015, the Commission released a revised Application for Medical Cannabis Grower License to correct certain problems in the original, including that the weighted percentage scoring system set out in the original grower application totaled 105 percent rather than 100 percent.

45. Each applicant was required to include with its application the name of each individual with at least five percent investment. COMAR 10.62.08.02(C)(2). The final grower application does not ask for the applicant's race, ethnicity, or location. The Commission told applicants that race, ethnicity, and geography were "not relevant" in Stage 1.

46. During the application period, the Commission posted on its website about 75 pages of answers to questions from potential applicants about the application.

47. The Commission received 145 grower applications. It engaged the Towson University Regional Economic Studies Institute (RESI) to coordinate review of the grower applications. The Commission represented that RESI would conduct a "double-blind" Subject Matter Expert-based analysis of key applicant qualifications. Applicants' names were not revealed to the evaluators, and the Commission voted on the top-ranked grower applications only by coded number, with applicant identities concealed.

48. RESI reviewed and scored a redacted version of each grower application.

49. On or about June 6, 2016, the Commission's Executive Director, Patrick Jameson, appointed the Grower Subcommittee to review RESI's rankings. The Grower Subcommittee was chaired by Commissioner Harry Robshaw and included then Commissioner Deborah Miran, Commissioners Nancy Rosen-Cohen, Christina Gouin-Paul, and Jon Traunfeld. The Grower Subcommittee received RESI's rankings on or about July 13, 2016, and received RESI's explanations for the rankings, based on the SMEs' analyses, one or two weeks later.

50. On July 12, 2016, at a meeting in Ellicott City, the Commission voted unanimously on the internal rules (which were not made available to applicants or the public) it would use to determine the top 15 grower applications for Stage 1 pre-approval. On information and belief, none of the Commission's internal rules took race into account in determining the 15 applicants who would be pre-approved for a license.

51. On or about July 19, 2016, the Commission requested by email that grower applicants identify the location of their proposed facilities. On or about July 28, 2016, Commissioner Robshaw reconvened the Grower Subcommittee, who then replaced two of the top-15 applicants with lower-scored applicants in the name of geographic diversity, but took no action after the top-15 were identified to actively seek racial or ethnic diversity.

52. On August 5, 2016, the Commission held a public meeting at the University of Maryland Medical School, announced the shuffling of applicants, and posted the 15 winners on its website on August 15, 2016. On August 24, 2016, the Commission posted the rankings of the top 20 grower applicants.

53. Notwithstanding the regulations and actions taken by the Commission, at the time medical cannabis grower licenses were issued, the statute still said the Commission needed to achieve racial diversity. The Commission did no such thing.

54. As has been widely reported, none of applicants awarded medical cannabis grower licenses satisfied racial diversity.

**Violation of the Commerce Clause and the Privileges and Immunities Clause
of the United States Constitution**

55. The Stage 1 scoring criteria give express weight to whether the owners and investors of a grower applicant reside in the State of Maryland. COMAR 10.62.08.05(I)(6)(a).

56. AMM is majority owned by an out-of-state resident.

57. Congress alone has absolute power over interstate commerce. State laws which burden interstate commerce by facially discriminating against out-of-state business violate the Dormant Commerce Clause inherent in the Commerce Clause of the United States Constitution, Art. I., § 8, cl. 3.

58. The Commission has proffered no compelling interest or justification for facially discriminating against out-of-state owners. Any interest that the Commission may assert can be achieved through means that are not restrictive of interstate commerce.

59. Because the scoring preference rests on the residency of the owners and investors of a grower applicant, it also burdens the Privileges and Immunities Clause of the United States Constitution, Art. IV. § 2, cl. 1. The facially discriminatory preference burdens the fundamental right of AMM's out-of-state owners and investors to seek an occupation and conduct business in other states.

**Arbitrary, capricious, illegal, or unreasonable agency action based on failing to specify
what constitutes adequate capitalization, and accepting unfounded assertions about
applicants' capitalization.**

The design, construction, and operation of a medical cannabis grower facility is exceedingly complicated and expensive.

60. Lighting is a key component of an integrated medical cannabis growing system. Growers must use intelligent grow lights that replicate the parts of the sun light spectrum that the cannabis plants need at each stage of growth. Each light is expensive, and covers only about 25 square feet of cannabis. Thus, growers must purchase many expensive lights.

61. Because grow lights generate a significant amount of heat, growers must use an air filtration and circulation system or systems to control heat buildup and exhaust odors. These systems must be designed and tailored to the amount of grow lights and the size of the warehouse in which medical cannabis is grown.

62. A dehumidification system is also required to produce an efficient and optimal growing environment.

63. A grower must implement an irrigation system that may include drip irrigation, hydroponic flood benches, or trough benches. An irrigation system, in turn, must be designed to work with a nutrient management system to maximize plant yield.

64. A grower must operate an advanced computer system that controls separate environments for growing rooms, cloning rooms, and flowering rooms. The computer system controls and monitors the entire facility's nutrients, lights, air circulation, and irrigation. A computer must also control and monitor carbon dioxide (CO₂) injection.

65. Augmenting the expense even more is a complex state-of-the-art security system, required by statute and regulation, that makes up 20% of the total application score.

66. A grower, even on a small scale, in order to make any relevant dent in supplying Maryland's patients with medical cannabis, must have several million dollars of capital to fund and sustain a safe, healthy, efficient operation.

The Commission produced an arbitrary process for determining adequate capitalization, and unreasonably failed to ensure that it approved only those applicants who had sufficient capital to sustain a growing operation.

67. In the Stage 1 application, applicants were required to submit "documentation and source of adequate capitalization." COMAR 10.62.08.02(C)(4). Neither Health-Gen. §§ 13-3301 to -16, nor the Commission's regulations, define or further elaborate about what constitutes adequate capitalization. The grower license application instructed applicants to "certify adequate capitalization and attach relevant documentation."

68. "Demonstration of adequate capitalization" is one of several subfactors under "business and economic factors," which are worth 15% of an applicant's total score. COMAR 10.62.08.05(I)(5)(b).

69. The grower license application provided that adequate capitalization was worth 25% of the total "business and economic factors" score. Thus, adequate capitalization was worth 3.75% of the entire application score.

70. The Commission scored the adequate capitalization subfactor on a 0-to-5 scale. Applicants were limited to 8.75 pages of documentation to demonstrate that they were adequately capitalized.

71. The Commission answered several questions on its website's Frequently Asked

Questions (FAQ's) section about what documentation would demonstrate adequate capitalization.

Q: What are the minimum capitalization requirements for each license category?

A: The regulations do not establish mandatory capitalization requirements for any license category. We recommend applicants meet with an expert in the field of financial planning to determine what should be adequate capitalization for their license category.

Q: In Stage 1 of the application, what is sufficient "documentation of adequate capitalization"?

A: The term "adequate capitalization" is not defined in the regulations. Likewise, what adequate capitalization is dependent on the nature of the license. For all applications, for stage 1 of the application, examples of documentation of capitalization, whether adequate or not, include: 1) Financial statements; 2) Deeds; 3) Evidence of any lines of credit; or 4) Annual Reports. We expect applicants to discern which of the above, or information like the above, supports their application and demonstrates that as a licensee, the business entity responsible for running the grower/processor/dispensary will have sufficient capitalization to sustain the operations. In the event that an applicant is unclear what adequate capitalization will be needed, we recommend that the applicant consult with an expert in the financial planning field.

Q: What documents are required to establish adequate capitalization for stage 1 of the application process. If the document is extensive, do we need to supply it in its entirety?

A: The Commission has previously provided examples of documents which may show capitalization. For a response to that question, we refer you to our earlier FAQ. As far as how to prove adequate capitalization, this is the individual applicant's burden of proof. In other words, it is up to the individual applicant to discern which documents they believe demonstrate/prove that there is "adequate" capitalization.

Q: Will a letter of intent be sufficient proof of adequate capitalization with an agreement that the parties participate in providing capital during stage 2 of the application?

A: No. Proof of adequate capitalization is a requirement to obtain a Stage 1 pre-approval license. While the entity applying need not have an audited financial statement, the entity must demonstrate that if selected to proceed to Stage 2, the entity is financially capable of operating. A letter

of intent alone will not be sufficient documentation of adequate capitalization.

72. The Commission's FAQ answers abdicate responsibility for determining what constitutes adequate capitalization. The Commission is required to prescribe licensing standards, yet the Commission (1) remained unreasonably vague about what the applicants needed to demonstrate, except to state that applicants had to document that they could sustain operations; and (2) placed the burden of initially determining the extent of capitalization that needed to be shown on applicants and their financial professionals.

73. The Commission's unreasonable failure to determine adequate capitalization requirements led to arbitrary results, errors, and misrepresentations in the Stage 1 rating process.

74. The Commission created a moving target for applicants wishing to differentiate themselves as adequately capitalized. It failed to make and announce a basic distinction: whether adequate capitalization meant (1) funding operations as proposed in an application, no matter how large or small; or (2) funding operations based on an objective benchmark, a pre-determined or anticipated minimum level of production.

75. Certainly, the Commission could place the burden of *documenting* adequate capitalization on applicants. However, the Commission could not shift the burden of *determining* the nature, amount, and extent of capitalization that needed to be shown by applicants and their financial professionals. The Commission provided no standard, guiding principle, or criteria against which applicants could reasonably assess their capitalization or documentation thereof.

76. Based on the Commission's regulations and FAQ's, applicants had no way to differentiate themselves as adequately capitalized, and no basis on which to determine whether they met the capitalization requirements. Making applicants determine for themselves what constitutes adequate capitalization, under the Commission's unreasonably vague standards, abdicated the Commission's responsibility to prescribe standards for licensing.

77. The Commission also unreasonably scored adequate capitalization on a 0-to-5 scale. The Commission created a dangerous situation in which an applicant who was not capitalized could, based on the strength of other aspects of its written proposal, obtain a license for an operation it could not sustain. Licensing growers with inadequate capital endangers the needs of qualified patients. Deciding capitalization on a sliding scale, instead of a "yes or no" fashion, disadvantages AMM, who was more than adequately capitalized.

78. On information and belief, the Commission arbitrarily gave points to applicants

who were not adequately capitalized, and who provided conclusory, unsupported documentation.

79. On information and belief, a significant number of applicants who were pre-approved in Stage 1 have been unable to secure funding for their operations, clearly implying that they were not adequately capitalized at the time they made statements to the Commission.

80. On information and belief, at least one applicant approved in Stage 1 represented that it had raised millions of dollars in capital, while in truth it had raised a fraction thereof.

81. The Commission failed in its duty to follow its own statutorily imposed regulations requiring applicants to demonstrate adequate capitalization.

COUNT I – PRELIMINARY INJUNCTION

82. AMM incorporates by reference all of the preceding paragraphs as if they were stated herein.

83. If the Commission's unlawful actions stand, AMM will be deprived of substantial rights and privileges. AMM estimates a first-15 grower license to be worth tens of millions of dollars. Absent an injunction, AMM will lose the ability to grow and dispense medical cannabis for the first two years that growing and dispensing is legal in Maryland. Because the right and privilege to grow and dispense medical cannabis is limited by statute, the first 15 licensees will enjoy operating with little competition in a market for which public demand is high. AMM is highly qualified to safely and effectively grow and dispense medical cannabis. The Commission's unlawful actions deprive AMM of the ability to gain critical market share in the first two years of legal medical cannabis in Maryland.

84. The harm to AMM substantially outweighs potential harm to the Defendants. The Defendants are not market participants, so they do not stand to lose economically. The Defendants have until June 1, 2018 to license the first 15 medical cannabis growers. Health Gen. § 13-3306(a). It took the Commission only about ten months to complete Stage 1 of the initial 145 applicants. Reassessing Stage 1 applicants under proper statutory criteria will take less time than the initial ten-month review process because the Commission already has before it substantial information about each applicant. Thus, there is every indication that the Commission has time to redo the Stage 1 approval process in the 19 months before the June 2018 statutory deadline to award the first 15 licenses.

85. AMM will suffer irreparable injury if the agency is not enjoined from granting

the first 15 licenses. Being prohibited from operating for the first two years in a high-demand market will render AMM a secondary participant in the medical cannabis market in Maryland. Losing first-to-market privileges will have a lasting effect on AMM's market power. AMM will also lose an opportunity to purchase real estate assets to operate their grow operation.

86. Granting the injunction is in the public interest. Medical cannabis is a new form of medicine with the potential to alleviate pain from debilitating and chronic diseases. Ensuring that those companies who are best suited to provide this medical service, consistent with the aims of the General Assembly, will positively impact qualified patients. Racial and ethnic diversity unquestionably serves the public interest.

87. The public interest is also served by unraveling and correcting a flawed administrative process at the outset. The medical cannabis industry, and administrative oversight of the industry, will expand in coming years. Holding the Commission accountable to fulfill its statutory responsibilities, exercise good judgment, not act in an arbitrary, capricious, unreasonable, or illegal manner, and engage in reasoned decision making will lay a groundwork for effective oversight of the industry in the future.

88. AMM has a substantial likelihood of success on the merits. First, the Legislature's command to actively seek racial and ethnic diversity was clear, and the administrative record is equally clear that the Commission completely ignored race and ethnicity in approving licenses. The Commission is owed no deference when it fails to follow an express statutory command. The Commission will not succeed in an argument that the letter from the AG's office allowed the Commission to do nothing to comply with the statute.

89. Supreme Court jurisprudence is clear that statutes that burden interstate commerce and exercise of fundamental rights of citizens by facially discriminating against out-of-state entities and individuals are unconstitutional. The Commission proffered no justification for out-of-state discrimination, and there is no indication that its after-the-fact justification will be the compelling justification that is required to justify facially discriminatory action. Moreover, because the Commission proffered no justification, there is every indication that the Commission did not even consider less discriminatory means. Whatever justification the Commission may proffer can be achieved with alternative means.

90. Third, the Commission was given every opportunity, while responding to questions from applicants for several months, to clarify its position on adequate capitalization. It

failed to do so, and left the burden of initially determining what adequate capitalization needed to be proven on applicants. Then, the Commission further abdicated its responsibility by accepting conclusory assertions, not discovering that applicants had misrepresented their capitalization and were desperately seeking last-minute financing.

91. AMM therefore requests an injunction prohibiting Defendants from issuing final approval for any of the first 15 grower licenses or taking any other steps under Stage 2 of the Commission's licensing scheme, until such time as there has been a determination on the merits of the case.

92. AMM requests a "full adversarial hearing" such that this Court may be able to make a ruling on a preliminary injunction.

WHEREFORE, AMM requests that this Court enter the requested injunction and award AMM such other and further relief that the interests of justice require.

COUNT II - DECLARATORY JUDGMENT

93. AMM incorporates by reference all of the preceding paragraphs as if they were stated herein.

94. An actual and justiciable controversy exists between the parties, involving the rights and liabilities of the parties, within the jurisdiction of this Court.

95. A declaration by this Court will serve to terminate the controversy.

96. AMM therefore seeks a declaration that:

a. The Commission acted contrary to its statutory command to actively seek racial and ethnic diversity when licensing medical cannabis growers. The Commission's failure to make any attempt at achieving racial and ethnic diversity among licensed growers was contrary to its enabling legislation, unreasonable, arbitrary, and capricious.

b. The Commission's express scoring preference for applicants whose investors are Maryland residents violates the Commerce Clause and Privileges and Immunities Clause of the United States Constitution.

c. The Commission acted arbitrarily, capriciously, illegally, or unreasonably by (1) failing to fulfill its responsibility to specify the nature, type, and extent of capitalization that applicants needed to document; (2) accepting unfounded assertions about applicant's capitalization; (3) not discovering that applicants who were given Stage

1 approval were not capitalized; and (4) scoring applicants 0-5 with respect to adequate capitalization.

WHEREFORE, AMM requests a judgment that (a) declares the parties' rights, status, and legal relations as set forth above; (b) awards AMM the costs of this action;

COUNT III – INJUNCTION

97. AMM incorporates by reference all of the preceding paragraphs as if they were stated herein.

98. AMM therefore requests an injunction prohibiting Defendants from issuing final approval for any of the first 15 grower licenses or taking any other steps under Stage 2 of the Commission's licensing scheme, until such time as the Commission takes corrective action with respect to the unlawful, unconstitutional, arbitrary, capricious, and/or unreasonable actions it has taken thus far.

WHEREFORE, AMM requests that this Court enter the requested injunction and (a) enjoin the Commission from granting any license or taking any action pursuant to Stage 2 of its licensing scheme, until such time as the Commission takes corrective action with respect to the unlawful, unconstitutional, arbitrary, capricious, and/or unreasonable actions it has taken thus far.; (b) requires the Commission to take overt action to actively seek racial and ethnic diversity among licensed growers; (c) orders the Commission to conduct a study on the existence and effect of past and present discrimination as applicable to the Legislature's statutory directives; and (d) grants AMM such other and further relief as may be just and appropriate.

Dated: October 31, 2016



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ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION.

et al.,

Defendant.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY

Case No.: 24-C-16-005801

* * * * *

**ANSWER TO ALTERNATIVE MEDICINE MARYLAND, LLC'S COMPLAINT
FOR DECLARATORY JUDGMENT AND FOR
PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

The Natalie M. LaPrade Maryland Medical Cannabis Commission (the "Commission"), the Maryland Department of Health and Mental Hygiene (the "Department"), and the individually-named members of the Commission (the "commissioners") (collectively "Defendants"), by and through their attorneys, hereby file this Answer to the Complaint for Declaratory Judgment and for Preliminary and Permanent Injunctive Relief (the "Complaint") filed by Alternative Medicine Maryland, LLC ("AMM") in the above-captioned matter. Defendants deny all allegations and averments except for those averments or paragraphs that are specifically admitted as follows:

INTRODUCTION

1. Defendants state that Paragraph 1 of the Complaint sets forth an opinion or a legal conclusion to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in in Paragraph 1 of the Complaint.

2. Defendants state that the first two sentences of Paragraph 2 of the Complaint set forth an opinion or a legal conclusion to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in the first two sentences of Paragraph 2 of the Complaint. Defendants admit that the Commission considered geographic diversity as an evaluation criterion relevant for scoring purposes, and did not consider racial and ethnic diversity to be evaluation criteria relevant for scoring purposes.

3. Defendants state that Paragraph 3 of the Complaint sets forth an opinion or a legal conclusion to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 3 of the Complaint.

4. Defendants state that Paragraph 4 of the Complaint sets forth an opinion or a legal conclusion to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 4 of the Complaint.

5. Defendants admit that AMM applied for but was not awarded a license to grow medical cannabis. Defendants admit that AMM has not been provided with its licensing scoring or ranking, because the Commission asserts the deliberative process privilege to the recommended rankings received by the Commission from Towson University Regional Economic Studies Institute ("RESI"), and the deliberations conducted

between and among the Commissioners, including the members of the Commission's Grower Evaluation Subcommittee.

6. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Complaint, and therefore deny the same.

7. Defendants admit that the Commission is now moving forward with Stage 2 of the medical cannabis grower licensing process, and that AMM's application is not being considered by the Commission in this Stage 2 medical cannabis grower licensing process. The last sentence of Paragraph 7 of the Complaint sets forth a prayer for relief to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in the last sentence of Paragraph 7 of the Complaint.

PARTIES

8. Defendants are without knowledge or information sufficient to form a belief as to the truth of Paragraph 8 of the Complaint, and therefore deny the same.

9. Defendants admit the allegations of Paragraph 9 of the Complaint.

10. Defendants admit the allegations of Paragraph 10 of the Complaint.

11. Defendants admit the allegations of Paragraph 11 of the Complaint.

JURISDICTION AND VENUE

12. Defendants admit that this Court has general equity and declaratory powers. Defendants deny that this authority applies to provide subject matter jurisdiction over this action.

13. Defendants admit the allegations of Paragraph 13 of the Complaint.

14. Defendants admit the allegations of Paragraph 14 of the Complaint.

15. Defendants admit the allegations of Paragraph 15 of the Complaint.

FACTS COMMON TO ALL COUNTS

16. Defendants admit the allegations of Paragraph 16 of the Complaint.

17. Defendants state that Paragraph 17 of the Complaint sets forth an opinion or a legal conclusion to which no response is required. To the extent that any response is required, Defendants admit that Md. Code Ann., Health-Gen. §§ 13-3302 through 13-3312 set forth the Commission's legal authority and obligations.

18. Defendants admit the allegations of Paragraph 18 of the Complaint.

19. Defendants admit the allegations of Paragraph 19 of the Complaint.

20. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 20 of the Complaint, and therefore deny the same. Publicly available records indicate that House Bill 881 introduced in the 2014 Legislative Session may have had 55 sponsors from the House of Delegates.

21. Defendants admit the allegations of Paragraph 21 of the Complaint, except that Defendants deny that the amendments approved by the House added 27 additional House sponsors. Publicly available records indicate that the amendments to House Bill 881 added 26 additional House sponsors, bringing the total number of House sponsors to 81.

22. Defendants admit the allegations of Paragraph 22 of the Complaint.

23. Defendants admit the allegations of Paragraph 23 of the Complaint.

24. Defendants state that the first two sentences of Paragraph 24 of the Complaint set forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in the first two sentences of Paragraph 24 of the Complaint. Defendants admit the third sentence of Paragraph 24 of the Complaint.

25. Defendants state that Paragraph 25 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 25 of the Complaint.

26. Defendants state that Paragraph 26 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 26 of the Complaint.

27. Defendants state that Paragraph 27 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 27 of the Complaint.

28. Defendants state that Paragraph 28 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Defendants deny the allegations of Paragraph 28 of the Complaint.

29. Defendants deny the allegations of Paragraph 29 of the Complaint.

30. Defendants state that Paragraph 30 of the Complaint sets forth an opinion or legal argument to which no response is required. To the extent that any response is required, Defendants admit that Delegate Morhaim introduced House Bill 490 in the 2015 Session of the General Assembly, that amendments to House Bill 490 were introduced in

both the House and the Senate, that House Bill 490 was introduced as emergency legislation, that House Bill 490 was passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, that House Bill 490 was approved by the Governor on May 12, 2015, and Defendant denies the remaining allegations of Paragraph 30 of the Complaint.

31. Defendants state that Paragraph 31 of the Complaint sets forth set forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Defendants admit that Delegate Morhaim introduced House Bill 104 in the 2016 Session of the General Assembly, that amendments to House Bill 104 were introduced in both the House and the Senate, that House Bill 104 was passed by each of the two Houses of the General Assembly, that House Bill 104 was approved by the Governor on May 10, 2016, and Defendants deny the remaining allegations of Paragraph 31 of the Complaint.

32. Defendants state that Paragraph 32 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Defendants deny the allegations of Paragraph 32 of the Complaint.

33. Defendants admit the allegations of Paragraph 33 of the Complaint.

34. Defendants admit the allegations of Paragraph 34 of the Complaint.

35. Defendants admit the allegations of Paragraph 35 of the Complaint.

36. Defendants admit that the Commission's proposed regulations published in the Maryland Register on January 23, 2015 included "racial, ethnic and geographic

diversity” and Minority Business Enterprise status as two of evaluation criteria set out in the proposed regulations.

37. Defendants deny that the Attorney General responded to the request of Delegate West or otherwise provided an opinion. Defendants admit that Assistant Attorney General Kathryn Rowe responded to Delegate West’s letter, that the letter was provided to the Commission, and that the quotes contained in Paragraph 37 of the Complaint are accurate quotes from the letter.

38. Defendants deny the allegations of Paragraph 38 of the Complaint as stated. Defendants admit that its current regulations – which were published for public comment in the Maryland Register on June 26, 2015 before they took effect on September 14, 2015 – provide that the Commission may consider geographic diversity for scoring purposes, but does not prescribe how geographic diversity factors into the Stage 1 evaluation for pre-approvals for medical cannabis grower license. Defendants admit that the Commission’s current regulations do not include racial or ethnic diversity as a scoring evaluation factor to be used in evaluating applications for medical cannabis grower licenses.

39. Defendants deny the allegations of Paragraph 39 of the Complaint as stated. Defendants admit that the Office of the Attorney General issued public comment on the matter and those public comments are self-evident.

40. Defendants admit the first sentence of the allegations of Paragraph 40 of the Complaint. Defendants deny the second and third sentences of the allegations of Paragraph 40 of the Complaint.

41. Defendants admit that Md. Health-General Art., § 13-3306(a) authorizes the Commission to issue no more than fifteen medical cannabis grower licenses until June 1, 2018. Defendants deny the remaining allegations of Paragraph 41 of the Complaint.

42. Defendants state that Paragraph 42 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Defendants deny the allegations of Paragraph 42 of the Complaint.

43. Defendants admit the allegations of Paragraph 43 of the Complaint.

44. Defendants admit the allegations of Paragraph 44 of the Complaint.

45. Defendants admit the allegations in the first two sentences of Paragraph 45 of the Complaint. Defendants deny the allegations in last sentence of Paragraph 45 of the Complaint.

46. Defendants admit the allegations of Paragraph 46 of the Complaint.

47. Defendants admit the allegations of Paragraph 47 of the Complaint.

48. Defendants admit that RESI reviewed and scored a redacted version of each grower application that met the mandatory criteria for evaluation.

49. Defendants admit that the Commission's Executive Director appointed the Commission's Grower Evaluation Subcommittee to review RESI's rankings of applications for medical cannabis grower license. Defendants admit that the Commission's Grower Evaluation Subcommittee was chaired by Commissioner Harry Robshaw and included then-Commissioner Deborah Miran, as well as Commissioners Nancy Rosen-Cohen, Christina Gouin-Paul, and Jon Traunfeld. Defendants admit that the Commission's Grower Evaluation Subcommittee received RESI's recommended rankings on or about

July 13, 2016, and that the Commission's Grower Evaluation Subcommittee received RESI's explanations for the recommended rankings, based on the Subject Matter Experts' analyses, one or two weeks later.

50. Defendants deny the allegations of Paragraph 50 of the Complaint as stated. Defendants admit that on July 12, 2016, at a meeting in Ellicott City, the Commission voted unanimously to adopt a Grower Evaluation Guidance document, intended to guide Commissioners' evaluations of applications for pre-approval of medical cannabis grower licenses. Defendants admit that the Grower Evaluation Guidance document did not include guidance to the Commissioners to consider race in evaluating applications for pre-approval of medical cannabis grower license, but that the Grower Evaluation Guidance document set forth a recommended process by which to use the criteria set out in the Commission's regulations to review applications for medical cannabis grower license.

51. Defendants admit the allegations set forth in the first sentence of Paragraph 51 of the Complaint. Defendants admit that the Commission's Grower Evaluation Subcommittee convened on July 27, 2016 and on July 29, 2016 to deliberate, and that in accordance with the Commission's regulations it did not use racial or ethnic diversity as evaluation criteria for reviewing applications for medical cannabis grower license. Defendants deny the remaining allegations of Paragraph 51 of the Complaint.

52. Defendants admit that the Commission held a public meeting at the University of Maryland on August 5, 2016 at which time it voted on the Commission's ranking of applicants for medical cannabis grower licenses. Defendants admit that the Commission posted a list of the winners on its website on August 15, 2016 and that it

posted the Commission's ranking of its top twenty applicants for medical cannabis grower licenses to its website on or about August 24, 2016. Defendants deny the remaining allegations of Paragraph 52 of the Complaint.

53. Defendants state that Paragraph 53 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Paragraph 53 of the Complaint is denied as stated. Defendants admit that Md. Health General Art., §13-3306(a)(9)(i)(1) states that the Commission "shall actively seek to achieve racial, ethnic, and geographic diversity."

54. Defendants deny the allegations set forth in Paragraph 54 of the Complaint.

55. Defendants admit the allegations set forth in Paragraph 55 of the Complaint.

56. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 56, and therefore deny the same.

57. Defendants state that Paragraph 57 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Paragraph 57 of the Complaint is denied as stated.

58. Defendants state that Paragraph 58 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Paragraph 58 of the Complaint is denied as stated.

59. Defendants state that Paragraph 59 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Paragraph 59 of the Complaint is denied.

60. Defendants deny the allegations set forth in Paragraph 60 of the Complaint as stated. Defendants admit that the Maryland Medical Cannabis Program is designed to permit many methods of growing medical cannabis, including indoor, greenhouse, and outdoor field growing.

61. Defendants deny the allegations set forth in Paragraph 61 of the Complaint as stated. Defendants admit that the Maryland Medical Cannabis Program is designed to permit many methods of growing medical cannabis, including indoor, greenhouse, and outdoor field growing.

62. Defendants deny the allegations set forth in Paragraph 62 of the Complaint as stated. Defendants admit that the Maryland Medical Cannabis Program is designed to permit many methods of growing medical cannabis, including indoor, greenhouse, and outdoor field growing.

63. Defendants deny the allegations set forth in Paragraph 63 of the Complaint as stated. Defendants admit that the Maryland Medical Cannabis Program is designed to permit many methods of growing medical cannabis, including indoor, greenhouse, and outdoor field growing.

64. Defendants deny the allegations set forth in Paragraph 64 of the Complaint as stated. Defendants admit that the Maryland Medical Cannabis Program is designed to permit many methods of growing medical cannabis, including indoor, greenhouse, and outdoor field growing.

65. Defendants admit that all licensed medical cannabis growers are legally required to maintain comprehensive security systems. Defendants admit that the

evaluation criteria by which applications for medical cannabis grower licenses were evaluated by the Commission did include safety and security factors, which were afforded twenty percent weight. Defendants deny the remaining allegations of Paragraph 65 of the Complaint.

66. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 21, and therefore deny the same. The allegations regarding a “small scale” grower hoping to make “any relevant dent in supplying Maryland’s patients with medical cannabis” are not sufficiently articulated and cannot be answered as stated.

67. Defendants admit the allegations set forth in Paragraph 67 of the Complaint.

68. Defendants admit the allegations set forth in Paragraph 68 of the Complaint.

69. Defendants admit the allegations set forth in Paragraph 69 of the Complaint.

70. Defendants admit that the adequate capitalization sub-factor was scored on a 0-to-5 scale. Defendants deny the remaining allegations of Paragraph 70 of the Complaint.

71. Defendants admit that the Commission answered several questions on its website’s Frequently Asked Questions (FAQs) section about what documentation would demonstrate adequate capitalization. Those FAQs remain available on the Commission’s website and are self-evident.

72. Defendants deny the allegations set forth in Paragraph 72 of the Complaint as stated. Defendants admit that each applicant for medical cannabis grower license was responsible for determining the level of capitalization that each applicant would need to be successful with its individual business model.

73. Defendants deny the allegations of Paragraph 73 of the Complaint.

74. Defendants deny the allegations of Paragraph 74 of the Complaint.

75. Defendants state that Paragraph 75 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Paragraph 75 of the Complaint is denied.

76. Defendants state that Paragraph 76 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Paragraph 76 of the Complaint is denied as stated. Defendants admit that applicants for medical cannabis grower license had every opportunity to demonstrate their business plans, with reference to what capital would be required to accomplish their business plans, and otherwise provide support to demonstrate adequate capitalization.

77. Defendants state that Paragraph 77 of the Complaint sets forth an opinion or a legal argument to which no response is required. To the extent that any response is required, Paragraph 77 of the Complaint is denied as stated. Defendants admit that COMAR 10.62.08.05.I.(5) provides: "Business and economic factors will be afforded 15 percent weight, including: (a) A business plan demonstrating a likelihood of success, a sufficient business ability and experience on the part of the applicant, and providing for appropriate employee working conditions, benefits and training; (b) Demonstration of adequate capitalization; (c) A detailed plan evidencing how the grower will enforce the alcohol and drug free workplace policy."

78. Defendants deny the allegations set forth in Paragraph 78.

79. Defendants are without knowledge or information sufficient to form a belief as to the truth of Paragraph 79 of the Complaint, and therefore denies the same. Defendants are currently performing financial due diligence investigations into pre-approved applicants for medical cannabis grower licenses.

80. Defendants are without knowledge or information sufficient to form a belief as to the truth of Paragraph 80 of the Complaint, and therefore denies the same. Defendants admit that the Commission is currently performing financial due diligence investigations into pre-approved applicants for medical cannabis grower licenses.

81. Defendants deny the allegations set forth in Paragraph 81 of the Complaint.

COUNT I

82. Defendants incorporate by reference their responses to the allegations set forth in paragraphs 1-81 of the Complaint as their response to the allegations set forth in paragraph 82 of the Complaint.

83. Defendants state that Paragraph 83 of the Complaint sets forth opinions or legal conclusions to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 83 of the Complaint.

84. Defendants state that Paragraph 84 of the Complaint sets forth opinions or legal conclusions to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 84 of the Complaint.

85. Defendants state that Paragraph 85 of the Complaint sets forth opinions or legal conclusions to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 85 of the Complaint.

86. Defendants state that Paragraph 86 of the Complaint sets forth opinions or legal conclusions to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 86 of the Complaint.

87. Defendants state that Paragraph 87 of the Complaint sets forth opinions or legal conclusions to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 87 of the Complaint.

88. Defendants state that Paragraph 88 of the Complaint sets forth opinions or legal conclusions to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 88 of the Complaint.

89. Defendants state that Paragraph 89 of the Complaint sets forth opinions or legal conclusions to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 89 of the Complaint.

90. Defendants state that Paragraph 90 of the Complaint sets forth opinions or legal conclusions to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 90 of the Complaint.

91. Defendants state that Paragraph 91 of the Complaint sets forth a prayer for relief to which no response is required. To the extent that any response is required, Defendants admit that AMM has requested an injunction. Defendants deny the remaining allegations set forth in Paragraph 91 of the Complaint.

92. Defendants state that Paragraph 92 of the Complaint sets forth a prayer for relief to which no response is required. To the extent that any response is required, Defendants admit that AMM has requested a hearing. Defendants deny the remaining

allegations set forth in Paragraph 92 of the Complaint. Defendants specifically deny that AMM is entitled to the relief demanded in the "Wherefore" clause set forth immediately after paragraph 92 in the Complaint.

COUNT II

93. Defendants incorporate by reference their responses to the allegations set forth in paragraphs 1-92 of the Complaint as their response to the allegations set forth in paragraph 93 of the Complaint.

94. Defendants state that Paragraph 94 of the Complaint sets forth opinions or legal conclusions to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 94 of the Complaint.

95. Defendants state that Paragraph 95 of the Complaint sets forth opinions or legal conclusions to which no response is required. To the extent that any response is required, Defendants deny the allegations set forth in Paragraph 95 of the Complaint.

96. Defendants state that Paragraph 96 of the Complaint sets forth a prayer for relief to which no response is required. To the extent that any response is required, Defendants admit that AMM seeks the articulated declarations. Defendants deny the remaining allegations set forth in Paragraph 96 of the Complaint. Defendants specifically deny that AMM is entitled to the relief demanded in the "Wherefore" clause set forth immediately after paragraph 96 in the Complaint.

COUNT III

97. Defendants incorporate by reference their responses to the allegations set forth in paragraphs 1-96 of the Complaint as their response to the allegations set forth in paragraph 97 of the Complaint.

98. Defendants state that Paragraph 98 of the Complaint sets forth a prayer for relief to which no response is required. To the extent that any response is required, Defendants admit that AMM seeks the articulated declarations. Defendants deny the remaining allegations set forth in Paragraph 98 of the Complaint. Defendants specifically deny that AMM is entitled to the relief demanded in the "Wherefore" clause set forth immediately after paragraph 98 in the Complaint.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.
2. The Complaint is barred by the statute of limitations.
3. AMM's claims are barred by laches.
4. AMM's claims are barred to the extent that the allegations contained therein are not properly brought before the Court in any declaratory judgment action.

RESERVATION OF DEFENSES

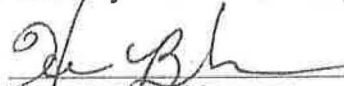
5. Defendants reserve the right to assert additional affirmative defenses, or claims, cross-claims, third-party claims, or join persons needed for just adjudication, in the event that further investigation and discovery with regard to this matter should warrant such an assertion.

6. Defendants reserves the right to assert any other defenses available at law or in equity as may appear at any time in this matter throughout the trial thereof.

WHEREFORE, the Defendant, the Natalie M. LaPrade Maryland Medical Cannabis Commission, the Maryland Department of Health and Mental Hygiene, and the individually-named members of the Commission respectfully request that the Complaint filed by Alternative Medicine Maryland, LLC be dismissed with prejudice and that the Defendants be awarded such other and further relief as this Honorable Court deems just and proper.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland



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March 10, 2017


Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of March, 2017, a copy of the Defendants' Answer to Complaint was electronically mailed and mailed via first-class mail postage prepaid to:

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*Counsel for Alternative Medicine
Maryland*



Heather B. Nelson

12/02/2016

ALTERNATIVE MEDICINE MARYLAND,
LLC

Plaintiff

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION, *et al.*

Defendants

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No.: 24-C-16-005801

NOTICE OF SERVICE

I **HEREBY CERTIFY**, that on this 2nd day of December 2016, Plaintiff propounded its “First Set of Requests for Production of Documents” to Defendant Natalie M. Laprade Maryland Medical Cannabis Commission. Same was sent via United States mail, postage pre-paid to:

Heather Nelson, Esq.
Officer of the Attorney General
300 W. Preston Street, Suite 302
Baltimore, MD 21201
Attorney for Natalie M. Laprade Maryland Medical Cannabis Commission

Respectfully submitted,



Byron B. Warnken
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on December 2, 2016, a copy of the foregoing Notice of Service and First Set of Requests for Production of Documents was served by email and first-class mail, postage prepaid to:

Heather Nelson, Esquire
Office of the Attorney General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201



Byron B. Wanken

CLERK OF COURT
BALTIMORE CITY

2016 DEC 12 PM 4:37

CIVIL DIVISION

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff,

* IN THE
* CIRCUIT COURT

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

Defendants.

* FOR
* BALTIMORE CITY
* Case No.: 24-C-16-005801

* * * * *

**DEFENDANTS' MOTION TO DISMISS, OR IN THE ALTERNATIVE,
MOTION FOR SUMMARY JUDGMENT**

For the reasons explained more fully in the accompanying memorandum of law, the defendants, the Natalie M. LaPrade Maryland Medical Cannabis Commission (the "Commission"), the Maryland Department of Health and Mental Hygiene (the "Department"), and the individually-named members of the Commission (the "commissioners"), move for dismissal or, in the alternative, for summary judgment on the following grounds:

1. The Complaint filed by plaintiff Alternative Medicine Maryland, LLC ("AMM") should be dismissed in its entirety because it fails to establish AMM's standing to bring any of the substantive claims set out therein.
2. The Complaint filed by AMM should be dismissed in its entirety pursuant to Maryland Rules 2-322(b)(3) and 2-211 for failure to join as necessary parties companies that presently hold pre-approvals for medical cannabis grower licenses

granted by the Commission, because AMM seeks a judicial order that would negatively impact the ability of those companies to convert those pre-approvals to licenses.

3. Even if those necessary parties had been joined, all claims against the Department and the individually-named commissioners should be dismissed under Maryland Rule 2-322(b)(2) for failure to state a claim upon which relief may be granted, and pursuant to Rule 2-213 these defendants should be dismissed due to their misjoinder.

4. The claims for injunctive relief should be dismissed as to all defendants for failure to state a claim upon which relief may be granted, because AMM fails to allege facts that would satisfy the requirements for injunctive relief.

5. If the Court does not entirely dismiss the Complaint, then alternatively, because this case presents legal challenges, the defendants are entitled to the entry of summary judgment in their favor as a matter of law because there is no genuine dispute of material fact.

Alternative proposed Orders accompany this motion.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

Heather B. Nelson

HEATHER B. NELSON *with permission*
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12/12/2016

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Attorneys for Defendants

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff

v.

NATALIE M. LAPRADE
MARYLAND MEDICAL
CANNABIS COMMISSION
Et al.

Defendants

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE CITY
*
* Case No.: 24-C-16-005801
*

* * * * *

**OPPOSITION TO DEFENDANTS' MOTION TO DISMISS, OR IN THE
ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND REQUEST FOR A
HEARING**

Plaintiff Alternative Medicine Maryland, LLC ("AMM"), by its attorneys, John A. Pica, Jr., John Pica and Associates, LLC and Byron L. Warnken and Byron B. Warnken, Warnken, LLC, files this Opposition to Defendant's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment and Request for a Hearing and Memorandum of Law in support thereof, pursuant to Md. Rules 2-311, 2-322.

1. In this case, Plaintiff, a medical cannabis grower license applicant, challenges the Maryland Medical Cannabis Commission's scheme for granting medical cannabis grower licenses, and the Commission's evaluation of grower license applications. Plaintiff alleges that the Commission (1) failed to implement a vital statutory mandate to actively seek to achieve racial and ethnic diversity when licensing medical cannabis growers; (2) conducted unconstitutional discriminatory scoring of license applications; and (3) created an arbitrary, capricious, and unreasonable system for ensuring adequate capitalization of applicants, and arbitrarily, capriciously, and unreasonably evaluated applicants' capitalization.

2. The Commission seeks to dismiss all counts of the Complaint for lack of justiciability and lack of joinder, and counts 1 and 3 of the Complaint for failure to state a claim upon which relief can be granted. In the alternative, the Commission moves for summary judgment on all counts. The Commission's Motion should be denied.

3. The Commission overstates the threshold for standing and asks the Court to decide

Proc. § 3-405(a), establishes a joinder requirement, but is silent on the remedy for non-joinder. Md. Rule 2-211(c) governs how to analyze joinder issues, including joinder under the DJA. *Service Trans., Inc. v. Hurricane Express, Inc.*, 185 Md. App. 25, 37–38 (2009) (“[T]here is no difference in a necessary parties analysis whether the Declaratory Judgment Act or Md. Rule 2-211 is invoked.”).

A. The fifteen organizations pre-approved for a grower license need not be joined in this action.

AMM assumes the 15 organizations are interested in the proceeding. However, under Rule 2-211(a), which guides the necessary parties analysis, *Service Trans., Inc.*, there is no suggestion that, without the additional parties, the Court will be unable to accord full relief among the parties. Md. Rule 2-211(a)(1). AMM seeks a declaration and injunctive relief against only the Commission. Additionally, there is no risk that the disposition of this case will “impair or impede” the pre-approved organizations’ “ability to protect a claimed interest relating to the subject of the action.” Md. Rule 2-211(a)(2).

The Commission, in defending its actions, represents the interests of the pre-approved growers. *Accord John B. Parsons Home, LLC v. John B. Parsons Found.*, 217 Md. App. 39, 65 (2014) (“Critically, [the nonparty]’s interests are already fully and adequately represented by [a party]. [The nonparty], therefore, is not an indispensable party and not entitled to intervene as a matter of right.”); *Service Trans., Inc.*, 185 Md. App. at 40 (“Moreover, even if the Rule 2-211(a)(2) factors were in play, we do not see why any “claimed interest” of [the nonparty] would not be adequately represented by its president . . . a named defendant.”).

The Commission can be counted on to raise every legitimate legal claim in support of moving forward with the licensing process. The pre-approved organizations add nothing to the litigation in this respect. Additionally, the Commission may obtain information from the organizations that may be relevant to this case in its role as overseeing the licensing process. The organizations need not be made parties for relevant information to come in to the suit. In fact, the Commission asserts that it is already collecting information relevant to racial and ethnic diversity from the pre-approved organizations.

Thus, the Commission hasn’t demonstrated that pre-approved organizations have a sufficient interest to warrant joinder and the resulting protraction of litigation.

B. Assuming joinder is required, dismissal is not appropriate because all of the parties who the Commission contends must be joined can be joined.

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

Exhibit 1

Head of Maryland medical marijuana grower licensing defends decisions, says scores were tightly bunched



By **Michael Dresser**
The Baltimore Sun

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The leader of Maryland's medical marijuana grower licensing process defended his panel's decisions.

OCTOBER 14, 2016, 7:31 PM

A key figure on the Maryland Medical Cannabis Commission defended the panel's decisions on who received licenses to grow marijuana for medical use amid accusations that politically well-connected applicants were selected over better-qualified companies.

Cheverly Police Chief Harry "Buddy" Robshaw, who chairs the growers subcommittee of the commission, said the differences in the scores of the top applicants were very small. The top 15 applicants — which received preliminary growers licenses — were "about interchangeable," he said.

"They really were very close up to [No.] 30 or 40," Robshaw said.

The commission has not released the scores, which guided officials as they picked which companies would receive the potentially lucrative preliminary licenses to grow and process marijuana.

In a wide-ranging interview, Robshaw explained his subcommittee's decisions for the first time. The panel's actions have become the target of blistering criticism from the Legislative Black Caucus and disappointed applicants, two of whom have filed a lawsuit against the commission. Another said this week it was considering legal action.

Robshaw's comments shed light on how Maryland chose winners and losers in the early steps toward launching what could be an important new industry. Some project Maryland's medical marijuana program will grow to generate \$129 million in annual business.

The program was created to alleviate the suffering of people with such conditions as cancer, epilepsy and autoimmune diseases. But controversy over the selection process threatens to delay that relief.

"It's unfortunate it's become so convoluted and Maryland patients are going to wait longer for medicine than about any other state," said Kate Bell, legislative counsel for the Marijuana Policy Project.

Bell said she doesn't see what the commission gains by not releasing the scores assigned to applicants by researchers at Towson University.

Robshaw, a former Prince George's County police officer, defended the five-member growers subcommittee's decisions, which included replacing two higher-scoring companies with lower-scoring applicants to achieve greater geographic diversity among the preliminary license winners. The 16-member commission ratified the subcommittee's decision in August.

He said the panel was guided by "the idea of fairness, but not fairness to the people involved, but fairness to the process itself."

The subcommittee originally approved 15 licenses on July 27 based solely on the rankings arrived at by Towson's Regional Economic Studies Institute, Robshaw said. Researchers did not know the identities of the applicants. But he said that when the subcommittee learned in the following days where each of the companies planned to locate, they realized the geographical distribution did not meet the commission's goals.

The commission had decided to use a map of the state's agricultural zones to guide its decisions, Robshaw said. Going by that map, one region of the state was left out — the Lower Eastern Shore.

That map showed Anne Arundel County, which had an applicant in the top 15, in the Southern Maryland zone. But Robshaw said the committee did not think Anne Arundel counted as Southern Maryland.

Robshaw said the subcommittee went down the list on July 29 and — not knowing the identities of the companies — found another applicant in the Southern Maryland zone. This one, ranked 20th, was from Prince George's County.

The subcommittee elevated that company, Holistic Industries LLC, to No. 14. It bumped the 21st-ranked applicant to No. 15 to represent the Lower Shore. And it demoted the No. 8 and No. 12 applicants.

"It was the only fair way to accomplish that task," Robshaw said. He added that the committee "didn't want to go too far down the list" but felt there wasn't much difference in quality between No. 21 and the original 15.

The elevation of Holistic raised suspicions because it is a politically well-connected company represented by the state's highest-paid lobbyist, Gerard E. Evans. Its investors include Evans' son-in-law and a distant cousin of Senate President Thomas V. Mike Miller.

Among the applicants that suspect politics tainted the selection is the one originally ranked No. 17. That company, Maryland Natural Treatment Solutions, was passed over even though it had offered to move from its preferred Caroline County location to anywhere the commission preferred. Commission staff disregarded that offer.

Ross Morreale, a consultant and attorney for Maryland Natural Treatment, called the commission's process a "sham" and said his company is considering a lawsuit.

"It's like they're making the rules up as they go to benefit them and their pals," Morreale said. "We think it's outrageous. People should probably go to jail over this."

Robshaw, who is not paid for his commission work, said he doesn't know Miller. He said that while he knew Evans through a parent-teacher association in the 1980s, he hasn't spoken to the lobbyist for at least 20 years. Robshaw insisted that no outside influence affected the choices.

"I'm not going to hurt my reputation in the community by helping somebody I don't know," he said.

Robshaw said neither he nor other commission members knew of Maryland Natural Treatment's offer to move. He defended the decision to withhold that information, saying state regulations required that location be specified in the application.

If Maryland Natural Treatment sues, it will be the third rejected applicant to take the state to court. No. 8 Maryland Cultivation and Processing and No. 12 GTI Maryland have already filed a lawsuit, charging the commission broke its own rules.

Lanny Davis, an attorney for GTI, said there is no rule requiring an applicant to identify a proposed site. GTI's CEO, Pete Kadens, called the process "improper" and said "politics were involved."

Robshaw said committee members knew their decision to reshuffle the rankings could bring a legal challenge.

"I don't think we were naive to the idea, but I don't think we were worried that would be a possibility," he said.

The General Assembly's black caucus has also threatened to take action. Its members are considering holding up the final issuance of licenses because none of the grower licenses were awarded to companies with African-American ownership.

The commission has said it received legal advice that it could not take the race of applicants into consideration.

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This article is related to: Medical Research, Maryland General Assembly

Exhibit 2

Hogan, Frosh concerned about lack of diversity in Maryland's medical pot licenses

Darryl Hill, 72, a lifelong advocate for minority advancement in business and the first African American on the University of Maryland football team, was part of a team that applied for a medical marijuana grow license and was denied. (Jabin Botsford/The Washington Post)

By Fenit Nirappil August 26

Maryland Gov. Larry Hogan (R) and Attorney General Brian E. Frosh (D) have joined black state lawmakers in expressing dismay about the lack of diversity in Maryland's burgeoning medical-marijuana industry.

At the same time, the head of the legislative black caucus is calling for legislation to ban elected officials from taking jobs in the industry. Del. Cheryl D. Glenn (D-Baltimore), who was instrumental in passing the bill that legalized medical marijuana, said she's angry that another leader in that effort later joined a company seeking a license to grow, process and sell the drug, without publicly making clear his dual roles.

The controversies are the latest snags for Maryland's potentially lucrative medical-marijuana industry, which has been plagued by multiple delays and missteps since legislation to legalize cannabis for medical use passed in 2013.

Black business leaders.]

This month, state regulators cleared 15 companies to grow marijuana and 15 companies to process the plant into medical products. None of the businesses approved for cultivation are led by African Americans, even though the legislation seeks to create a racially diverse industry in a state where nearly a third of the population is black.

Delegate Dan K. Morhaim (D-Baltimore County) has drawn criticism for working on medical-marijuana legislation without disclosing his role with a company applying for a license to sell the drug. (Algerina Perna/Baltimore Sun)

Glenn raised the issue in a Thursday meeting with Hogan. She

pushed the governor to call for a special legislative session this fall to address minority ownership, perhaps by authorizing regulators to award additional licenses to minority-owned companies.

The legislature's next regular session begins in January.

"We are not going to accept licenses being awarded and people getting an unfair advantage in this billion-dollar industry with no minority participation," Glenn said.

Hogan spokesman Doug Mayer says the governor agrees that racial diversity in the new industry is important but will not call a special session. Instead, the governor has deployed his chief lobbyist, Chris Shank, and adviser Keiffer Mitchell to explore options to address the issue.

The Maryland Medical Cannabis Commission operates independently of the governor's office, which has no say in who gets marijuana licenses but appoints the commission's members and executive director.

[Growing medical marijuana could be big business in Maryland]

The Maryland Medical Cannabis Commission awarded preliminary licenses to growers based on rankings from outside reviewers, who read and scored application materials with the names of people involved redacted. The commission did consider geographic diversity, moving up lower-ranked applications to approve licenses for growers in Prince George's and Worcester counties in an effort to ensure that cultivators were spread out across the state.

Here's who wants to profit from growing medical marijuana in Maryland

Here's who wants to profit from growing medical marijuana in Maryland. The commission did not provide extra weight to minority-owned companies, citing a 2015 advice letter it received from the attorney general's office that said

... conscious reckoning in a new industry without a history of racial discrimination would probably be unconstitutional.

After Glenn and other black lawmakers raised concerns, the attorney general's office said the commission should not have concluded from the letter that it would be wrong to take the race of prospective marijuana business owners into account.

Instead, Frosh spokeswoman Raquel Coombs said, the commission could have researched whether there is evidence of racial disparity in industries similar to medical marijuana.

If there is, she said, the commission would be justified in taking race into account.

Coombs said similar efforts have led to the state trying to expand minority participation in other new industries, including off-shore wind farming and gaming.

"The attorney general strongly believes that this industry should reflect the diversity of the state," Coombs said of medical cannabis.

But Col. Harry Robshaw III, vice chairman of the commission, said this proposed approach to achieve racial diversity was news to the commission. He said the message from the office was crystal clear: It was too early to grant racial preferences.

“It’s frustrating that somehow we should have interpreted the letter differently,” Robshaw said.

Coombs said Frosh’s office has cleared marijuana regulators to develop outreach programs to attract applications from minority-owned companies.

[Lawmaker who pushed medical pot is part of team applying to sell the drug]

On a separate issue, Glenn said she is considering legislation to bar lawmakers from working with medical-marijuana companies after learning that Del. Dan K. Morhaim (D-Baltimore County) had agreed to act as clinical director for one such company.

Local Headlines newsletter

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Daily headlines about the Washington region.

Glenn says the dual roles, revealed by The Washington Post last month, made her “livid” and tainted the process.

“I wasn’t pushing for medical marijuana to fatten my pockets, and I am disappointed that it is evidently

something he was doing all along, Glenn said. It's wrong. It's just wrong."

Morhaim, a physician, says he's not a formal employee or owner of Doctor's Orders, which was granted preliminary licenses to grow and process the drug in Dorchester County and has dispensary license applications pending.

Maryland law does not forbid lawmakers from sponsoring or voting on legislation affecting industries in which they work, and Morhaim said he cleared his position with the General Assembly's ethics adviser.

Morhaim, who has advocated for medical marijuana for more than a decade, did not return a call or email Friday seeking a response to Glenn's criticism.

30 Comments

Fenit Nirappil covers politics and government in Maryland, Virginia and D.C. He previously covered the California statehouse and suburban government outside Portland, Ore. Follow @FenitN

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff

v.

NATALIE M. LAPRADE
MARYLAND MEDICAL
CANNABIS COMMISSION
Et al.

Defendants

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE CITY
*
* Case No.: 24-C-16-005801

* * * * *

**SUPPLEMENT TO OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS, OR IN
THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT**

Plaintiff Alternative Medicine Maryland, LLC (“AMM”), by its attorneys, John A. Pica, Jr., John Pica and Associates, LLC and Byron L. Warnken and Byron B. Warnken, Warnken, LLC, files this Supplement to Plaintiff’s Opposition to Defendant’s Motion to Dismiss, or in the Alternative, Motion for Summary Judgment pursuant to Md. Rules 2-501(d).

1. Plaintiff timely filed its Opposition to Defendants’ Motion to Dismiss, or in the Alternative, Motion for Summary Judgment on December 30, 2016.
2. Plaintiff incorporates by reference all arguments made in the original opposition.
3. For reasons previously stated and briefed, the Defendants’ Motion to Dismiss should be denied.
4. For reasons previously stated and briefed, Defendants’ Motion should not be converted into a Motion for Summary Judgment. In the event that Defendants’ Motion is converted, Defendants’ Motion for Summary Judgment fails as a matter of law and should be denied.
5. In the event that Defendants’ Motion is converted into a Motion for Summary Judgment, Plaintiff respectfully requests the Court to consider the attached Exhibit 1, Affidavit of Plaintiff’s Counsel, and either deny the Motion for Summary Judgment or order a continuance to permit affidavits to be obtained or discovery to be conducted, pursuant to Md. Rule 2-501(d).

The Court should deny the Defendants' Motion.

PLAINTIFF AMM renews its request to the Court:

1. DENY the Commission's Motion to Dismiss;
2. DENY the Commission's alternative Motion for Summary Judgment; and
3. GRANT AMM a hearing on its request for a preliminary injunction.

Respectfully submitted,



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Annapolis, MD 21401

*Attorneys for Plaintiff Alternative Medicine
Maryland, LLC*

Exhibit 1

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff

v.

NATALIE M. LAPRADE
MARYLAND MEDICAL
CANNABIS COMMISSION
Et al.

Defendants

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE CITY
*
* Case No.: 24-C-16-005801

* * * * *

AFFIDAVIT OF PLAINTIFF'S COUNSEL BYRON B. WARNKEN

1. I am over the age of 18 years, a resident of Maryland, competent to testify, and have personal knowledge of the facts set forth herein.
2. I am counsel for Plaintiff Alternative Medicine Maryland, LLC.
3. I propounded discovery requests in the form of requests for production of documents to Defendants on December 2, 2016. Responses to those requests were due January 5, 2017.
4. I spoke to Heather Nelson, counsel for all Defendants, via telephone, on January 3, 2017 and said I did not oppose a short extension. Ms. Nelson responded with a letter that stated, in pertinent part, "we will...be in touch in the coming days about production of responsive non-privileged documents."
5. Still not having answers to requests for production of documents, I sent a letter on January 13, 2017 in a good faith attempt to resolve a discovery dispute.
6. Despite assurances documents would be forthcoming, I did not receive answers to my request for production of documents until after the close of business on February 8, 2017.
7. Of the 25 distinct requests for production of documents, no fewer than 18 requests were objected to on the basis on Deliberative Process Privilege.

8. Objections were raised to 24 of the 25 requests.
9. 712 additional pages of documents were supplied with the responses.
10. Request No. 6 was: "All documents Defendant intends to rely on to disprove any of the Plaintiff's allegations in its complaint."
 - a. Request No. 6 was the only request not objected to.
 - b. Defendants' response was: "All responsive materials will be produced. This response will be supplemented."
 - c. Of the 712 pages of documents produced, *all* were public documents from the existing litigation files in GTI Maryland, LLC v. Natalie M. Laprade Maryland Medical Cannabis Commission, et al. (Case No. 24-C-16-005134) and/or The African American Medical Cannabis Association, Inc., et al. v. Natalie M. Laprade Maryland Medical Cannabis Commission, et al. (Case No. 24-C-16-005139).
11. No document was produced providing more specific information regarding Ms. Mary Jo Mather's statement in her affidavit dated December 11, 2016 (that accompanied Defendants' Motion to Dismiss or in the Alternative for Summary Judgment) that "Leading up to November 6, 2015, the Commission sought to broadly publicize the program and the application process by pursuing print, radio, and television coverage of the opportunities."
12. Plaintiff has not been afforded ample opportunity to pursue documents or other information in discovery clarifying Ms. Mather's statement. Such documents or other information are pertinent to Plaintiff's argument that Defendants' acted contrary to statute.
13. No document was produced to provide more specific information regarding Col. Harry Robshaw III's statement from his affidavit December 12, 2016 (that accompanied Defendants' Motion to Dismiss or in the Alternative for Summary Judgment) that says, "The

Commission is continuing its work to seek to achieve racial and ethnic diversity and intends to retain a diversity consultant to support these efforts.”

14. Request No. 25 of the Plaintiff’s Requests for Production of Documents was: “Any document related to the hiring of a “diversity consultant” and/or the decision to hire a “diversity consultant.”

15. The Defendants’ have asserted the deliberative process privilege with respect to said Request No. 25 relating to the diversity consultant.

16. Plaintiff has not been afforded ample opportunity to pursue documents or other information in discovery clarifying Mr. Robshaw’s statement. Such documents or other information are pertinent to Plaintiff’s argument that Defendants’ acted contrary to statute. Such documents or other information are, specifically, necessary in our dispute that hiring a diversity consultant could “support [the Commission’s] efforts” or that the “Commission is *continuing* its work...”

17. No document was produced to support the contention in Defendants’ Motion to Dismiss or in the Alternative for Summary Judgment that Plaintiff received full points in its application to the Commission for any question relating to Maryland Residency. Such assertion was not made by Ms. Mather in her affidavit.

18. Plaintiff has not been afforded ample opportunity to pursue documents or other information in discovery to support the Defendants’ argument in its motion that Plaintiff was awarded full points for any medical cannabis grower application question related to Maryland residency. Such documents or other information are pertinent to Plaintiff’s argument that Defendants’ acted in an unconstitutional manner.

19. I stated to Ms. Nelson on February 10, 2017 that I needed all responsive documents by

February 15 or 16, 2017.

20. I intend to file a motion to compel all documents not received.

21. On August 18, 2016 a Maryland Public Information Act Request was made of the Commission by my co-counsel John Pica, Jr., receipt of which was acknowledged on August 23, 2016.

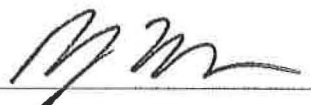
22. The PIA request has not been answered, nor has the procedure in the Public Information Act been followed.

23. It is anticipated that a response to the PIA request will contain documents pertinent to this litigation.

24. This affidavit is provided pursuant to Md. Rule 2-501(d). The affidavit supplements Plaintiff's Opposition to Defendants' Motion to Dismiss or in the Alternative Summary Judgment.

I HEREBY DECLARE OR AFFIRM UNDER THE PENALTIES OF PERJURY AND UPON PERSONAL KNOWLEDGE THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT.

2/17/17
Date


Byron B. Warnken, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of February, 2017, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

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Attorneys for Plaintiff Alternative Medicine Maryland, LLC

ALTERNATIVE MEDICINE

* IN THE

MARYLAND, LLC,

*

Plaintiff

* CIRCUIT COURT

v.

* FOR

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

* BALTIMORE CITY

* Case No.: 24-C-16-005801

Defendants

*

* * * * *

ORDER

Defendants Natalie M. Laprade Maryland Medical Cannabis Commission, *et al.*, filed a Motion to Dismiss, or in the Alternative, for Summary Judgement against Plaintiff Alternative Medicine Maryland, LLC (Pleading No. 21) on December 12, 2016. Plaintiff Alternative Medicine Maryland, LLC filed a timely opposition and on February 21, 2017, the court heard argument.

The Court has considered Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment, the Opposition thereto, and the oral arguments of counsel. For the reasons set forth on the record in open court, it is this 21st day of February, 2017;

ORDERED, that the Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgement (Pleading No. 21) is hereby **DENIED**.

TRUE COPY
TEST

MARILYN BENTLEY, CLERK

The Judge's signature appears
on the original document.

Judge Barry G. Williams

Distribution List:

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GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM’N., *et al.*,

Defendants.

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM’N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

2016 DEC 30 PM 2: 01

FOR BALTIMORE CITY CIVIL DIVISION

Case No. 24-C-16005134

HEARING REQUESTED

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

HEARING REQUESTED

MOTION TO INTERVENE

Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, by Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, their attorneys, for a motion to intervene as defendants state as follows:

1. Plaintiffs’ lawsuits threaten to delay the delivery of important medical relief to Marylanders, for reasons set forth more fully in the accompanying memorandum.
2. The proposed Intervenors request leave to intervene as defendants in these actions.
3. Jane and John Doe are minors, citizens of Maryland and they suffer from serious illnesses, including, but not limited to, severe epilepsy. Jane Doe has additional serious conditions. They seek to intervene under a pseudonym because they are minors and because sensitive medical

data are involved. Based on discussion with a treating physician, they believe and aver that they will qualify for certification for, and benefit from, the use of medicinal cannabis. They are jointly referred to as the "Prospective Medicinal Patients." Essentially, they are representative of those patients who are suffering and need timely and immediate access to medical cannabis.

4. With the exception of the Coalition for Patient Medicinal Access, LLC, the other proposed Intervenor are Stage 1 awardees of medical cannabis grower licenses and are prepared to be fully qualified for a Stage 2 award.

5. The Coalition for Patient Medicinal Access, LLC ("Coalition"), is a Maryland limited liability company formed for the purpose of advocating for patient rights and prompt access to medical cannabis, and advocating for, and advancing the interests of, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC (the Coalition and all others are collectively the "Grower Awardees").

6. The proposed grower Intervenor like the patients who need Intervenor's medicinal product, have an interest in expediting these actions. Delay is prejudicial to all of them.

7. The proposed grower Intervenor have a direct property or other interest in these actions. Those interests will be impaired or impeded by these actions if they are not permitted to intervene.

8. The proposed Doe Intervenor have a direct personal and medical interest in these actions.

9. As set forth more fully in the accompanying memorandum this is an intervention as of right.¹

10. This motion is timely filed and no party will be prejudiced if it is granted.

¹ Alternatively, permissive intervention is requested and appropriate.

11. The State Defendants do not oppose this request to intervene. In fact, as set forth in the attached memorandum, they have moved to dismiss the Complaint because the Intervenor were not joined as necessary parties. Alternative Medicine Maryland, LLC, opposes this request. Other parties were asked for consent yesterday afternoon and their position is not known.

12. Similarly, Plaintiff GTI has asserted that the proposed grower Intervenor have notice of this proceeding and should intervene if they wish to exercise and protect what is a valuable property right. It, therefore, cannot colorably object.

Wherefore, for reasons set forth herein and in the accompanying memorandum, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, request that this Court grant them leave to intervene as defendants in these actions.

REQUEST FOR HEARING

Movants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, request a hearing on their motion to intervene.

Respectfully submitted,



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Counsel for Proposed Intervening Defendants

CERTIFICATE OF SERVICE

I HEREBY certify that on this 30th day of December, 2016, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

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Of Counsel:
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Attorneys for Defendants



Michael D. Berman

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N., *et al.*,

Defendants,

and

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c/o Rifkin Weiner Livingston, LLC
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Doctors Orders Maryland LLC
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Curio Cultivation LLC
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Proposed Intervening Defendants.

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

IN THE

CIRCUIT COURT ²⁰¹⁶ DEC 30 PM 2:01

FOR BALTIMORE CITY CIVIL DIVISION

Case No. 24-C-16005134

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants,

and

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SunMed Growers, LLC
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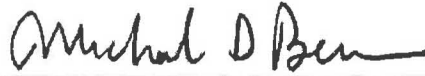
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Proposed Intervening Defendants.

ENTRY OF APPEARANCE

Please enter the appearances of Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, on behalf of proposed intervening defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC.

Respectfully submitted,



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Counsel for Proposed Intervening Defendants

CERTIFICATE OF SERVICE

I HEREBY certify that on this 30th day of December, 2016, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

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Sheila R. Gibbs
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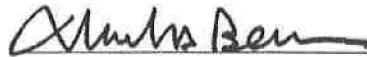
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Attorneys for Defendants



Michael D. Berman

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

Exhibit 1

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM’N., *et al.*,

Defendants.

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM’N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005134

HEARING REQUESTED

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

HEARING REQUESTED

2016 DEC 30 PM 2:01

CIVIL DIVISION

**MOTION TO SPECIALLY ASSIGN,
CONSOLIDATE, AND DISMISS THIS ACTION**

Intervening Defendants, Jane and John Doe, the Coalition for Patient Access, LLC (“Coalition”), Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland, LLC, and SunMed Growers, LLC, by Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, their attorneys, for a motion to **specialy assign, consolidate, and dismiss** these actions, state as follows:

1. A primary goal of the State’s medical cannabis statute, Md. Code Ann., Health Gen’l, §13-3301, *et seq.*, is to deliver needed medicine to Marylanders as soon as practicable.¹

¹ Pursuant to Health Gen’l. §13-3302(c): “The purpose of the Commission is to develop policies, procedures, guidelines, and regulations to implement programs to make medical cannabis available to qualifying patients in a safe and effective manner.” It then grants licenses. Health Gen’l § 13-

2. These lawsuits threaten to undermine that goal and thereby deprive seriously ill Marylanders of needed medical relief.

3. In order to effectuate its goal, the General Assembly established an administrative licensing process for growing, processing, and distributing medical cannabis.

4. The administrative agency charged with implementing that process has issued fifteen Stage 1 awards of cannabis grower licenses. All of the movants are either persons in need of medicinal cannabis or successful awardees of grower licenses, with the exception of the Coalition, which is an advocate for patient and growers rights.

5. Two separate groups of plaintiffs, consisting of three disappointed license applicants, have sued to challenge that licensing and award process.

6. Both lawsuits present common issues of law and fact.

7. Both lawsuits threaten to place the financial interests of disappointed license applicants ahead of Marylanders like Jane and John Doe who are seriously ill and need medical cannabis.²

8. All plaintiffs waited far too long to advance their interests and are barred by laches.

9. Plaintiffs' claims are prejudicial to the rights of the movants. Movants Jane and John Doe are sometimes referred to as the "Prospective Medicinal Patients." The Coalition and the remaining movants are referred to as the "Grower Awardees." All seek to intervene.

3306(a)(2)(i); COMAR 10.62.08.07.

² As set forth in ¶3 of the Motion to Intervene, Jane and John Doe are minors, citizens of Maryland and they suffer from serious illnesses, including, but not limited to, severe epilepsy. Jane Doe has additional serious conditions. They seek to intervene under a pseudonym because they are minors and because sensitive medical data are involved. Based on discussion with a treating physician, they believe and aver that they will qualify for certification for, and benefit from, the use of medicinal cannabis. They are jointly referred to as the "Prospective Medicinal Patients." Essentially, they are representative of those patients who are suffering and need timely and immediate access to medical cannabis.

10. None of the plaintiffs has presented its request for administrative review of an agency action properly. This matter is, and should remain, a judicial review on the agency record.

11. The accompanying memorandum is incorporated herein.

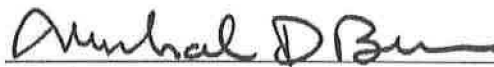
12. All arguments presented by the original defendants, the Maryland Medical Cannabis Commission, *et al.* (“MMCC”), are incorporated herein and will not be repeated.

Wherefore, for reasons set forth herein and in the accompanying memorandum, incorporated herein, intervening Defendants, Jane and John Doe, the Coalition for Patient Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, request that this Court specially assign, consolidate, and dismiss these actions.

REQUEST FOR HEARING

Movants, Jane and John Doe, the Coalition for Patient Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, request a hearing on their motion to specially assign, consolidate, and dismiss these actions, with prejudice, and for costs.

Respectfully submitted,



Arnold M. Weiner
Michael D. Berman
RIFKIN WEINER LIVINGSTON, LLC
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Counsel for Proposed Intervening Defendants

CERTIFICATE OF SERVICE

I HEREBY certify that on this 30th day of December, 2016, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

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Attorneys for Defendants



Michael D. Berman

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N., *et al.*,

Defendants,

and

Jane and John Doe
c/o Rifkin Weiner Livingston, LLC
2002 Clipper Park Rd., #108
Baltimore, MD 21211

SunMed Growers, LLC
65 Knight Island Road
Earleville, Maryland 21919

FowardGro, LLC
605 Main Street, #201
Stevensville, MD 21666

Doctors Orders Maryland LLC
7750 Woodmont Ave, Suite 201
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Curio Cultivation LLC
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Coalition for Patient Medicinal Access, LLC
c/o Rifkin Weiner Livingston, LLC
2002 Clipper Park Rd., #108
Baltimore, MD 21211

Proposed Intervening Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16005134

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants,

and

Jane and John Doe
c/o Rifkin Weiner Livingston, LLC
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Proposed Intervening Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

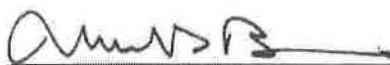
Case No. 24-C-16-005801

LINE

Proposed intervening defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, by their attorneys, Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, file:

1. A redlined and final copy of **corrected** Exhibit 1 to the Motion to Intervene filed on December 30, 2016.
2. Redlined and final copy of **corrected** entry of appearance.
3. Both filings provide the correct name of the Coalition for Patient Medicinal Access, LLC, and correct the certificate of service.
4. Corrected certificate of service.

RESPECTFULLY SUBMITTED,



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Counsel for Proposed Intervening Defendants

CERTIFICATE OF SERVICE

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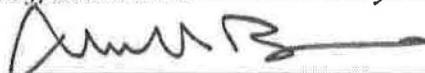
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Attorneys for Plaintiff Alternative Medicine Maryland, LLC



Michael D. Berman

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005134

HEARING REQUESTED

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

HEARING REQUESTED

2024 JAN -8 PM 2:47
CIVIL DIVISION

**MOTION TO SPECIALLY ASSIGN,
CONSOLIDATE, AND DISMISS THIS ACTION**

Intervening Defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC (“Coalition”), Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland, LLC, and SunMed Growers, LLC, by Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, their attorneys, for a motion to **specialy assign, consolidate, and dismiss** these actions, state as follows:

1. A primary goal of the State’s medical cannabis statute, Md. Code Ann., Health Gen’l, §13-3301, *et seq.*, is to deliver needed medicine to Marylanders as soon as practicable.¹

¹ Pursuant to Health Gen’l, §13-3302(c): “The purpose of the Commission is to develop policies, procedures, guidelines, and regulations to implement programs to make medical cannabis available to qualifying patients in a safe and effective manner.” It then grants licenses. Health Gen’l § 13-

2. These lawsuits threaten to undermine that goal and thereby deprive seriously ill Marylanders of needed medical relief.

3. In order to effectuate its goal, the General Assembly established an administrative licensing process for growing, processing, and distributing medical cannabis.

4. The administrative agency charged with implementing that process has issued fifteen Stage 1 awards of cannabis grower licenses. All of the movants are either persons in need of medicinal cannabis or successful awardees of grower licenses, with the exception of the Coalition, which is an advocate for patient and growers rights.

5. Two separate groups of plaintiffs, consisting of three disappointed license applicants, have sued to challenge that licensing and award process.

6. Both lawsuits present common issues of law and fact.

7. Both lawsuits threaten to place the financial interests of disappointed license applicants ahead of Marylanders like Jane and John Doe who are seriously ill and need medical cannabis.²

8. All plaintiffs waited far too long to advance their interests and are barred by laches.

9. Plaintiffs' claims are prejudicial to the rights of the movants. Movants Jane and John Doe are sometimes referred to as the "Prospective Medicinal Patients." The Coalition and the remaining movants are referred to as the "Grower Awardees." All seek to intervene.

3306(a)(2)(i); COMAR 10.62.08.07.

² As set forth in ¶3 of the Motion to Intervene, Jane and John Doe are minors, citizens of Maryland and they suffer from serious illnesses, including, but not limited to, severe epilepsy. Jane Doe has additional serious conditions. They seek to intervene under a pseudonym because they are minors and because sensitive medical data are involved. Based on discussion with a treating physician, they believe and aver that they will qualify for certification for, and benefit from, the use of medicinal cannabis. They are jointly referred to as the "Prospective Medicinal Patients." Essentially, they are representative of those patients who are suffering and need timely and immediate access to medical cannabis.

10. None of the plaintiffs has presented its request for administrative review of an agency action properly. This matter is, and should remain, a judicial review on the agency record.

11. The accompanying memorandum is incorporated herein.

12. All arguments presented by the original defendants, the Maryland Medical Cannabis Commission, *et al.* ("MMCC"), are incorporated herein and will not be repeated.

Wherefore, for reasons set forth herein and in the accompanying memorandum, incorporated herein, intervening Defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, request that this Court specially assign, consolidate, and dismiss these actions.

REQUEST FOR HEARING

Movants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, request a hearing on their motion to specially assign, consolidate, and dismiss these actions, with prejudice, and for costs.

Respectfully submitted,



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Counsel for Proposed Intervening Defendants

CERTIFICATE OF SERVICE

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by first class mail, postage prepaid, and via email, on:

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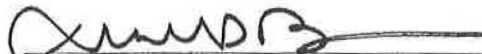
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Attorneys for Plaintiff Alternative Medicine Maryland, LLC


Michael D. Berman

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N., *et al.*,

Defendants,

and

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Baltimore, MD 21211

Proposed Intervening Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16005134

2027 JAN -3 PM 2:47
CIVIL DIVISION

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

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Proposed Intervening Defendants.

IN THE

CIRCUIT COURT

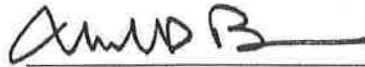
FOR BALTIMORE CITY

Case No. 24-C-16-005801

AMENDED ENTRY OF APPEARANCE

Please enter the appearances of Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, on behalf of proposed intervening defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC

RESPECTFULLY SUBMITTED,



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Counsel for Proposed Intervening Defendants

CERTIFICATE OF SERVICE

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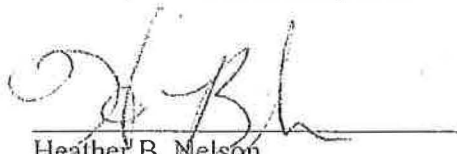
Attorneys for Plaintiff Alternative Medicine Maryland, LLC



Michael D. Berman

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

A handwritten signature in dark ink, appearing to read "H. B. Nelson", written over a horizontal line.

Heather B. Nelson
Assistant Attorney General
Office of the Attorney General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of January 2017, a copy of the foregoing Response to Motion to Intervene was emailed and mailed, first-class, postage pre-paid, to:

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Sheila R. Gibbs
Louis P. Malick
Kramon & Graham PA
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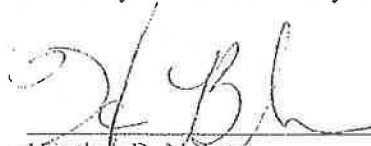
reserve the right to more fully brief and to supplement their arguments should the Court provide opportunity for full briefing or hearing.

Defendants do not oppose special assignment, however Defendants are opposed to consolidation. GTI Maryland, LLC (“GTI”) and Maryland Cultivation and Processing (“MCP”) raise very different claims from those presented by Alternative Medicine Maryland, LLC (“AMM”). GTI and MCP bring claims founded on arguments that the Commission should not have considered geographic diversity in considering applications for medical cannabis grower licenses, despite the fact that the relevant regulations expressly provided for geographic location and geographic diversity to be considered for scoring purposes. AMM challenges the evaluation criteria promulgated by regulation in September of 2015 and contends that the criteria set forth in the September 2015 regulations were flawed, and that therefore the process that was conducted according to those regulations should be deemed to be flawed as well. These cases focus on different events unfolding at different times, e.g., the evaluation process in 2016 versus the enactment of regulations in 2015. Although the Commission has raised similar arguments in the two cases, the cases center upon very different questions of law and facts.

With regard to the motion to dismiss, Defendants incorporate by reference their Motions to Dismiss, or in the Alternative, Motions for Summary Judgment filed in the two respective cases.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland



Heather B. Nelson
Assistant Attorney General

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Baltimore, Maryland 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of January 2017, a copy of the foregoing Initial Response to Motion to Specially Assign, Consolidate, and Dismiss was emailed and mailed, first-class, postage pre-paid, to:

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Counsel for Alternative Medicine Maryland


Heather B. Nelson

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**PROPOSED INTERVENORS’ LINE SUPPLEMENTING MOTION TO INTERVENE,
WITH OBJECTION, AND RULE 2-504 REQUEST FOR SCHEDULING CONFERENCE**

Proposed intervening defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC (hereinafter “Proposed Interveners” and/or “Movants”), by their attorneys, Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston LLC, supplement their motion to intervene, respectfully object as set forth herein, and, pursuant to Rule 2-504, Request a Scheduling Conference, and state:

1. If Plaintiff Alternative Medicine Maryland, LLC (“AMM”), prevails (and it should not), all other proceedings in the GTI Maryland, LLC (“GTI”), and Maryland Cultivation and Processing, LLC (“MCP”) action are likely moot. A scheduling conference in both cases

would conserve judicial resources, the resources of the parties, and avoid the possibility of conflicting judicial determinations. Resolution of the AMM case prior to dispositive motions, hearing on the motion for preliminary injunction, consolidation with the merits, and resolution of discovery issues in the GTI case may be the most efficient approach. A copy of Proposed Intervenors' letter of January 12, 2017, to the Administrative Judge is attached as Exhibit A.

2. Proposed Intervenors are not yet parties and this paper is filed as a supplement to the Motion to Intervene, setting forth their proposed response for which intervention is sought. Rule 2-214(c) provides that a proposed intervening party's motion "shall be accompanied by a copy of the proposed pleading, motion, or response setting forth the claim or defense for which intervention is sought." A number of events have taken place since the motion to intervene was filed. This supplements the original motion to intervene in light of subsequent developments.¹

3. Under Rule 2-504.1(a)(3), "the court shall issue an order requiring the parties to attend a scheduling conference . . . in an action, in which a party requests a scheduling conference and represents that, despite good faith effort, the parties have been unable to reach an agreement (i) on a plan for the scheduling and completion of discovery. . . or, (iii) on any other matter eligible for inclusion in a scheduling order under Rule 2-504." Rule 2-504 broadly lists the contents of a scheduling order and includes a catchall for "any other matter pertinent to the management of the action." It encompasses all of the matters requested herein.

4. Proposed Intervenors will, if intervention is granted, be a party and request a scheduling conference.

¹ Pursuant to Rule 2-214(c), this request is filed as of right, even though intervention has not been determined.

5. Proposed Intervenors attach hereto as Exhibits B, C, and C, email demonstrating good faith efforts to resolve an agreement on the foregoing matters.² The parties and Proposed Intervenors are unable to reach an agreement. If intervention is granted, additional efforts will be made as a party. This is filed in support of the motion to intervene.

6. There will be no prejudice to any party if this request is granted. The Proposed Intervenors, however, will be prejudiced if it is not.

7. A dispositive motion hearing is set for January 13, 2017. Based on information and belief, two motions that may be heard are the State's necessary parties motion, asserting that the Proposed Intervenors are necessary parties, and the State's motion for reconsideration to preclude discovery. Exhibit 1 to the Motion to Intervene is incorporated by reference herein. Proposed Intervenors will be prejudiced if intervention is not resolved prior to consideration of those motions, and respectfully object to consideration of those motions prior to ruling on the motion to intervene.

8. Further, there are apparently conflicting requests for relief before the Court. MCP has moved for a preliminary injunction. However, GTI and AMM seek discovery. The State and Proposed Intervenors object to all discovery. The Proposed Intervenors wish to oppose the request for preliminary injunction, but they are not yet parties. A scheduling conference could efficiently prioritize these competing requests.

9. This Court's January 6, 2017, Order states: "The Court notes that the request to intervene was filed on December 30, 2016, more than 3 months after the filing of this action."

² Additionally, Proposed Intervenors incorporate by reference GTI and MCP's miscellaneous letters to the Court opposing the request for a stay, the Motion for Stay, and the opposition to that motion.

10. That is, however, only one factor: “Timeliness depends upon the individual circumstances in each case. . . .” *Maryland-Nat. Capital Park and Planning Com’n. v. Town of Washington Grove*, 408 Md. 37, 70 (2009).

11. In deciding on timeliness, a court also “must consider the purpose for which intervention is sought, the probability of prejudice to the parties already in the case, the extent to which the proceedings have progressed when the movant applies to intervene, and the reason or reasons for the delay in seeking intervention.” *Id.* Under that test, a motion filed after a final judgment may be timely. *Id.* at 70-71.

12. Here, the purpose has been set forth in Exhibit 1 to the Motion to Intervene. There will be no prejudice to the parties already in the case. At the time of intervention, the proceedings had not progressed beyond the earliest stage, as set forth more fully below. And the reasons for any alleged delay are set forth herein. They demonstrate that Proposed Intervenors acted timely.

13. There was no need for Proposed Intervenors to move for intervention earlier than they did. There are two groups of Proposed Intervenors, the Grower Applicants and two minor children, Jane and John Doe.

14. GTI did not file its Second Amended Complaint until October 21, 2016.

15. On November 7, 2016, the State filed a Motion for Protective Order seeking some of the same discovery relief as Proposed Intervenors seek.³ The State sought to stay all discovery while motions were pending.

³ The State gave different reasons, but sought the same relief, an order precluding discovery, at least while dispositive motions were pending. Proposed Intervenors incorporate by reference their Reply to AMM’s Opposition to their Motion to Intervene and Consolidate, filed on January 12, 2017, in the AMM case, and served on all parties.

16. On the same day, the State filed a Motion to Dismiss this action. In part, the State took the same position as Proposed Intervenors now take.⁴ It wrote that “this action may not proceed and must be dismissed in the absence of these necessary parties that have not been joined.” It argued that the “companies that have been granted Stage One pre-approvals for medical cannabis grower licenses,” *i.e.*, the Grower Awardees who now seek to intervene, “stand to suffer irreparable injury” if they are not joined. In short, the State placed the error squarely where it belongs, on the plaintiffs, GTI and MCP.

17. On November 22, 2016, the State responded to GTI’s discovery, by objecting to discovery pending resolution of its motion for protective order. It thus sought, in part, the same relief as Proposed Intervenors now seek.⁵

18. On November 28, 2016, GTI amended its Second Amended Complaint by dismissing one party.

19. On November 28, 2016, GTI filed its opposition to the State’s motion to dismiss. GTI opposed the State’s position that it had failed to join necessary parties and wrote:

Even if additional parties were deemed “necessary,” joinder would not be required because these parties have received ample notice of GTI’s suit and have not sought to intervene. *In any event, the appropriate remedy would be to grant GTI leave to amend its complaint to add them, not dismissal. . . .* Not only is joinder of additional parties not necessary, but, even assuming it were, non-joinder would be inconsequential under these circumstances, where there has been ample notice of GTI’s suit and the additional parties have not sought to *intervene*. The joinder rules offer no protection for absent parties who have knowledge of a suit and do nothing to assert their interest. [emphasis added]

⁴ *Id.*

⁵ *Id.*

20. Thus, as of November 28, 2016, GTI was effectively asking for a resolution of whether the Proposed Intervenors were indispensable parties and stating that, if they were, *GTI* would *add* them as defendants.

21. Notably, in that November 28 memorandum, GTI argued that the State “assert[s] only that the 15 applicants awarded Stage 1 pre-approvals for grower licenses ‘may be affected’. . . . A proclaimed interest that non-parties ‘may be affected’ falls far short of the requirements for mandatory joinder. . . .”

22. November 28, 2016, was the first time that there was a direct assertion that the State did not adequately represent the Proposed Intervenors’ interest. It was also the first assertion that Proposed Intervenors would be bound by this action. While the Proposed Intervenors have presented different legal theories leading to the same result as the State, prior to that assertion, intervention was not needed.

23. On November 30, 2016, the State moved for a protective order as to a non-party. It thus, again, sought in part the same relief as Proposed Intervenors now seek.⁶

24. Not until December 2, 2016, was the deposition of former Commissioner Miran noted. Further, in accordance with the Rules, only a notice of service was filed and that provided no information, including the proposed *date* of the deposition. The action in noting that deposition was contrary to the Proposed Intervenors’ theory of the case.

25. However, on December 12, 2016, the State objected to that subpoena for a deposition. It thus, again, sought in part the same relief as Proposed Intervenors now seek.⁷

⁶ *Id.*

⁷ *Id.*

26. On December 12, 2016, the Court entered an order denying the November 7, 2016, Motion for Protective order for failure to comply with Rule 2-431, but not on the merits. It did not rule on the December 12, 2016, objection. The State has sought reconsideration.

27. At that point, it became necessary to consider intervention. A motion was filed on December 30, 2016. At that time, the case was still in its earliest of stages. At most, preliminary skirmishing between the parties had occurred with no dispositive actions taken. There was, is, and can be, no prejudice by the motion being filed at that time. By contrast, Proposed Interveners are irreparably prejudiced if their rights and interests are not permitted to be raised and advanced in the action.

28. The Motion to Intervene is timely under the individual circumstances of this case and proper.

Wherefore, the Proposed Interveners request that this Court consider their objection and request for a scheduling conference prior to resolution of any motions.

REQUEST FOR HEARING

Proposed Interveners request a hearing on all matters contained herein.

RESPECTFULLY SUBMITTED,

 Michael D. Berman VKM

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Counsel for Proposed Intervening Defendants

CERTIFICATE OF SERVICE

I HEREBY certify that on this 12th day of January, 2017, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

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Sheila R. Gibbs
Louis P. Malick
Kramon & Graham, P.A.
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Annapolis, MD 21401

Attorneys for Plaintiff Alternative Medicine Maryland, LLC


Michael D. Berman

Exhibit A

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ATTORNEYS AT LAW

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Christopher L. Hatcher
Isabella C. Demougeot (MD, DC)
Elizabeth K. Miller†

Joel D. Rozner (MD, DC)
Laurence Levitan†
Eric L. Bryant
Russell Gray (MD, DC)
Reuben W. Wolfson (MD, DC)
John C. Reith (Nonlawyer/Consultant)

January 12, 2017

HAND-DELIVERED

The Honorable W. Michel Pierson
Judge, Circuit Court for Baltimore City
111 N. Calvert Street
Baltimore, Maryland 21202

Re: *Alternative Medicine Maryland, LLC v.
Natalie M. Laprade Maryland Medical Cannabis Commission, et al.*,
Case No. 24-C-16-005801

Dear Judge Pierson:

As Your Honor is aware, our clients have moved to specially assign, intervene in, consolidate, and dismiss this action. This letter relates solely to movants' request for special assignment.

Although the companion case, *GTI Maryland, LLC v. Natalie M. Laprade Maryland Medical Cannabis Commission, et al.*, Case No. 24-C-16-005134 (hereinafter "GTI action"), has been specially assigned to the Honorable Barry G. Williams, this action has not been specially assigned. Plaintiff, Alternative Medicine Maryland, LLC (hereinafter "AMM"), has not opposed special assignment in this action. Special assignment is requested for the reasons previously submitted and for the reasons set forth herein.

Special assignment may conserve judicial resources. If the relief requested by AMM in this action is granted, although it should not be,¹ that would likely have a direct effect upon the GTI action, rendering the GTI action moot. Among other things, in this action, AMM contends

¹ The proposed intervenors contend, for reasons set forth on the record, that relief should not be granted. Nothing contained herein waives or modifies those or other defenses, all of which are reserved.

The Honorable W. Michel Pierson
January 12, 2017
Page 2

that the entire licensure process was defective and seeks to enjoin it. *See* Counts I and III.

Specifically, AMM asserts that the “Commission’s approval of 15 applicants as the only entities permitted to grow medical cannabis in Maryland cannot stand for three reasons.” Compl., ¶1. AMM asserts in its Complaint that the administrative process violated the medical cannabis statute, regulations, the Dormant Commerce Clause, and the Privileges and Immunity Clause. *E.g.*, Compl., ¶¶2-4, 57, 59, 81, *passim*. If, for example, the statute violates the Dormant Commerce Clause as AMM alleges, the entire administrative process would be null and void. Yet that is what AMM alleges. Compl., ¶57 (“*State laws which burden interstate commerce. . . violate the Dormant Commerce Clause. . .*”)(emphasis added). Furthermore ¶96.c of AMM’s Complaint alleges that the agency acted “arbitrarily, capriciously, illegally, or unreasonably. . . .” In ¶98 AMM asks the Court to “enjoin the Commission from granting any license” and from proceeding to Stage 2. In effect, AMM contends that the entire award process was defective and should be enjoined.

In the companion case, plaintiffs GTI and MCP seek reinstatement as Stage 1 awardees. If AMM succeeds in this case, which it should not, there would likely be nothing to reinstate. As such, the AMM action likely has a direct effect upon the GTI action, which could result in inconsistent judicial determinations, thus also wasting valuable judicial resources.

We therefore request that this action be specially assigned and movants’ motion to intervene and consolidate be set in for a hearing.

Respectfully,


Michael D. Berman

cc: The Hon. Barry G. Williams (via hand delivery)
All counsel (via mail and email)
Clerk of the Court, Case Nos. 24-C-16-005801 and 24-C-16-005134 (via hand delivery)

Exhibit B

From: Michael Berman

Sent: Wednesday, January 11, 2017 1:16 PM

To: Christopher C. Jeffries <cjeffries@kg-law.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Louis P. Malick <lmalick@kg-law.com>; 'Philip M. Andrews' <pandrews@kg-law.com>; Robert D. McCray <robert.mccray@maryland.gov>; Sheila R. Gibbs <sgibbs@kg-law.com>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; 'Byron Warnken' <byron@warnkenlaw.com>; John Pica <JPica@johnpica.com>

Cc: Alan M. Rifkin <arifkin@rwlls.com>; Arnold Weiner <aweiner@rwlls.com>

Subject: AMM, GTI, and MCP v. MMCC, et al.

Under Rule 2-504.1(a)(3), the Court shall issue an order requiring the parties to attend a scheduling conference in an action in which a party requests a conference and represents that, despite good faith effort, the parties have been unable to reach agreement on a plan for scheduling and completing discovery, or on any other matter eligible for inclusion in a Rule 2-504 order. A Rule 2-504 order may prescribe limits on discovery, resolution of discovery disputes, provisions for discovery of ESI (which GTI has requested), dates for expert identification (AMM has identified an asserted expert), a discovery cut-off date, a dispositive motion date, a milestone date for joinder of additional parties, a date for amendments of pleadings as of right, and any other matter pertinent to the management of the action.

We suggest and believe that we are in a position to make a good faith certification based on the record to date in these two matters. Out of an abundance of caution, however, we are making this additional effort to reach agreement on a scheduling plan.

In the present procedural posture, important rights are being prejudiced. Further, the parties' and Court's resources are being wasted.

MCP seeks a preliminary injunction and consolidation with a final proceeding. The State has moved to dismiss. GTI has filed an opposition and seeks discovery. Our clients have moved to intervene and dismiss.

All of that is moot if AMM prevails (which it should not). If AMM is correct (and it is not), there is no need for the Court to reach any of these issues. AMM's requested relief will moot all of GTI and MCP's claims. Therefore, the AMM matter should be consolidated and an orderly progression of issues can then occur. Any other approach is a waste of resources.

We suggest that the motion to intervene be the first order. If it is to be granted, proceeding with discovery while objecting to proposed intervenors' participation is prejudicial.

Further, the State and intervenors oppose all discovery. The State does so on procedural grounds and intervenors on substantive ones. That should be the second in priority.

We believe that MCP and GTI have submitted conflicting positions. GTI seeks discovery and MCP apparently prefers an evidentiary hearing forthwith. That should be resolved.

Please let us know immediately if you concur in our view that we have made good faith effort to resolve all of the scheduling issues and that the parties are not able to reach agreement, so that we may promptly notify the Court of our proposed request as a supplement to the motion to intervene.

Thank you.

MICHAEL D. BERMAN
Rifkin Weiner Livingston, LLC
2002 Clipper Park Road, Suite 108
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PLEASE NOTE NEW EMAIL ADDRESS OF mberman@rwlls.com

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Exhibit C

From: Philip M. Andrews [mailto:pandrews@kg-law.com]
Sent: Wednesday, January 04, 2017 9:08 AM
To: Michael Berman <MBerman@rwlls.com>
Subject: RE: GTI v MMCC

Mike,

Your assumption is correct.

Would be happy to talk today, but am in Annapolis this morning for meetings, so best for me probably is 2:30 or thereafter.

Phil

Philip M. Andrews
Kramon & Graham, P.A.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Michael Berman <MBerman@rwlls.com>
Date: 1/4/17 8:30 AM (GMT-05:00)
To: "Philip M. Andrews" <pandrews@kg-law.com>
Subject: RE: GTI v MMCC

Thanks – I am assuming that the opposition to intervention subsumes opposition to our request for a stay and to stay discovery.

On another topic, do you have time to talk today? Would 9:30 work?

From: Philip M. Andrews [mailto:pandrews@kg-law.com]
Sent: Tuesday, January 03, 2017 6:54 PM
To: Michael Berman <MBerman@rwlls.com>
Subject: RE: GTI v MMCC

Mike-

Sorry that we didn't connect when you called earlier today – I was in a meeting – and when I tried to return your call I was directed to your voicemail, which reported that your mailbox was full and not accepting messages.

In any event, as I trust you have gathered from my letter of today's date to Judge Pierson, GTI does not consent to intervention.

I will be in meetings out of the office tomorrow morning, but if you would like talk tomorrow afternoon or later in the week, please give me a call.

Phil

Philip M. Andrews
www.philandrewslaw.com
D 410-347-7427 | F 410-361-8201
pandrews@kg-law.com | vCard

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From: Michael Berman [mailto:MBerman@rwlls.com]
Sent: Thursday, December 29, 2016 3:36 PM
To: Philip M. Andrews <pandrews@kg-law.com>
Subject: GTI v MMCC

Phil - we intend to file a motion to intervene tomorrow as defendants on behalf of certain grower awardees. We ask that you consent to intervention. Thank you for your consideration.

MICHAEL D. BERMAN
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RWL || **RIFKIN WEINER**
LIVINGSTON LLC
ATTORNEYS AT LAW

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Exhibit D

From: Michael Berman
Sent: Monday, January 09, 2017 5:02 PM
To: 'Philip M. Andrews' <pandrews@kg-law.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Malick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

My clients' rights and interests are plainly prejudiced by your refusal to consent. All rights, claims, actions and defenses are expressly reserved.

From: Philip M. Andrews [<mailto:pandrews@kg-law.com>]
Sent: Monday, January 09, 2017 4:31 PM
To: Michael Berman <MBerman@rwlls.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Malick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

Mike,

While the Guidelines are not binding, the Preamble points out that they "may be of significant value in interpreting and applying Title 2, Chapter 400 of the Maryland Rules." My experience is that courts typically use the Guidelines for that purpose, and the Court of Appeals certainly has made clear what it believes the "Permitted Attendance" list should be for a deposition. In any event, GTI *does not* agree to your clients and/or their counsel attending Ms. Miran's deposition tomorrow, for the reasons set forth herein and in my earlier email below.

Phil

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From: Michael Berman [mailto:MBerman@rwlls.com]
Sent: Monday, January 9, 2017 4:08 PM
To: Philip M. Andrews <pandrews@kg-law.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Malick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

Thank you. The Guidelines are non-binding, generic, and do not fit every case – they certainly do not fit the procedural posture of this one. Further, the Guidelines state “unless the parties agree. . . .”

Please let me know if GTI will agree. As you are aware, briefing of relevant motions is ongoing. It is prejudicial to require the proposed intervenors to do so when, inter alia, we cannot attend and a transcript will not be available for us to review.

Obviously, if you deny permission, we cannot attend and we will reluctantly respect your wishes, while reserving all rights.

MICHAEL D. BERMAN
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PLEASE NOTE NEW EMAIL ADDRESS OF mberman@rwlls.com

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From: Philip M. Andrews [mailto:pandrews@kg-law.com]
Sent: Monday, January 09, 2017 3:47 PM
To: Michael Berman <MBerman@rwlls.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Malick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

Mike,

I invite your attention to Maryland State Bar Association Discovery Guideline 9(j), which provides that, unless the parties agree or the court orders otherwise, "the only persons allowed to attend a deposition are the officer before whom the deposition is taken, an individual acting under the direction and in the presence of the officer, the parties, including one representative of a party other than an individual, the parties' attorneys, a non-attorney member of the attorney's staff needed to assist in the representation, the witness, the attorney for the witness and an expert witness expected to testify on the subject matter of the deposition."

Under Guideline 9(j) – the text of which will become new Maryland Rule 2-413.1 ("Permitted Attendance") in less than three months— neither the Proposed Intervenors nor their counsel are within the list of persons allowed to attend Ms. Miran's 10:00 AM deposition tomorrow. As such, your clients (and/or you) have no more right than any other member of the general public to enter upon the private premises where the deposition has been noted and will take place, in accordance with the scheduling arrangements agreed to last month by the actual parties to this litigation and the deponent and her counsel. Your clients' status as "proposed" intervenors does not change that circumstance, particularly where, as here, GTI, the party noting the deposition, objects to the proposed intervention and does not agree to disregard Guideline 9(j).

I trust you understand and will respect the foregoing.

Phil

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From: Michael Berman [mailto:MBerman@rwlls.com]
Sent: Monday, January 9, 2017 12:46 PM
To: Christopher C. Jeffries <CJeffries@kg-law.com>; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Louis P. Malick <lmalick@kg-law.com>; Philip M. Andrews <pandrews@kg-law.com>; Robert D. McCray <robert.mccray@maryland.gov>; Sheila R. Gibbs <SGibbs@kg-law.com>
Cc: sfedder@mdcounsel.com
Subject: GTI v. MMCC

Please be advised that the proposed intervenors, Jane and John Doe and the Grower Awardees, will attend the deposition of former Commissioner Miran, currently noted for January 10, at 12 noon, in the offices of Kramon & Graham. Attendance is without prejudice to, and fully reserving, our position that this is an on-the-record judicial review of an administrative agency action, and that no discovery is permitted or proper.

MICHAEL D. BERMAN
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PLEASE NOTE NEW EMAIL ADDRESS OF mberman@rwlls.com

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ALTERNATIVE MEDICINE	*	IN THE
MARYLAND, LLC	*	
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
NATALIE M. LAPRADE	*	BALTIMORE CITY
MARYLAND MEDICAL	*	
CANNABIS COMMISSION	*	Case No.: 24-C-16-005801
<i>Et al.</i>	*	
Defendants	*	

* * * * *

OPPOSITION TO MOTION TO INTERVENE, MEMORANDUM OF LAW, AND REQUEST FOR HEARING

Plaintiff Alternative Medicine Maryland, LLC (“AMM”), by its attorneys, John A. Pica, Jr., John Pica and Associates, LLC and Byron L. Warnken and Byron B. Warnken, Warnken, LLC, files this Opposition to Motion to Intervene, Memorandum of Law, and Request for Hearing, pursuant to Md. Rules 2-214, 2-311.

1. In this case, AMM, who applied for a medical cannabis grower license, filed a Complaint for declaratory and injunctive relief challenging the Maryland Medical Cannabis Commission’s scheme for granting medical cannabis grower licenses. AMM alleged that the Commission (1) failed to implement a vital statutory mandate to actively seek to achieve racial and ethnic diversity when licensing medical cannabis growers; (2) unconstitutionally discriminated against applicants owned by out-of-state residents; and (3) created an arbitrary, capricious, and unreasonable system for ensuring applicants were adequately capitalized.

2. AMM served discovery requests on the Commission soon after serving its Complaint. The Commission filed a Motion to Dismiss, or in the Alternative, Motion for Summary Judgment. AMM filed an Opposition to that Motion and an expert witness designation. The Commission has not provided a written response to AMM’s discovery requests. A hearing is not yet scheduled on AMM’s request for a preliminary injunction or the Commission’s Motion.

3. The Proposed Intervening Defendants (“Proposed Intervenors”) seek to intervene in AMM’s case and in *GTI Maryland, LLC, et al. v. Natalie M. Laprade Maryland Medical Cannabis Commission, et al.*, Case No. 24-C-16-005134, and to consolidate the cases. GTI filed a

complaint for declaratory and injunctive relief against the Commission about a month before AMM filed suit. In GTI's case, GTI served discovery requests on the Commission, and the Commission moved for a protective order. The Commission filed a Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, and GTI filed an Opposition. A hearing is scheduled on January 13, 2016.

4. AMM and GTI raise different challenges to the Commission's licensing process and ask for different relief. GTI raises a fact-specific challenge to the way in which the Commission removed GTI from the list of growers pre-approved for a license and replaced it with a lower-ranked applicant. GTI alleges it was preliminarily ranked in the top fifteen applicants who were to receive pre-approval for a license. Then, the Commission convened a meeting and, purportedly to promote geographic diversity, removed GTI from the pre-approval list, and replaced GTI with an applicant initially not ranked in the top fifteen.

5. GTI seeks (1) a declaration that the Commission arbitrarily and capriciously removed it from the pre-approval group; and (2) a mandatory injunction ordering the Commission to grant GTI Stage 1 pre-approval.

6. In contrast, AMM challenges the Commission's policies and practices concerning actively seeking to achieve racial diversity, residency discrimination, and ensuring that applicants were adequately capitalized. AMM is not challenging the way in which the Commission evaluated AMM's application vis-à-vis another particular applicant(s). AMM seeks (1) a preliminary injunction preventing the Commission from finalizing the first fifteen grower licenses; (2) a declaration that the Commission acted illegally, arbitrarily, capriciously, or unreasonably; and (3) a permanent injunction preventing the Commission from issuing the first fifteen grower licenses until it alleviates the deficiencies in its licensing scheme.

I. None of the interests asserted by the Proposed Intervenors warrants intervention.

A. Granting AMM the relief it seeks does not impair or impede the growers' ability to obtain a license.

7. Md. Rule 2-214(a) permits intervention-of-right only when the "disposition of the action may as a practical matter impair or impede the ability to protect [the growers'] interest."

8. The Proposed Intervenors have failed to demonstrate that their interest in a license will be impaired or impeded if the Commission is required to re-evaluate Stage 1 of the grower licensing process in a constitutional, reasonable, and legislatively mandated way.

9. In *Maryland National Capital Park & Planning Commission v. Town of*

Washington Grove, 408 Md. 37 (2009), the Court of Appeals stated:

[W]hether the applicant for intervention has an interest which it is essential to protect may be equated with the requirement . . . that he is or may be bound by a judgment in the action. It is not enough for a person seeking intervention to base its motion on concern that some future action in the proceedings may affect its interests adversely. Seeking intervention on such a basis is “merely speculative and affords no present basis upon which to become a party to the proceedings.

Id. at 75 (internal citations and quotations omitted); *accord Duckworth v. Deane*, 303 Md. 524, 539 (2006) (The disposition of the action must directly impact upon the applicant's interest; concerns [which] are indirect, remote, and speculative are insufficient.”) (internal quotations omitted).

10. Because AMM raises straightforward challenges to the Commission’s actions, the only party bound by the judgment in this case is the Commission. The pre-approved growers will neither assume legal obligations nor lose legal rights. None of their property interests in a current pre-approval or future license will be irrevocably governed by the judgment in this case.

11. Assuming AMM obtains all of the relief it seeks, the Commission will revisit the licensing process having taken the steps necessary to constitutionally comply with its governing statute. The Proposed Intervenor will still be in the running for a license. They will lack the certainty they have now, which is why they want their voices heard. However, wanting to have your voice heard and having standing to intervene in another’s litigation are not the same thing. There is no indication that they will be worst off or ranked lower than they were at the end of the first Stage 1 pre-approval process. Simply, the process will be delayed, but nothing in the process will foreseeably change to the detriment of the pre-approved growers.

12. Of course, AMM wants a grower license and believes it will obtain a license if the Commission is ordered to take corrective action. Nonetheless, there’s nothing about the relief AMM seeks from the Court that impairs or impedes any one of the four Proposed Intervenor/pre-approved growers’ ability to also obtain a license.

13. The Proposed Intervenor has another “opportunity or forum to oppose or otherwise resolve” its claim to entitlement to a license. *Town of Washington Grove*, 408 Md. at 102. All actions relevant to whether each party is entitled to a license vis-à-vis each other should and will occur at the Commission, not in this Court. This Court has the power to order the Commission to comply with statute but will not “hand out licenses.”

14. The Proposed Intervenors reveal that their interest in AMM's case is not to add meaningfully to its resolution, but merely to "expedit[e]" it. Mot. to Intervene ¶ 6.

15. The Proposed Intervenors devote most of their Motion to describing the effort and resources spent in applying for a license and preparing for Stage 2 approval. Of course, AMM invested the same effort and resources applying for a license. The Proposed Intervenors complain about the costs of compliance and potential delay. They are much less clear about how the disposition of AMM's case will actually impair or impede their ability to protect their interests. The growers should anticipate, and be expected to bear, that one or more legitimate legal challenges to the Commission's decisions are an expected cost of doing business with the State.

16. Delay has no relevance to intervention or the ultimate disposition of AMM's lawsuit. The Proposed Intervenors repeatedly cite the need to "expedite" the delivery of medical cannabis. Mem. In Support of Mot. to Intervene 3, 7, 29. However, neither the General Assembly nor the Commission has indicated an intent to expedite, and expediency should not be the chief consideration in developing a new form of medicine or establishing a significant new industry in the State. The General Assembly has enumerated the chief considerations in licensing growers in the Commission's enabling legislation, and AMM seeks to uphold a key consideration regarding diversity.

17. The Proposed Intervenors denigrate the need to comply with the legislative diversity mandate, a command it implies may be thrown aside in the name of expediency. They presumably would not raise similar expediency concerns if delays were caused as a result of safety or medical concerns. Thus, they essentially question the wisdom of the legislature's diversity mandate.

18. They also overstate the relevance of the requirement in COMAR 10.62.08.06 that growers be operational within one year of being approved. They fail to consider that the timeline for commencing operations will shift accordingly if the Stage 1 process is redone properly. Moreover, no potential growers have sought to take the ultimate step of turning their pre-approvals into Stage 2 licenses and, as such, even if expediency were a legitimate reason for intervention, there is no prejudice to any potential grower currently, and not likely to be for many months.

B. Potential patients who want to intervene have a contingent, remote interest in the case.

19. The Proposed Intervenors also want potential medical cannabis patients to participate in the suit. They have no more than a contingent interest in the case. Medical cannabis

can only be dispensed by a qualifying physician to a qualifying patient. COMAR 10.62.03-.04. The Proposed Intervenors merely claim that they believe that the proposed patients will one day be able to benefit from medical cannabis. Under Rule 2-214(a), the patients have no interest in the “property or transaction” involved in this case because they have no claim or interest in grower licenses.

20. The Proposed Intervenors also erroneously state that the potential patients have a right to immediate access to medical cannabis. There is simply no legislative or regulatory timeframe in which medical cannabis must be made available to patients. The public interest weighs in favor of growing, processing, and dispensing a new form of medicine proceed with care and caution. To suggest that Marylanders are desperately in need of medical cannabis insinuates that the whole of the medical community is not treating these patients.

C. The Coalition for Patient Medicinal Access, LLC, does not have a sufficient interest to warrant intervention.

21. The Proposed Intervenors also want an advocacy group, legally formed on December 22, 2016 with a principle place of business of the Proposed Intervenors’ Counsel, to participate in the lawsuit. The Proposed Intervenors state that the Coalition was “formed for the purpose of advocating for patient rights and prompt access to medical cannabis, and advocating for, and advancing the interests of, [the growers].” Mot. to Intervene ¶ 5.

22. Wanting to advocate is not an interest sufficient for intervention. The Proposed Intervenors make no attempt to demonstrate either a concrete interest of the Coalition, or how the disposition of this action has any effect on the Coalition.

23. Moreover, the Coalition appears to be advocating for cross-purposes. There is an irreconcilable difference between advocating on one hand for patient rights, and advocating on the other hand for the proposed growers’ financial interests.

II. The Commission adequately represents all of the Proposed Intervenors’ interests.

24. The Proposed Intervenors bear the burden of demonstrating that they satisfy each element for intervention-of-right under Rule 2-214(a). The Proposed Intervenors have not clearly stated that the Commission’s position in the case fails to adequately represent the potential growers or the potential patients. To the contrary, the Proposed Intervenors actually copy and paste the Commission’s argument to support its own. Mem. in Support of Mot. to Intervene 4.

25. The Commission has steadfastly challenged AMM, and it adequately represents the interests of both the pre-approved growers and the potential patients. The Proposed Intervenors

have nothing to add to this lawsuit because the basis for AMM's claims—how and why the Commission implemented several policies in its licensing scheme—is uniquely known to the Commission. The Proposed Intervenors are actually less able to argue the merits of AMM's claims because they have no special expertise, and no access to the information and decisions that were before the Commission.

26. The Commission's advocacy in AMM's case thus far makes it apparent that the Commission seeks the same relief that the Proposed Intervenors seek, and has similar motive and opportunity. *See John B. Parsons Home, LLC v. John B. Parsons Found.*, 217 Md. App. 39, 65 (2014) (holding that the corporate parent of an existing party was not entitled to intervene because the existing party adequately represented its corporate parent's interests by conducting the day-to-day management of the property at issue, and if relief was granted to the existing party, it would naturally flow to the corporate parent).

27. It is clear that the Proposed Intervenors seek to weigh down this suit with procedural morass that not even the Commission believed was legitimate (as evidenced by capable counsel for the Commission not arguing), yet has nothing to add to the merits of the case. *See Duckworth*, 303 Md. at 545 (holding that legislators who were concerned about a case involving the constitutionality of Maryland's marriage statute were adequately represented by the Attorney General, and that because "there [was] utterly no merit in the [legislators'] jurisdictional argument, the Attorney General's refusal to make the argument furnishes no basis for intervention").

III. The Court should also deny permissive intervention because the Proposed Intervenors assert no claim or defense of their own, only claims or defenses that they believe the Commission should have raised.

28. The Proposed Intervenors barely mention permissive intervention under Rule 2-214(b), which permits intervention if their "claim or defense has a question of law or fact in common with the action."

29. The Proposed Intervenors have no claim or defense. They only assert arguments that they believe the Commission should have made. The Court would have no power to fashion any remedies or judgments binding against them. They have failed to meet their burden for invoking permissive intervention.

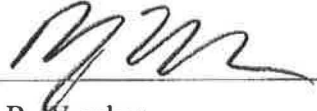
CONCLUSION & REQUEST FOR HEARING

WHEREFORE, AMM requests the Court:

1. GRANT a hearing on this motion and proposed intervention and,

2. DENY the Proposed Intervening Defendants' Motion to Intervene.

Respectfully submitted,



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John A. Pica, Jr.
John Pica and Associates, LLC
14 State Circle
Annapolis, MD 21401

*Attorneys for Plaintiff Alternative Medicine
Maryland, LLC*

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff

v.

NATALIE M. LAPRADE
MARYLAND MEDICAL
CANNABIS COMMISSION,
Et al.

Defendants

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No.: 24-C-16-005801

* * * * *

ORDER

Having considered the Motion to Intervene and the Plaintiff's Opposition thereto, it is
this ____ day of _____, HEREBY

ORDERED that the Motion to Intervene is DENIED.

Judge, Circuit Court for Baltimore City

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff

v.

NATALIE M. LAPRADE
MARYLAND MEDICAL
CANNABIS COMMISSION
Et al.

Defendants

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE CITY
*
* Case No.: 24-C-16-005801

* * * * *

CERTIFICATE OF SERVICE

I hereby certify that, on January 5, 2017, a copy of the foregoing Opposition to Proposed Intervening Defendant’s Motion to Intervene and Request for a Hearing was served by email and first-class mail, postage prepaid to:

Heather Nelson
Office of the Attorney General
300 W. Preston Street, Suite 302
Baltimore, MD 21201
Counsel for Existing Defendants

Arnold M. Weiner
Michael D. Berman
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Counsel for Proposed Intervening Defendants

Alan M. Rifkin
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225 Duke of Gloucester Street
Annapolis, MD 21401
ARifkin@rwlls.com
Counsel for Proposed Intervening Defendants



Byron B. Warnken

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

HEARING REQUESTED

2017 JAN 11 PM 2:15
COURT CLERK

**REPLY IN SUPPORT OF
MOTION TO INTERVENE, CONSOLIDATE, AND SPECIALLY ASSIGN**

Proposed intervening defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC (hereinafter “Proposed Intervenors” or “Movants”), by their attorneys, Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, in reply to the Opposition of Alternative Medicine Maryland, LLC, to intervention and consolidation, and in support of special assignment, state as follows:

I. INTRODUCTION – INTERVENTION IS GOVERNED BY RULE 2-214 AND WARRANTED HERE

Proposed Intervenors seek to intervene under Md. Rules 2-214(a) and (b). Plaintiff opposes Proposed Intervenors’ motion, to which Proposed Intervenors hereby reply.

By its express terms, the intervention rule is one of practicality, intended to allow persons to protect their rights and interests in pending actions. Intervention as of right is permitted “when the person claims an interest relating to the property or transaction that is the subject of the action, and the person is so situated that the disposition of the action may as a practical matter impair or impede the ability to protect that interest unless it is adequately represented by existing parties.” Md. Rule 2-214(a). Permissive intervention is proper when the proposed

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

Exhibit A

From: Michael Berman
Sent: Tuesday, January 10, 2017 10:20 AM
To: 'Byron Warnken' <byron@warnkenlaw.com>
Subject: RE: FW: AMM v. MMCC

Thank you for this courtesy. We view the discovery requests as relevant to the pending motion and would greatly appreciate a copy – they are not available from the Court record.

From: byron717@gmail.com [<mailto:byron717@gmail.com>] **On Behalf Of** Byron Warnken
Sent: Tuesday, January 10, 2017 10:01 AM
To: Michael Berman <MBerman@rwlls.com>
Subject: Re: FW: AMM v. MMCC

Our opposition and expert ID are attached. I will send discovery if and when intervention is granted. Thanks, BBW

On Mon, Jan 9, 2017 at 3:14 PM, Michael Berman <MBerman@rwlls.com> wrote:

Additionally, I note that you have filed an Opposition to MMCC's motion and an expert witness designation. I would also appreciate copies of those.

From: Michael Berman
Sent: Monday, January 09, 2017 3:02 PM
To: 'Byron Warnken' <byron@warnkenlaw.com>
Subject: AMM v. MMCC

The Court docket reflects a notice of service of discovery. I would appreciate it if you would send me a copy of the discovery requests that you have filed. Thanks.

MICHAEL D. BERMAN

Rifkin Weiner Livingston, LLC

2002 Clipper Park Road, Suite 108

Baltimore, MD 21211

Cell Phone: [410-206-5049](tel:410-206-5049)

www.esi-mediation.com



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--

Byron B. Warnken, Esq.

byron@warnkenlaw.com

443-921-1100

www.warnkenlaw.com

Exhibit B

From: Michael Berman
Sent: Monday, January 09, 2017 5:02 PM
To: 'Philip M. Andrews' <pandrews@kg-law.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Mallick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

My clients' rights and interests are plainly prejudiced by your refusal to consent. All rights, claims, actions and defenses are expressly reserved.

From: Phillip M. Andrews [<mailto:pandrews@kg-law.com>]
Sent: Monday, January 09, 2017 4:31 PM
To: Michael Berman <MBerman@rwlls.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Mallick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

Mike,

While the Guidelines are not binding, the Preamble points out that they "may be of significant value in interpreting and applying Title 2, Chapter 400 of the Maryland Rules." My experience is that courts typically use the Guidelines for that purpose, and the Court of Appeals certainly has made clear what it believes the "Permitted Attendance" list should be for a deposition. In any event, GTI does *not* agree to your clients and/or their counsel attending Ms. Miran's deposition tomorrow, for the reasons set forth herein and in my earlier email below.

Phil

Phillip M. Andrews
www.phllandrewslaw.com
D 410-347-7427 | F 410-361-8201
pandrews@kg-law.com | vCard

KRAMON & GRAHAM PA
ATTORNEYS AT LAW

One South Street | Suite 2600 | Baltimore, MD 21202
T 410-752-6030 | F 410-539-1269 | www.kramonandgraham.com

From: Michael Berman [<mailto:MBerman@rwlls.com>]
Sent: Monday, January 9, 2017 4:08 PM
To: Philip M. Andrews <pandrews@kg-law.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Malick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

Thank you. The Guidelines are non-binding, generic, and do not fit every case – they certainly do not fit the procedural posture of this one. Further, the Guidelines state “unless the parties agree. . . .”

Please let me know if GTI will agree. As you are aware, briefing of relevant motions is ongoing. It is prejudicial to require the proposed intervenors to do so when, inter alia, we cannot attend and a transcript will not be available for us to review.

Obviously, if you deny permission, we cannot attend and we will reluctantly respect your wishes, while reserving all rights.

MICHAEL D. BERMAN
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Cell Phone: 410-206-5049
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PLEASE NOTE NEW EMAIL ADDRESS OF mberman@rwlls.com

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From: Philip M. Andrews [<mailto:pandrews@kg-law.com>]
Sent: Monday, January 09, 2017 3:47 PM
To: Michael Berman <MBerman@rwlls.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Malick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

Mike,

I invite your attention to Maryland State Bar Association Discovery Guideline 9(j), which provides that, unless the parties agree or the court orders otherwise, "the only persons allowed to attend a deposition are the officer before whom the deposition is taken, an individual acting under the direction and in the presence of the officer, the parties, including one representative of a party other than an individual, the parties' attorneys, a non-attorney member of the attorney's staff needed to assist in the representation, the witness, the attorney for the witness and an expert witness expected to testify on the subject matter of the deposition."

Under Guideline 9(j) – the text of which will become new Maryland Rule 2-413.1 ("Permitted Attendance") in less than three months— neither the Proposed intervenors nor their counsel are within the list of persons allowed to attend Ms. Miran's 10:00 AM deposition tomorrow. As such, your clients (and/or you) have no more right than any other member of the general public to enter upon the private premises where the deposition has been noted and will take place, in accordance with the scheduling arrangements agreed to last month by the actual parties to this litigation and the deponent and her counsel. Your clients' status as "proposed" intervenors does not change that circumstance, particularly where, as here, GTI, the party noting the deposition, objects to the proposed intervention and does not agree to disregard Guideline 9(j).

I trust you understand and will respect the foregoing.

Phil

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From: Michael Berman [<mailto:MBerman@rwlls.com>]
Sent: Monday, January 9, 2017 12:46 PM
To: Christopher C. Jeffries <CJeffries@kg-law.com>; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Louis P. Malick <lmalick@kg-law.com>; Phillip M. Andrews <pandrews@kg-law.com>; Robert D. McCray <robert.mccray@maryland.gov>; Sheila R. Gibbs <SGibbs@kg-law.com>
Cc: sfedder@mdcounsel.com
Subject: GTI v. MMCC

Please be advised that the proposed intervenors, Jane and John Doe and the Grower Awardees, will attend the deposition of former Commissioner Miran, currently noted for January 10, at 12 noon, in the offices of Kramon & Graham. Attendance is without prejudice to, and fully reserving, our position that this is an on-the-record judicial review of an administrative agency action, and that no discovery is permitted or proper.

MICHAEL D. BERMAN
Rifkin Weiner Livingston, LLC
2002 Clipper Park Road, Suite 108
Baltimore, MD 21211
Cell Phone: 410-206-5049
www.esi-mediation.com

PLEASE NOTE NEW EMAIL ADDRESS OF mberman@rwlls.com

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ALTERNATIVE MEDICINE

* IN THE

MARYLAND, LLC,

*

Plaintiff

* CIRCUIT COURT

v.

* FOR

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

* BALTIMORE CITY

* Case No.: 24-C-16-005801

Defendants

*

* * * * *

ORDER

On December 30, 2016, Proposed Intervening Defendants, John and Jane Doe, the Coalition for Patient Medical Access, LLC, Curio Cultivation, LLC, ForwardGro, LLC, Doctors Orders Maryland, LLC, and SunMed Growers, LLC, filed a Motion to Consolidate the above captioned case with GTI Maryland, LLC, *et al.*, v. Natalie M. Laprade Maryland Medical Cannabis Commission, *et al.*, Case No. 24-C-16-005134 (Pleading No. 26). On January 3, 2017, Proposed Intervening Defendants re-filed this same motion with minor edits and the inclusion of a red-lined version (Pleading No. 40). Defendant Natalie M. Laprade Maryland Medical Cannabis Commission filed a timely initial response (Pleading No. 26/1).

~~The Court denied Proposed Intervening Defendants' Motion to Intervene in this case in open court at a motions hearing held on February 21, 2017. Proposed Intervening Defendants are not parties in this case and therefore the Court finds that Proposed Intervening Defendants' Motion to Consolidate is denied as moot. Even if the motion was not moot, the court finds that the above cases should not be consolidated for the reasons stated on the record.~~

Therefore, it is this 21st day of February, 2017;

ORDERED, that the Proposed Intervening Defendants' Motion to Consolidate (Pleading No. 26 and 40) is hereby **DENIED**.

The Judge's signature appears
on the original document.
Judge Barry

TRUE COPY
TEST

Marilyn Bentley

MARILYN BENTLEY, CLERK

Distribution List:

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ALTERNATIVE MEDICINE

* IN THE

MARYLAND, LLC,

*

Plaintiff

* CIRCUIT COURT

v.

* FOR

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.,

* BALTIMORE CITY

* Case No.: 24-C-16-005801

Defendants

*

* * * * *

ORDER

On December 30, 2016, Proposed Intervening Defendants, John and Jane Doe, the Coalition for Patient Medical Access, LLC, Curio Cultivation, LLC, ForwardGro, LLC, Doctors Orders Maryland, LLC, and SunMed Growers, LLC, filed a Motion to Dismiss the above captioned case (Pleading No. 27). On January 3, 2017, Proposed Intervening Defendants re-filed this same motion with minor edits and the inclusion of a red-lined version (Pleading No. 39). Defendants Natalie M. Laprade Maryland Medical Cannabis Commission, *et al.*, filed a timely initial response (Pleading No. 27/2).

The Court denied Proposed Intervening Defendants' Motion to Intervene in this case in open court at a motions hearing held on February 21, 2017. Noting that the Proposed Intervening Defendants are not parties in this case, it is this 21st day of February, 2017;

ORDERED, that the Proposed Intervening Defendants' Motion to Dismiss (Pleading No. 27 and 39) is hereby **DENIED** as moot.

The Judge's signature appears on the original document.

TRUE COPY
Judge Barry G. Williams
TEST

MARILYN BENTLEY, CLERK

Distribution List:

Attorneys for Plaintiff Alternative Medicine Maryland, LLC:

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Tel: (410) 767-7546

Attorneys for Proposed Intervening Defendants, Jane and John Doe, the Coalition for Patient Medical Access, LLC, Curio Cultivation, LLC, ForwardGro LLC, Doctors Orders Maryland, LLC, and SunMed Grower, LLC:

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ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

HEARING REQUESTED

2017 JAN 11 PM 2:45
CIVIL DIVISION

**REPLY IN SUPPORT OF
MOTION TO INTERVENE, CONSOLIDATE, AND SPECIALLY ASSIGN**

Proposed intervening defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC (hereinafter "Proposed Intervenors" or "Movants"), by their attorneys, Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, in reply to the Opposition of Alternative Medicine Maryland, LLC, to intervention and consolidation, and in support of special assignment, state as follows:

I. INTRODUCTION – INTERVENTION IS GOVERNED BY RULE 2-214 AND WARRANTED HERE

Proposed Intervenors seek to intervene under Md. Rules 2-214(a) and (b). Plaintiff opposes Proposed Intervenors' motion, to which Proposed Intervenors hereby reply.

By its express terms, the intervention rule is one of practicality, intended to allow persons to protect their rights and interests in pending actions. Intervention as of right is permitted "when the person claims an interest relating to the property or transaction that is the subject of the action, and the person is so situated that the disposition of the action may as a practical matter impair or impede the ability to protect that interest unless it is adequately represented by existing parties." Md. Rule 2-214(a). Permissive intervention is proper when the proposed

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

VI. CONCLUSION


The State has correctly asserted that the intervenors are necessary parties. Their rights are being decided in this action. They should be permitted to intervene. This action should be consolidated with the companion case that it markedly overlaps.

Wherefore, proposed intervening defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, request that this Court grant their motion to intervene and specially assign this action, and for such other and further relief as may be necessary or proper.

REQUEST FOR HEARING

Proposed intervenors request a hearing on their motion to intervene and on this reply in support thereof.

RESPECTFULLY SUBMITTED,

 Michael D. Berman VEM

Arnold M. Weiner
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(410) 269-1235 Facsimile

Counsel for Proposed Intervening Defendants

Exhibit A

From: Michael Berman
Sent: Tuesday, January 10, 2017 10:20 AM
To: 'Byron Warnken' <byron@warnkenlaw.com>
Subject: RE: FW: AMM v. MMCC

Thank you for this courtesy. We view the discovery requests as relevant to the pending motion and would greatly appreciate a copy – they are not available from the Court record.

From: byron717@gmail.com [<mailto:byron717@gmail.com>] **On Behalf Of** Byron Warnken
Sent: Tuesday, January 10, 2017 10:01 AM
To: Michael Berman <MBerman@rwlls.com>
Subject: Re: FW: AMM v. MMCC

Our opposition and expert ID are attached. I will send discovery if and when intervention is granted. Thanks, BBW

On Mon, Jan 9, 2017 at 3:14 PM, Michael Berman <MBerman@rwlls.com> wrote:

Additionally, I note that you have filed an Opposition to MMCC's motion and an expert witness designation. I would also appreciate copies of those.

From: Michael Berman
Sent: Monday, January 09, 2017 3:02 PM
To: 'Byron Warnken' <byron@warnkenlaw.com>
Subject: AMM v. MMCC

The Court docket reflects a notice of service of discovery. I would appreciate it if you would send me a copy of the discovery requests that you have filed. Thanks.

MICHAEL D. BERMAN

Rifkin Weiner Livingston, LLC

2002 Clipper Park Road, Suite 108

Baltimore, MD 21211

Cell Phone: 410-206-5049

www.esi-mediation.com



PLEASE NOTE NEW EMAIL ADDRESS OF mberman@rwlls.com

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--

Byron B. Warnken, Esq.

byron@warnkenlaw.com

443-921-1100

www.warnkenlaw.com

Exhibit B

From: Michael Berman
Sent: Monday, January 09, 2017 5:02 PM
To: 'Philip M. Andrews' <pandrews@kg-law.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Mallick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

My clients' rights and interests are plainly prejudiced by your refusal to consent. All rights, claims, actions and defenses are expressly reserved.

From: Philip M. Andrews [<mailto:pandrews@kg-law.com>]
Sent: Monday, January 09, 2017 4:31 PM
To: Michael Berman <MBerman@rwlls.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Mallick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

Mike,

While the Guidelines are not binding, the Preamble points out that they "may be of significant value in interpreting and applying Title 2, Chapter 400 of the Maryland Rules." My experience is that courts typically use the Guidelines for that purpose, and the Court of Appeals certainly has made clear what it believes the "Permitted Attendance" list should be for a deposition. In any event, GTI does *not* agree to your clients and/or their counsel attending Ms. Miran's deposition tomorrow, for the reasons set forth herein and in my earlier email below.

Phil

Philip M. Andrews
www.philandrewslaw.com
D 410-347-7427 | F 410-361-8201
pandrews@kg-law.com | vCard

KRAMON & GRAHAM PA
ATTORNEYS AT LAW

One South Street | Suite 2600 | Baltimore, MD 21202
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From: Michael Berman [<mailto:MBerman@rwlls.com>]
Sent: Monday, January 9, 2017 4:08 PM
To: Philip M. Andrews <pandrews@kg-law.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Malick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

Thank you. The Guidelines are non-binding, generic, and do not fit every case – they certainly do not fit the procedural posture of this one. Further, the Guidelines state “unless the parties agree. . . .”

Please let me know if GTI will agree. As you are aware, briefing of relevant motions is ongoing. It is prejudicial to require the proposed intervenors to do so when, inter alia, we cannot attend and a transcript will not be available for us to review.

Obviously, if you deny permission, we cannot attend and we will reluctantly respect your wishes, while reserving all rights.

MICHAEL D. BERMAN
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2002 Clipper Park Road, Suite 108
Baltimore, MD 21211
Cell Phone: 410-206-5049
www.esi-mediation.com



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To: Michael Berman <MBerman@rwlls.com>
Cc: sfedder@mdcounsel.com; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>; 'Alfred F. Belcuore' <Alfred.Belcuore@belcuorelaw.com>; Edward Weidenfeld <edward@weidenfeldlaw.com>; Christopher C. Jeffries <CJeffries@kg-law.com>; Louis P. Malick <lmalick@kg-law.com>
Subject: RE: GTI v. MMCC

Mike,

I invite your attention to Maryland State Bar Association Discovery Guideline 9(j), which provides that, unless the parties agree or the court orders otherwise, "the only persons allowed to attend a deposition are the officer before whom the deposition is taken, an individual acting under the direction and in the presence of the officer, the parties, including one representative of a party other than an individual, the parties' attorneys, a non-attorney member of the attorney's staff needed to assist in the representation, the witness, the attorney for the witness and an expert witness expected to testify on the subject matter of the deposition."

Under Guideline 9(j) – the text of which will become new Maryland Rule 2-413.1 ("Permitted Attendance") in less than three months— neither the Proposed Intervenors nor their counsel are within the list of persons allowed to attend Ms. Miran's 10:00 AM deposition tomorrow. As such, your clients (and/or you) have no more right than any other member of the general public to enter upon the private premises where the deposition has been noted and will take place, in accordance with the scheduling arrangements agreed to last month by the actual parties to this litigation and the deponent and her counsel. Your clients' status as "proposed" intervenors does not change that circumstance, particularly where, as here, GTI, the party noting the deposition, objects to the proposed intervention and does not agree to disregard Guideline 9(j).

I trust you understand and will respect the foregoing.

Phil

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From: Michael Berman [mailto:MBerman@rwlls.com]
Sent: Monday, January 9, 2017 12:46 PM
To: Christopher C. Jeffries <CJeffries@kg-law.com>; Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Louis P. Malick <lmalick@kg-law.com>; Philip M. Andrews <pandrews@kg-law.com>; Robert D. McCray <robert.mccray@maryland.gov>; Sheila R. Gibbs <SGibbs@kg-law.com>
Cc: sfedder@mdcounsel.com
Subject: GTI v. MMCC

Please be advised that the proposed intervenors, Jane and John Doe and the Grower Awardees, will attend the deposition of former Commissioner Miran, currently noted for January 10, at 12 noon, in the offices of Kramon & Graham. Attendance is without prejudice to, and fully reserving, our position that this is an on-the-record judicial review of an administrative agency action, and that no discovery is permitted or proper.

MICHAEL D. BERMAN
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ALTERNATIVE MEDICINE MARYLAND,
LLC

Plaintiff

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION, *et al.*

Defendants

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No.: 24-C-16-005801

NOTICE OF SERVICE

I HEREBY CERTIFY, that on this 5th day of January 2017, Plaintiff propounded its "Second Set of Requests for Production of Documents" to Defendant Natalie M. Laprade Maryland Medical Cannabis Commission. Same was sent via United States mail, postage pre-paid to:

Heather Nelson, Esq.
Officer of the Attorney General
300 W. Preston Street, Suite 302
Baltimore, MD 21201
Attorney for Natalie M. Laprade Maryland Medical Cannabis Commission

Respectfully submitted,

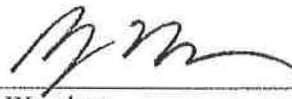


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Facsimile: (443) 921-1111
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on January 5, 2017, a copy of the foregoing Notice of Service was served by email and first-class mail, postage prepaid to:

Heather Nelson, Esquire
Office of the Attorney General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201



Byron B. Warnken

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N., *et al.*,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR BALTIMORE CITY
* Case No. 24-C-16-005134
* **HEARING REQUESTED**

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N., *et al.*,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR BALTIMORE CITY
* Case No. 24-C-16-005801
* **HEARING REQUESTED**

* * * * *

MOTION TO INTERVENE

Holistic Industries, LLC, by and through counsel, Bruce L. Marcus, Esq., Sydney M. Patterson, Esq., and MarcusBonsib, LLC, and Gary R. Jones, Esq., Danielle M. Vranian, Esq, and Baxter, Baker, Sidle, Conn & Jones, P.A, hereby file this Motion to Intervene and accompanying Memorandum pursuant to Maryland Rule 2-214, and in support thereof states as follows:

1. On September 19, 2016, GTI Maryland, LLC filed its Complaint against the Natalie M. LaPrade Maryland Medical Cannabis Commission, the Maryland Department of Health and Mental Hygiene, and the individual Commissioners of the Natalie M. LaPrade Medical Cannabis Commission.

2. On September 27, 2016, Maryland Cultivation and Processing, LLC (“MCP”) moved to intervene as a plaintiff in the GTI action. On November 2, 2016, MCP’s Motion to Intervene was granted.

3. On October 7, 2016, GTI filed its First Amended Complaint and on October 21, 2016 it filed its Second Amended Complaint.

4. On October 31, 2016, a separate Complaint was filed by Alternative Medicine Maryland, LLC (“AMM”) against the Natalie M. LaPrade Maryland Medical Cannabis Commission, the Maryland Department of Health and Mental Hygiene, and the individual Commissioners of the Natalie M. LaPrade Medical Cannabis Commission.

5. Proposed Intervenor Holistic Industries, LLC (“Holistic”) is a Stage 1 awardee of a Medical Cannabis Grower License and is preparing to be fully qualified for a Stage 2 award.

6. Until recently, none of the allegations set forth in the operative pleadings in the above-captioned matters were directed at or pointed to the specific licensure awarded to Holistic.

7. However, on January 9, 2017, Plaintiff MCP filed its Motion for Preliminary Injunction (DE 62) in the GTI action requesting that the Court “freeze the ‘status quo’ . . . to assure that MCP’s rightful place within the top 15 is preserved.” Pl. MCP’s Mot. for Prelim. Injunction 2. In its effort to “freeze the status quo,” MCP directly targets the award of the Pre-Approval for the Medical Cannabis Grower License to Holistic.

8. Holistic has a direct property interest in these actions and its property rights will be impaired or impeded by these actions if it is not permitted to intervene.

9. Failure to include Holistic in the above-captioned matters would be contrary to the interests of judicial efficiency and the avoidance of piecemeal litigation.

10. This motion is timely filed and will not unduly delay or prejudice the adjudication of the rights of the original parties.

11. Undersigned counsel contacted the State Defendants regarding their position on the instant Motion to Intervene. The State had not replied to undersigned counsel's inquiry as of the time of this filing. Notably, however, the State Defendants have moved to dismiss the Complaint on the basis that this Intervenor was not joined as a necessary party.

12. Plaintiffs GTI and MCP, through their respective counsel, have authorized the undersigned to represent that GTI and MCP oppose the relief requested herein.

13. Plaintiff AMM, through its respective counsel, has authorized the undersigned to represent that AMM opposes the relief requested herein.

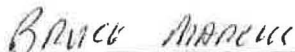
WHEREFORE, for the foregoing reasons, Holistic Industries, LLC respectfully requests that this Court grant Holistic Industries, LLC leave to intervene as defendants in the above-captioned matters.

REQUEST FOR A HEARING

Proposed Intervenor, Holistic Industries, LLC, requests a hearing on this Motion.

Respectfully submitted,

MARCUSBONSIB, LLC



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Counsel for Proposed Intervening Defendant, Holistic Industries, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January, 2017, a copy of the foregoing Motion to Intervene; Memorandum of Law; Request for Hearing; and proposed Order was sent by first-class mail, postage prepaid, to:

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Attorneys for Plaintiff Alternative Medicine Maryland, LLC:

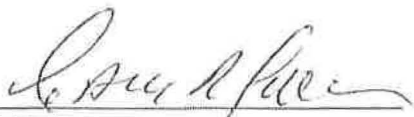
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***Attorneys for Proposed Intervening Defendants, Jane and John Doe,
the Coalition for Patient Medicinal Access, LLC, Curio Cultivation, LLC,
ForwardGro LLC, Doctors Orders Maryland, LLC, and SunMed Growers, LLC:***

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Gary R. Jones

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N., *et al.*,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR BALTIMORE CITY
* Case No. 24-C-16-005134
* **HEARING REQUESTED**

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N., *et al.*,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR BALTIMORE CITY
* Case No. 24-C-16-005801
* **HEARING REQUESTED**

* * * * *

**MEMORANDUM IN SUPPORT OF
MOTION TO INTERVENE**

Holistic Industries, LLC (“Holistic”), by and through counsel, Bruce L. Marcus, Esq., Sydney M. Patterson, Esq., and MarcusBonsib, LLC, and Gary R. Jones, Esq., Danielle M. Vranian, Esq, and Baxter, Baker, Sidle, Conn & Jones, P.A, hereby file this Motion to Intervene as defendants pursuant to Maryland Rule 2-214, and in support thereof, states as follows:

I. Introduction

The Natalie M. LaPrade Maryland Medical Cannabis Commission (“MMCC”) was established to, among other things, select licensees to participate in the growing of medical cannabis as licensed growers. In the exercise of its statutory authority, MMCC established a two-stage licensing process, published an application, evaluated applicants and selected fifteen medical

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

GTI MARYLAND, LLC, <i>et al.</i> ,	*	IN THE
	*	CIRCUIT COURT
Plaintiff,	*	FOR BALTIMORE CITY
v.	*	Case No. 24-C-16-005134
NATALIE M. LAPRADE MARYLAND	*	
MEDICAL CANNABIS, COMM'N., <i>et al.</i> ,	*	
	*	
Defendants.	*	

ALTERNATIVE MEDICINE MARYLAND,	*	IN THE
LLC,	*	CIRCUIT COURT
	*	FOR BALTIMORE CITY
Plaintiff,	*	Case No. 24-C-16-005801
v.	*	
NATALIE M. LAPRADE MARYLAND	*	
MEDICAL CANNABIS, COMM'N., <i>et al.</i> ,	*	
	*	
Defendants.	*	

* * * * *

ORDER GRANTING MOTION TO INTERVENE

UPON CONSIDERATION of Proposed Intervenor, Holistic Industries, LLC's Motion to Intervene, it is this _____ day of _____, 2017, by the Circuit Court for Baltimore City, hereby

ORDERED, that the Motion to Intervene filed by Holistic Industries, LLC, be and hereby is GRANTED; and it is further

ORDERED, that Holistic Industries, LLC be and hereby is an INTERVENING DEFENDANT in the above-captioned matters.

JUDGE, Circuit Court for Baltimore City

Copies to:
All counsel of record

EXHIBIT A

GTI MARYLAND, LLC, <i>et al.</i> ,	*	IN THE
Plaintiff,	*	CIRCUIT COURT
v.	*	FOR BALTIMORE CITY
NATALIE M. LAPRADE MARYLAND MEDICAL CANNABIS, COMM'N., <i>et al.</i> ,	*	Case No. 24-C-16-005134
Defendants.	*	

ALTERNATIVE MEDICINE MARYLAND, LLC,	*	IN THE
Plaintiff,	*	CIRCUIT COURT
v.	*	FOR BALTIMORE CITY
NATALIE M. LAPRADE MARYLAND MEDICAL CANNABIS, COMM'N., <i>et al.</i> ,	*	Case No. 24-C-16-005801
Defendants.	*	

MOTION TO SPECIALLY ASSIGN, CONSOLIDATE, AND DISMISS

Proposed Intervening Defendant, Holistic Industries, LLC (“Holistic”), by and through counsel, Bruce L. Marcus, Esquire, Sydney M. Patterson, Esquire and MarcusBonsib, LLC; and Gary R. Jones, Esquire, Danielle M. Vranian, Esquire, and Baxter, Baker, Sidle, Conn & Jones, P.A., hereby file this Motion to Specially Assign, Consolidate, and Dismiss the above-captioned actions, and in support thereof, state as follows:

1. That Holistic hereby adopts and incorporates by reference the arguments in the Motion to Specially Assign, Consolidate, and Dismiss filed by Proposed Intervening Defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation, LLC, ForwardGro, LLC, Doctors Orders Maryland, LLC, and SunMed Growers, LLC, attached hereto.

2. That all arguments presented by the original defendants, the Maryland Medical Cannabis Commission, *et al.* are incorporated by reference as if fully set forth herein and will not be repeated.

WHEREFORE, for the for the reasons set forth and incorporated herein, intervening Defendant, Holistic Industries, LLC, respectfully requests that this Court specially assign, consolidate, and dismiss these actions.

REQUEST FOR A HEARING

Intervening Defendant, Holistic Industries, LLC requests a hearing on this Motion to Specially Assign, Consolidate, and Dismiss these Actions.

Respectfully submitted,

MARCUSBONSIB, LLC

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Counsel for Proposed Intervening Defendant, Holistic Industries, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January, 2017, a copy of the foregoing was sent by first-class mail, postage prepaid, to:

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Louis P. Malick

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Gary R. Jones

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff

v.

NATALIE M. LAPRADE
MARYLAND MEDICAL
CANNABIS COMMISSION
Et al.

Defendants

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE CITY
*
* Case No.: 24-C-16-005801
*

* * * * *

**OPPOSITION TO PROPOSED INTERVENOR HOLISTIC INDUSTRIES, LLC'S
MOTION TO INTERVENE AND REQUEST FOR HEARING**

Plaintiff Alternative Medicine Maryland, LLC ("AMM"), by its attorneys, John A. Pica, Jr., John Pica and Associates, LLC and Byron L. Warnken and Byron B. Warnken, Warnken, LLC, files this Opposition to Second Intervenor's Motion to Intervene and Request for Hearing, pursuant to Md. Rules 2-214, 2-311.

Posture of the Case

1. AMM, who applied for a medical cannabis grower license, filed a Complaint for declaratory and injunctive relief challenging the Maryland Medical Cannabis Commission's scheme for granting medical cannabis grower licenses. AMM alleged that the Commission (1) failed to implement a vital statutory mandate to actively seek to achieve racial and ethnic diversity when licensing medical cannabis growers; (2) unconstitutionally discriminated against applicants owned by out-of-state residents; and (3) created an arbitrary, capricious, and unreasonable system for ensuring applicants were adequately capitalized.

2. AMM served discovery requests and an expert witness designation on the Commission soon after serving its Complaint. The Commission filed a Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, and AMM filed an Opposition.

3. About a month before AMM filed suit, in Case No. 24-C-16-005134, GTI, another grower license applicant, filed a Complaint challenging the Commission's decision to remove GTI from the top fifteen growers slated for a grower license pre-approval, and replace it with a lower ranked grower license applicant. The Commission filed a Motion to Dismiss, or in the Alternative,

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

represents Holistic's interests in AMM's case. Holistic states: "Although the State and Holistic have similar interests in protecting the integrity of the State's license award process, the MCP Motion for Preliminary Injunction (DE 62) filed in the GTI action has singled-out and directly attacked the specific licensure awarded to Holistic." Thus, Holistic admits that, but for MCP's Motion for Preliminary Injunction in the GTI case, the Commission's interests mirrors its own. This means that, in AMM's case, the Commission adequately represents Holistic's interests. Mem. in Support of Mot. to Intervene 5 ("Consequently, the individualized nature of the attacks in MCP's Motion have made it such that Holistic's interests can no longer be adequately represented by the State and require separate representation by counsel for Holistic.").


17. Moreover, like the first grower Intervenor, Holistic devotes most of its argument to describing the time and money it has spent. However, Holistic overstates the connection between the time and money it has spent, and its right to participate in the suit independent of the Commission. Both Holistic and the Commission want the license process to move forward. Holistic has nothing to add to this lawsuit because the basis for AMM's claims—how and why the Commission implemented several policies in its licensing scheme—is uniquely known to the Commission. Holistic is actually less suited to argue the merits of AMM's claims because it has no special expertise, and no access to the information and decisions that were before the Commission.

CONCLUSION & REQUEST FOR HEARING

WHEREFORE, AMM requests the Court:

1. GRANT a hearing on Holistic's Motion to Intervene and this Opposition; and after the hearing,
2. DENY Holistic's Motion to Intervene.

Respectfully submitted,



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John A. Pica, Jr.
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*Attorneys for Plaintiff Alternative Medicine
Maryland, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of February, 2017, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

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Byron B. Warnken

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff

v.

NATALIE M. LAPRADE
MARYLAND MEDICAL
CANNABIS COMMISSION,
Et al.

Defendants

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case No.: 24-C-16-005801

*

*

*

*

*

*

* * * * *

ORDER

Having considered Holistic Industries, LLC's Motion to Intervene and the Plaintiff Alternative Medicine Maryland, LLC's Opposition thereto, it is this ____ day of _____, HEREBY

ORDERED that the Motion to Intervene is DENIED.

Judge Barry G. Williams
Baltimore City Circuit Court

GTI MARYLAND, LLC, *et al.*,
Plaintiff,
v.
NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,
Defendants.

IN THE
CIRCUIT COURT
FOR BALTIMORE CITY
Case No. 24-C-16-005134
HEARING REQUESTED

ALTERNATIVE MEDICINE MARYLAND,
LLC,
Plaintiff,
v.
NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,
Defendants.

IN THE
CIRCUIT COURT
FOR BALTIMORE CITY
Case No. 24-C-16-005801
HEARING REQUESTED

2017 JAN -3 PM 2:47
CIVIL DIVISION

**MOTION TO SPECIALLY ASSIGN,
CONSOLIDATE, AND DISMISS THIS ACTION**

Intervening Defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC ("Coalition"), Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland, LLC, and SunMed Growers, LLC, by Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, their attorneys, for a motion to **specialy assign, consolidate, and dismiss** these actions, state as follows:

1. A primary goal of the State's medical cannabis statute, Md. Code Ann., Health Gen'l., §13-3301, *et seq.*, is to deliver needed medicine to Marylanders as soon as practicable.¹

¹ Pursuant to Health Gen'l. §13-3302(c): "The purpose of the Commission is to develop policies, procedures, guidelines, and regulations to implement programs to make medical cannabis available to qualifying patients in a safe and effective manner." It then grants licenses. Health Gen'l § 13-

2. These lawsuits threaten to undermine that goal and thereby deprive seriously ill Marylanders of needed medical relief.

3. In order to effectuate its goal, the General Assembly established an administrative licensing process for growing, processing, and distributing medical cannabis.

4. The administrative agency charged with implementing that process has issued fifteen Stage 1 awards of cannabis grower licenses. All of the movants are either persons in need of medicinal cannabis or successful awardees of grower licenses, with the exception of the Coalition, which is an advocate for patient and growers rights.

5. Two separate groups of plaintiffs, consisting of three disappointed license applicants, have sued to challenge that licensing and award process.

6. Both lawsuits present common issues of law and fact.

7. Both lawsuits threaten to place the financial interests of disappointed license applicants ahead of Marylanders like Jane and John Doe who are seriously ill and need medical cannabis.²

8. All plaintiffs waited far too long to advance their interests and are barred by laches.

9. Plaintiffs' claims are prejudicial to the rights of the movants. Movants Jane and John Doe are sometimes referred to as the "Prospective Medicinal Patients." The Coalition and the remaining movants are referred to as the "Grower Awardees." All seek to intervene.

3306(a)(2)(i); COMAR 10.62.08.07.

² As set forth in ¶3 of the Motion to Intervene, Jane and John Doe are minors, citizens of Maryland and they suffer from serious illnesses, including, but not limited to, severe epilepsy. Jane Doe has additional serious conditions. They seek to intervene under a pseudonym because they are minors and because sensitive medical data are involved. Based on discussion with a treating physician, they believe and aver that they will qualify for certification for, and benefit from, the use of medicinal cannabis. They are jointly referred to as the "Prospective Medicinal Patients." Essentially, they are representative of those patients who are suffering and need timely and immediate access to medical cannabis.

10. None of the plaintiffs has presented its request for administrative review of an agency action properly. This matter is, and should remain, a judicial review on the agency record.

11. The accompanying memorandum is incorporated herein.

12. All arguments presented by the original defendants, the Maryland Medical Cannabis Commission, *et al.* (“MMCC”), are incorporated herein and will not be repeated.

Wherefore, for reasons set forth herein and in the accompanying memorandum, incorporated herein, intervening Defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, request that this Court specially assign, consolidate, and dismiss these actions.

REQUEST FOR HEARING

Movants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, request a hearing on their motion to specially assign, consolidate, and dismiss these actions, with prejudice, and for costs.

Respectfully submitted,



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Counsel for Proposed Intervening Defendants

CERTIFICATE OF SERVICE

I HEREBY certify that on this 3rd day of January, 2017, a copy of the foregoing was served,
by first class mail, postage prepaid, and via email, on:

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Attorneys for Plaintiff Alternative Medicine Maryland, LLC


Michael D. Berman

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005134

HEARING REQUESTED

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

HEARING REQUESTED

**MEMORANDUM IN SUPPORT OF
MOTION TO SPECIALLY ASSIGN,
CONSOLIDATE, AND DISMISS THIS ACTION**

Defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, by Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, their attorneys, for a motion to specially assign, consolidate, and dismiss this action, state as follows:

**MEMORANDUM OF LAW
EXCLUDED PURSUANT TO
MARYLAND RULE 8-501(c)**

ALTERNATIVE MEDICINE
MARYLAND, LLC

Plaintiff

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION,
et al.

Defendants

IN THE
CIRCUIT COURT
FOR
BALTIMORE CITY

Case No: 24-C-16-005801

ORDER

The Court, *Sua sponte*, having determined that assignment of this case to a single judge will promote the expeditious resolution of this case, it is this 7th day of February, 2017,

HEREBY ORDERED, pursuant to the court's policy on special assignment, that this case is assigned to the Honorable Barry Williams, for all further proceedings. Henceforth, copies of any filings with the Clerk should simultaneously be sent to Judge Williams chambers.

**TRUE COPY
TEST**

MARILYN BENTLEY, CLERK

The Judge's signature appears on the original document.

W. Michel Pierson,
Administrative Judge

cc: Judge Althea M. Handy, JICC
Judge Barry Williams
Daniel Smith
Deborah Little
John Pica, Esq.
Byron Warnken, Esq.
Bruce Marcus, Esq.

Gary Jones, Esq.
Danielle Vranian, Esq.
Sydney Patterson, Esq.
Brian Frosh, AG
Heather Nelson, AAG
Court File

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants,

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

LINE

Proposed intervening defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, by their attorneys, Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, enclose for cross filing, what has previously been filed in *GTI Maryland v. Natalie M. LaPrade Maryland Medical Cannabis Commission, et al.*, Case No. 24-C-16-005134:

1. Affidavit of Michael G. Bronfien.
2. Affidavit of Jake Van Wingerden.
3. Affidavit of Forwardgro, LLC.
4. Affidavit of Parent of Jane and John Doe.

RESPECTFULLY SUBMITTED,



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Counsel for Proposed Intervening Defendants

CERTIFICATE OF SERVICE

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Attorneys for Proposed Intervening Defendant, Holistic Industries, LLC



Michael D. Berman

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16005134

AFFIDAVIT OF MICHAEL G. BRONFEIN

I, the undersigned, declare or affirm as follows:

1. I have personal knowledge of the facts contained herein. I am over 18 years of age and a citizen of Maryland. I am competent to testify to the facts contained herein.

2. On August 15, 2016, Curio Cultivation LLC ("CCLLC") was approved by the Maryland Medical Cannabis Commission for a Stage 1 grower license, after a rigorous and costly application process.

3. CCLLC is now participating in the Stage 2 process. CCLLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

4. Subsequent to the Stage 1 award, because CCLLC's Stage 1 grower award may be forfeited if the awardee is not operational within a year of that award, CCLLC expended substantial sums of money in reliance on the Stage 1 award, and continues to do so. Since receiving the Stage 1 grower license award, CCLLC directly and or through affiliates has expended more than \$7 million to prepare to meet the State's regulatory deadline. It has purchased a building, improved that building, obtained costly and highly specialized architectural and engineering services related to that building, in an effort to create a state-of-the-art hygienic cultivation facility that enables CCLLC to meet all regulatory standards for

cultivation. The building is located at 5 Aylesbury Road, in Timonium, MD. Additionally, in reliance on the Stage 1 grower license award, nine people have been hired, including but not limited to, human resources, business development, operational management, accounting, finance, marketing, and sales employees. One or more of them has changed employment from out-of-state and purchased a local home in reliance on that employment. CCLLC has also established a temporary office in Towson, MD, and paid substantial amounts for salaries and expended other funds to operate that office, in reliance on the Stage 1 award.

5. Growing medical grade cannabis is a highly-technical process that requires a substantial investment and a substantial amount of time is needed to develop a secure and effective cultivation facility.

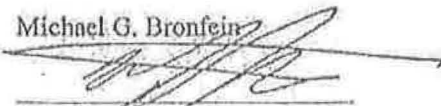
6. Any challenge to the licensing process creates substantial uncertainty for CCLLC. It must continue to invest time and efforts to meet the deadline imposed by the State.

7. There is a statutory moratorium on additional grower licenses through June 1, 2018. This is a "first to market" provision and it is an important benefit. Any delay in licensure is prejudicial.

8. I am the managing member of, and investor in, CCLLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Michael G. Bronfein


January 13, 2017

Executed in Maryland

CERTIFICATE OF SERVICE

I HEREBY certify that on this 23 day of January, 2017, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

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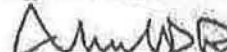
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Attorneys for Plaintiff Alternative Medicine Maryland, LLC


Michael D. Bernan

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16005134

AFFIDAVIT OF JAKE VAN WINGERDEN

I, the undersigned, declare or affirm as follows:

1. I have personal knowledge of the facts contained herein. I am over 18 years of age and a citizen of Maryland. I am competent to testify to the facts contained herein.

2. On August 13, 2016, SunMed Growers LLC ("SMG") was approved by the Maryland Medical Cannabis Commission for a Stage 1 grower license, after a rigorous and costly application process.

3. SMG is now participating in the Stage 2 process. SMG proffers that it believes in good faith that it will timely meet all requirements for Stage 2 approval and licensure.

4. Subsequent to the Stage 1 award, and because SMG's Stage 1 grower award may be forfeited if the awardee is not operational within a year of that award, SMG engaged in preparations to become operational. SMG signed a binding ten-year lease for its cultivation facility in reliance on the Stage 1 award. That facility is currently under construction and land was purchased for that purpose.

5. Growing medical grade cannabis is a highly-technical process that requires a substantial investment and a substantial amount of time is needed to develop a secure and effective cultivation facility.

6. Any challenge to the licensing process creates substantial uncertainty for SMG.

7. There is a statutory moratorium on additional grower licenses through June 1, 2018. This is a "first to market" provision and it is an important benefit. Any delay in licensure is prejudicial.

8. I am owner and managing member of SMG.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Jake Van Wingerden



January 23, 2017
Executed in Maryland

CERTIFICATE OF SERVICE

I HEREBY certify that on this 23rd day of January, 2017, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

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Attorneys for Plaintiff Alternative Medicine Maryland, LLC


Michael D. Berman

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N, *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16005134

AFFIDAVIT OF FORWARDGRO, LLC

I, the undersigned, declare as follows:

1. I, the undersigned, have personal knowledge of the facts contained herein. I am over 18 years of age and a citizen of the State of Maryland. I am competent to testify to the facts contained herein.
2. I am a member of ForwardGro LLC ("FG").
3. After a rigorous and costly application process, FG was selected by the Maryland Medical Cannabis Commission (the "Commission") for pre-approval to pursue a Stage 2 license.
4. FG is now participating in the Stage 2 process. FG proffers that it believes in good faith that it will timely meet all requirements for Stage 2 approval and licensure.
5. Because each grower's Stage 1 award may be forfeited if the awardee is not operational within a year of that award, FG has expended and continues to expend substantial sums of money subsequent to receiving the Stage 1 award, and in reliance on the Stage 1 award, in order to ensure that it will be operational within the said time-frame. FG and its Affiliate are currently in the process of constructing a greenhouse and operations facility (the "Facility"). Completion of construction of the Facility is expected this spring. Work on the Facility includes the installation of energy efficient boilers, floor radiant heat, extensive irrigation, specialty lighting, and a substantial security system. Furthermore, FG's medical director has engaged in medical community education, and processor and dispensary visits have been initiated. All of this is and has been costly and time-consuming.
6. FG has obtained costly interests in real property, construction documents for local permitting, retained personnel, and taken other costly actions to prepare to cultivate medical cannabis pursuant to Maryland law.
7. In reliance on the Stage 1 award, FG and its Affiliate have already spent several million dollars.

8. Growing medical grade cannabis is a highly technical process that requires a substantial up-front investment. Since securing the Stage 1 award, FG has invested a substantial amount of time and money in order to develop a secure and effective cultivation facility in accordance with Maryland regulatory requirements.

9. Any challenge to the Maryland licensing process creates real uncertainty for FG. Despite this uncertainty, FG must continue to invest time and efforts to meet the deadline imposed by the Commission and to make medicine available to patients.

10. There is a statutory moratorium on additional grower licenses through June 1, 2018. This is a "first to market" provision and it is an important benefit. Any delay in licensure is prejudicial to us.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

ForwardGro, LLC

BY: Gail L. Rand

Gail L. Rand

Title: CFO and Patient Advocate

January 23, 2017

Executed in Maryland

CERTIFICATE OF SERVICE

I HEREBY certify that on this 23rd day of January, 2017, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

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Attorneys for Plaintiff Alternative Medicine Maryland, LLC



Michael D. Berman

1 "A motion or a response to a motion that is based on facts not contained in the record shall be supported by affidavit and accompanied by any papers on which it is based." Md. Rule 2-311. Rule 2-311 does not require an affidavit under personal knowledge and Rule 1-304, which governs the "form of affidavit," provides that the "statement of an affiant, . . . may be made" in the form set forth above. Accord Rule 1-303.

GTI MARYLAND, LLC, *et al.*,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS, COMM'N., *et al.*,

Defendants,

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16005134

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

AFFIDAVIT OF PARENT OF JANE AND JOHN DOE

I, the undersigned, declare or affirm as follows:

1. I have personal knowledge of the facts contained herein. I am over 18 years of age and a citizen of Maryland. I am competent to testify to the facts contained herein.
2. I, Jane Doe 2, am one of the parents of Jane and John Doe.
3. Jane and John Doe suffer from epilepsy. They have frequent seizures that are painful and frightening. They are minors. Jane Doe suffers from other conditions. A treating physician has stated that use of medical cannabis will likely alleviate their symptoms.
4. Each day that goes by without access to medical cannabis increases the suffering that they endure.

5. Jane and John Doe do not want to disclose their medical condition or treatment to the public. As one of their parents, I strongly assert their right of privacy in this regard.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.¹

Name: Jane Doe:2
January 17, 2017
Executed in Maryland

CERTIFICATE OF SERVICE

I HEREBY certify that on this 23rd day of January, 2017, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

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Of Counsel:
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202-889-3827

Attorneys for Plaintiff GTI Maryland, LLC

Alfred F. Belcuore
Law Offices of Alfred F. Belcuore

¹ A signed copy with the actual name of Jane Doe 2 is in counsel's possession.

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Attorney for Plaintiff Maryland Cultivation & Processing, LLC

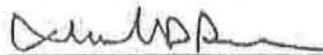
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Attorneys for Plaintiff Alternative Medicine Maryland, LLC



Michael D. Berman²

² "A motion or a response to a motion that is based on facts not contained in the record shall be supported by affidavit and accompanied by any papers on which it is based." Md. Rule 2-311. Rule 2-311 does not require an affidavit under personal knowledge and Rule 1-304, which governs the "form of affidavit," provides that the "statement of an affiant. . . may be made" in the form set forth above. Accord Rule 1-303.

03/10/17

EXHIBIT COPY

2017 MAR 10 PM 3:29

CIVIL DIVISION

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMMISSION, *et al.*,

Defendants.

IN THE

CIRCUIT COURT

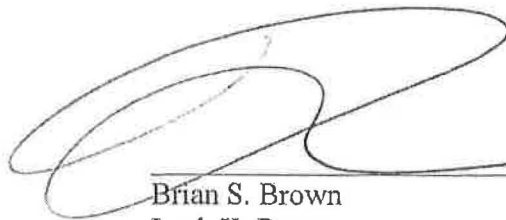
FOR

BALTIMORE CITY

Case No.: 24-C-16-005801

NOTICE OF SERVICE OF DISCOVERY MATERIAL

Plaintiff, its undersigned attorneys, Saul E. Kerpelman, in connection with the above-captioned case, has filed Plaintiff's Notice Take Deposition of Mary Jo Mather. The aforereferenced document was mailed first class, postage prepaid on this 10th day of March 2017. The original of said documents shall be retained in the file of counsel until conclusion of this case.



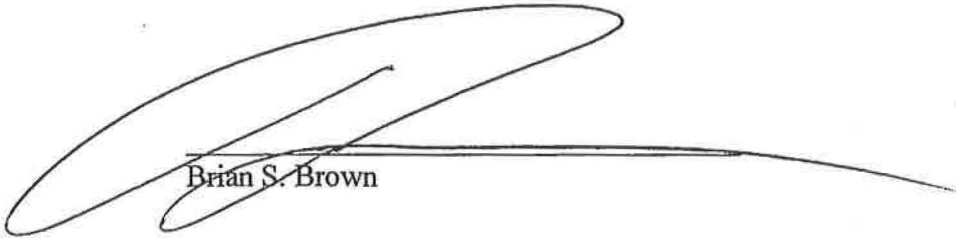
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E 000266

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of March 2017, a copy of this Notice of Service of Discovery Material together with copies of the Notice to Take Deposition and Subpoena were mailed, postage prepaid to:

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300 W. Preston Street, Suite 302
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Brian S. Brown

03/15/17

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

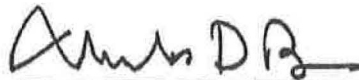
2017 MAR 15 PM 1:18

CIVIL DIVISION

NOTICE OF APPEAL

Proposed intervening defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, by their attorneys, Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, note an appeal to the Court of Special Appeals in the above-captioned case.¹

RESPECTFULLY SUBMITTED,



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¹ This notice of appeal relates to the February 21, 2017, Order(s).

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Attorneys for Proposed Intervening Defendants

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I HEREBY certify that on this 15th day of March, 2017, a copy of the foregoing was served,
by first class mail, postage prepaid, and via email, on:

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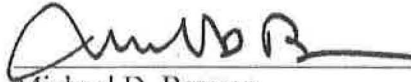
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Michael D. Berman

ALTERNATIVE MEDICINE MARYLAND, LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND MEDICAL CANNABIS, COMM'N., et al.,

Defendants.

* IN THE
* CIRCUIT COURT
* FOR BALTIMORE CITY
* Case No. 24-C-16-005801

* * * * *

NOTICE OF APPEAL

Proposed Intervening Defendant, Holistic Industries, LLC, by and through counsel, Bruce L. Marcus, Esquire, Sydney M. Patterson, Esquire and MarcusBonsib, LLC; and Gary R. Jones, Esquire, Danielle M. Vranian, Esquire, and Baxter, Baker, Sidle, Conn & Jones, P.A., pursuant to Maryland Rule 8-201(a), hereby note an appeal to the Court of Special Appeals from the circuit court's Order entered February 23, 2017 (DE 38/2), denying Holistic Industries, LLC's Motion to Intervene.

Respectfully submitted,

MARCUSBONSIB, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on this 16 day of March, 2017, a copy of the foregoing was sent by first-class mail, postage prepaid, to:

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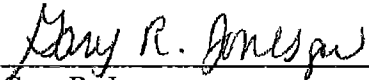
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ALTERNATIVE MEDICINE MARYLAND,
 LLC,

 Plaintiff,

 v.

 NATALIE M. LAPRADE MARYLAND
 MEDICAL CANNABIS COMMISSION, *et al.*,

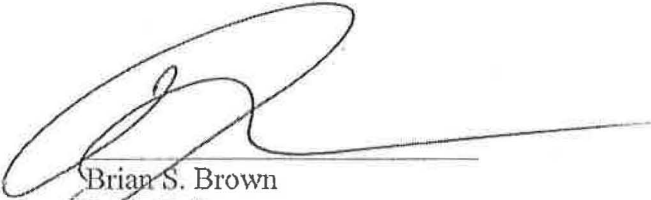
 Defendants.

IN THE
 CIRCUIT COURT
 FOR
 BALTIMORE CITY

 Case No.: 24-C-16-005801

NOTICE OF SERVICE OF DISCOVERY MATERIAL

Plaintiff, its undersigned attorneys, Brian S. Brown, Leah K. Barron and Brown & Barron, LLC, in connection with the above-captioned case, has filed Plaintiff's Notice Take Deposition of Harry "Buddy" Robshaw. The aforereferenced document was mailed first class, postage prepaid on this 17th day of March 2017. The original of said documents shall be retained in the file of counsel until conclusion of this case.

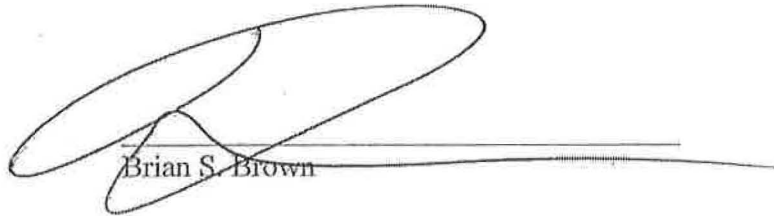


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of March 2017, a copy of this Notice of Service of Discovery Material together with copies of the Notice to Take Deposition and Subpoena were mailed, postage prepaid and emailed to:

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ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

NATALIE M. LAPRADE MARYLAND
MEDICAL CANNABIS COMM'N., *et al.*,

Defendants.

IN THE

CIRCUIT COURT

FOR BALTIMORE CITY

Case No. 24-C-16-005801

AMENDED NOTICE OF APPEAL

Proposed intervening defendants, Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation LLC, ForwardGro LLC, Doctors Orders Maryland LLC, and SunMed Growers, LLC, by their attorneys, Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, note an appeal to the Court of Special Appeals in the above-captioned case.¹

RESPECTFULLY SUBMITTED,



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¹ This notice of appeal relates to each appealable decision and order, including the February 21, 2017, order denying the motion to intervene, docketed on February 23, 2017.

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Michael D. Berman



ALTERNATIVE MEDICINE MARYLAND, LLC, ET. AL. v. NATALIE M. LAPRADE MARYLAND MEDICAL CANNABIS COMMISSION, ET. AL.
February 21, 2017 BEFORE BARRY G. WILLIAMS, Judge

ALTERNATIVE MEDICINE	*	IN THE
	*	
MARYLAND, LLC, et. al.,	*	CIRCUIT COURT
	*	
Plaintiffs,	*	FOR
V	*	
	*	BALTIMORE CITY
NATALIE M. LAPRADE MARYLAND	*	
MEDICAL CANNABIS COMMISSION,	*	
et. al.,	*	CASE: 24-C-16-005801
	*	
Defendants.	*	

* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS
(Excerpt of Proceedings - Motion to Intervene and Court's Ruling Only)

BEFORE: THE HONORABLE BARRY G. WILLIAMS, Judge

DATE: February 21, 2017

APPEARANCES:

For the Proposed
Intervenors: Michael Berman, Esquire

Alternative
Medicine
Maryland, LLC: Byron B. Warnken, Esquire

For the Maryland
Medical Cannabis
Commission: Heather Nelson, Esquire
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EXCERPT OF PROCEEDINGS

(Excerpt begins - 02:35:42 p.m.)

THE COURT: Thank you, Counsel. All right. We can switch a bit. I'll hear the arguments in the Motion to Intervene from AMM, 24-C-16-5801, Docket number 24. If you move out, AMM moves up, and you get to stay.

MR. WEINER: Thank you.

MR. WARNKEN: Good afternoon, Your Honor. Byron B. Warnken on behalf of the Plaintiff, Alternative Medicine Maryland, LLC.

THE COURT: Good afternoon. All right. This is the Motion to Intervene in the AMM matter. If you would like to incorporate by reference anything, that's fine. Any objection to that, Mr. Warnken? You were sitting there the whole time.

MR. WARNKEN: No, Your Honor.

THE COURT: And whatever arguments, because there are separate arguments.

MR. BERMAN: Thank you.

THE COURT: But anything you need to incorporate by reference, feel free to. But ago ahead.

AMM - MOTION TO INTERVENE

PROPOSED INTERVENOR'S ARGUMENT

MR. BERMAN: Thank you. We will accept Your Honor's invitation to incorporate by reference. And

1 again, we'd request the five minute warning.

2 THE COURT: Very well.

3 MR. BERMAN: Your Honor, the AMM case is clear.
4 AMM is unequivocally challenging the entire process and
5 wants it to go back to step one. They challenge the
6 alleged failure to consider race and ethnicity,
7 capitalization, they raised the dormant commerce clause
8 and the privileges and immunity argument. So again, we
9 would assert that it is illogical for AMM, a party that is
10 denied a license, to have standing. At the same time, it
11 reject the mirror image that the parties (inaudible)
12 directly challenging lacks standing to defend the same
13 decision.

14 If anything, Your Honor, here the grower
15 awardees have a greater interest than AMM. They're able
16 to perform, they spend millions in reliance on both the
17 Stage I awards and on Plaintiff's unreasonable silence.
18 AMM admits that it is challenging the entire licensing
19 process, including the intervenor's awards. If AMM
20 prevails, all of the money that these grower awardees has
21 spent is lost. The affidavit of curia, \$7 million. The
22 affidavit that a building is under construction, that a 10
23 year lease has been signed. What remedy is there? Again,
24 the genie can't be put back in the bottle.

25 Jane and John Doe clearly should have standing,

1 they're protected. So what is the argument that AMM
2 offers in rebuttal? Well, AMM says; don't worry growers,
3 if we win there's going to be a rebid and you can rebid,
4 and you may get an award in the rebid. Well, that is no
5 answer at all, respectfully, Your Honor. The fact that
6 intervenors might be permitted to reapply at some later
7 date, under some unspecified project, in some future
8 process, does not mean that the growers are not injured if
9 their license is currently taken away. The fact that an
10 injury may --

11 THE COURT: Well, they don't have a license yet,
12 so it can't be taken.

13 MR. BERMAN: Correct. I misspoke. Their Stage
14 I pre-award. I was speaking loosely, I apologize.

15 THE COURT: That's fine. I just wanted to make
16 it clear.

17 MR. BERMAN: Yes.

18 THE COURT: That's all. There's nothing to
19 apologize for. Go ahead.

20 MR. BERMAN: The fact that an injury may later
21 be remedied doesn't make it any less of an injury at the
22 time that it is sustained. And we used our driver's
23 license analogy in the reply brief. Here, AMM sat
24 silently from the March 2015 Attorney General letter
25 saying the consideration of race and ethnicity was

1 unconstitutional, until October 31, 2016 when it filed
2 suit. In the meantime, the grower awardees --

3 THE COURT: So you're saying that when that
4 letter that came out, that -- you're saying that's when
5 they should have filed suit?

6 MR. BERMAN: Your Honor, in March 2015, when
7 Assistant Attorney General wrote a letter and said under
8 the Supreme Court's racial disparity decision, it was
9 unconstitutional for the Commission to consider race and
10 ethnicity, because no disparity study had been conducted.
11 That's --

12 THE COURT: So you think that letter was
13 binding on what and that started te clock on what?

14 MR. BERMAN: I think that started the clock on
15 AMM taking action to protect its purported interest.
16 Certainly after that when regulations were issued that
17 said that eliminated race and ethnicity is a factor,
18 certainly before their November 2015 application --

19 THE COURT: Well, what if there are letters
20 out there to the contrary? Should the Court take that
21 into consideration also?

22 MR. BERMAN: I'm sorry, Your Honor. I didn't --

23 THE COURT: Letters saying (inaudible) from the
24 Attorney General saying that we do not agree with that,
25 would that not be something the Court would take into

1 consideration if the Court takes into consideration the
2 first letter?

3 MR. BERMAN: The first letter, I believe, is
4 alleged in the pleadings. It's alleged that the attorney
5 -- that the Commission did not consider race and ethnicity
6 because of the constitutional issue.

7 THE COURT: Right. Well, you brought that up,
8 so I just want to make sure that we're clear, that if
9 there's a letter from the Attorney General saying one
10 thing, but there's a letter from another Attorney General
11 saying something else, what would you have the Court do
12 with that as far as the timeliness of filing and this
13 litigation that we're on?

14 MR. BERMAN: Here's my argument, Your Honor. My
15 argument, and I'm directly responding to Your Honor's
16 question.

17 THE COURT: Sure.

18 MR. BERMAN: My argument is, that if AMM felt
19 that it was being deprived of a right, it had a duty to
20 act timely prior to submitted its application. It can't
21 submit the application, lose, let other people spend
22 millions of dollars going forward, and then say we want a
23 second bite at the apple.

24 THE COURT: You say they can't. But then the
25 question becomes, why can't they? And of course I'll

1 add the other question the other way; why can't they do
2 that? What stops them from doing that?

3 MR. BERMAN: What stops them from doing it,
4 Your Honor, is the equitable doctrine of laches, the
5 doctrine of waiver, which we've cited the cases in our
6 memorandum. And the doctrine in the context of the
7 government procuring goods and services is, is it not
8 permitted for an applicant to allow a process to go
9 forward, holding in its back pocket a challenge without
10 bringing it, and only when it loses bring the challenge
11 out. Because the government, the people, the taxpayers,
12 are prejudiced by that type of delay.

13 THE COURT: What you're saying, you're basing
14 it on the letter from the Attorney General saying the said
15 action would be unconstitutional, correct?

16 MR. BERMAN: Your Honor, that is part of the
17 basis, but not the entire basis. So let me back up and
18 explain, if I may.

19 THE COURT: You may.

20 MR. BERMAN: I am responding -- my initial point
21 was that we have an interest that is being deprived. And
22 that AMM's response to that is; no, you can reapply later.
23 And my argument is that is not a satisfactory response,
24 because we don't know that there will be a re-application
25 process or what the process will be. And secondarily,

1 because AMM waited too long to do this.

2 THE COURT: Okay.

3 MR. BERMAN: They should have done it earlier,
4 before we were prejudiced. They could have challenged at
5 the time the regulations were adopted. Now on timeliness,
6 AMM has made no argument that our motion is untimely. And
7 the Court will be hearing the necessary party's argument
8 after this, which is the mirror image of our argument. So
9 we would submit this is clearly timely.

10 In this case, just as in the other case, when
11 the proposed intervenors moved to intervene, virtually
12 nothing had happened. Does the State adequately represent
13 the intervenors? Here it does not. And again, with no
14 criticism of the State's Attorneys. The State has
15 different interests. And that's true in both cases. The
16 State's interest is in awarding 15 grower licenses. The
17 grower awardee's interest is in the four Stage I licenses
18 awarded to them. There's a big difference between four
19 and 15. The State is disinterested in who gets the award.
20 The grower awardees are very much interested in who gets
21 it.

22 Secondly, the grower awardees, and I apologize
23 for repeating the prior argument. The grower awardees
24 have spent a lot of money here and the State has not. And
25 that is a huge difference. So again, there is a shared

1 goal, but there are different interests. Here a simple
2 glance at the proposed pleadings will demonstrate that
3 fact. Your Honor, in terms of relief, and then I will
4 rest. We'd ask that the Court grant the Motion to
5 Intervene, deem the Motion to Dismiss filed, and set a
6 date for the opposition and reply, consider a scheduling
7 conference, and consider scheduling the Motion to
8 Consolidate, and stay all of the discovery for the same
9 reasons I set forth in the prior argument.

10 THE COURT: Thank you, Counsel.

11 MR. BERMAN: Thank you, Your Honor.

12 THE COURT: Mr. Warnken.

13 AMM'S ARGUMENT

14 MR. WARNKEN: Thank you, Your Honor. Firstly,
15 I just want to correct one point. Obviously, the State
16 has spent quite a bit of money on this process. The
17 proposed intervenors suggest that we are too late. And
18 the State suggests that we are too early. And I don't
19 know that this is a legal conclusion, Your Honor, but I
20 would say that we are more like the three bears, in that
21 we are just right.

22 Your Honor, there's a four part test. I don't
23 need to go through the entire thing, you know what it is.
24 One thing I do want to say is that we do not waive
25 timeliness, Your Honor. We do not believe this was

1 timely.

2 THE COURT: I didn't ask you to waive it, I
3 just didn't want to hear any argument on it. But that's
4 fine, I've reviewed it. Go ahead.

5 MR. WARNKEN: Thank you, Your Honor. Your Honor,
6 the subject of our claim is the licensing process itself.
7 Our allegation is that any property right that any
8 proposed intervenors may have gained was gained through an
9 arbitrary and capricious process that was conducted
10 contrary to statute. This should not come with a right
11 nor should they be permitted to defend that illegal
12 process. It's a schemes by which it's the Commission's,
13 and the Commission's alone, to defend.

14 Your Honor, Alternative Medicine Maryland, LLC
15 seeks to ensure the licensing process complies with the
16 law. The proposed intervenors are correct, that if
17 granted, our relief will delay the licensing process. It
18 will do so out of necessity. Because my client, and
19 possibly other's rights, have been injured. However, that
20 doesn't mean that the litigation will delay the process of
21 medical cannabis. The litigation could have, in fact,
22 been relatively swift. And it is by this intervention,
23 this proposed intervention, that the process is likely to
24 be delayed.

25 Your Honor, without the proposed intervenors

1 being involved, we would have our discovery disputes,
2 resolution thereof, and move forward on declaratory and
3 injunctive relief. If we are successful and the medical
4 cannabis licensing process gets delayed, because it
5 should. If we are unsuccessful, the process is not
6 delayed. The proposed intervenor's argument that they
7 want to expedite and make sure that medical cannabis is
8 not held up is contrary to fact and logic, Your Honor.
9 It's also without merit. Their presence here does the
10 opposite. And in fact, the intervenors simply want their
11 say. The interests are adequately protected by the
12 Commission. The proposed intervenors do not have an
13 interest for which they can provide any unique defense
14 that couldn't be provided by the government. They don't
15 have any legal position that the AG could not have
16 brought. It's the definition of adequately represented,
17 Your Honor. And they, again, they talk about the money
18 that they have spent. Of course the State has spent money
19 too. But that doesn't come with an automatic right to
20 defend an interest that is merely piggybacking onto the
21 AG.

22 Proposed intervenors have not shown any
23 collusion, non-feasance, or bad faith on the part of any
24 existing party defending the action.

25 THE COURT: Mr. Warnken, while this question

1 may be more relevant in the next motion, I am curious
2 why did you wait until after you didn't get a license to
3 complain about the legality of the statute in reference to
4 what the Attorney General said about it. Why did you
5 wait? Why did your client wait?

6 MR. WARNKEN: Your Honor, certainly we couldn't
7 have -- we believed that we could not file any lawsuit
8 until it was known what was going to happen. And surely
9 the ripeness argument that the -- you know, and again,
10 we'll get into it in the Motion to Dismiss. But the
11 ripeness argument that the Commission has asserted would
12 have a lot more merit if we had brought suit prior to the
13 licensing process moving forward.

14 Proposed intervenor's statement of motion,
15 absent an order granting this motion, there's a
16 substantial risk that this lawsuit will delay the
17 availability of medication to sick Marylanders. Your
18 Honor, Jane and John Doe, at this time, do not have a right
19 to medical cannabis. Nor does anybody in the Coalition
20 for Patient Access. They may have a right to medical
21 cannabis at the end of this licensing process. But Your
22 Honor, there was no mandate for the 15 pre-approved
23 growers to be complete before May 31 of 2018, and our suit
24 does not prevent that.

25 Jane and John Doe's interests, also 100 percent

1 adequately represented by the Commission. Your Honor, in
2 their papers, the proposed intervenors opine us out as
3 some what of bad actors and worthy of no sympathy. Your
4 Honor, we want, and we are entitled to, access the justice
5 system for the arbitrary, capricious, unconstitutional
6 filings of a State agency that ignored their governing
7 statute. We believe that the State agency must follow the
8 law, Your Honor. And the proposed intervenors have
9 invoked the last thing in the world that people don't
10 argue about, sick children deserve whatever it takes to
11 get better. Of course they do, Your Honor. But statutes
12 and laws exist for a reason and it is paramount that they
13 get followed, especially by the government.

14 Your Honor, intervention of rights should
15 be denied and permissive intervention should also be
16 denied with respect to 2-214(b)(3), Your Honor, we are
17 unduly prejudiced by this proposed intervention. The
18 proposed intervenors add nothing to this litigation and do
19 not meet the legal standards for intervention. Their
20 motion should be denied, Your Honor.

21 THE COURT: Thank you, Counsel. In rebuttal.

22 REBUTTAL ARGUMENT

23 MR. BERMAN: Your Honor, I will be very brief.
24 Your Honor asked why did they wait. Counsel said we
25 couldn't sue. They could have objected, they could have

1 written letters, they could have done a lot of things.
2 And they probably could have sued too. Your Honor, the
3 intervention will cause delay argument is a red herring.
4 It will take one motion hearing to determine whether we're
5 right or wrong. If we're right, this case is streamlined.
6 If we're wrong, one motion hearing is all it costs
7 anybody.

8 The piggyback argument, I think we've addressed
9 it all. Counsel said they didn't waive timeliness. I'd
10 suggest they did. Your Honor said you didn't hear
11 argument on that and I won't argue unless Your Honor
12 wishes.

13 THE COURT: I don't need to hear anything on
14 timeliness.

15 MR. BERMAN: Thank you. And on the collusion,
16 non-feasance standard, that applies only if they proposed
17 intervenor's interests are identical to that of the State.
18 And we've shown why they are not. Thank you, Your Honor.

19 THE COURT: Thank you, Counsel. All right. The
20 Court will take about a five minute recess and then come
21 back out with its ruling.

22 THE CLERK: All right.

23 (Off the record - 02:52:17 p.m.)

24 (Session resumes - 02:59:48 p.m.)

25 THE CLERK: The Honorable Barry G. Williams

1 presiding.

2 COURT'S RULING

3 THE COURT: You may be seated. The Court has
4 been called upon to determine whether or not intervention
5 either as a right admissibly appropriate in these two
6 matters. The proposed intervenors, John and Jane Doe,
7 were prospective network patients. Certain proposed
8 growers who received Stage I approval in turning those
9 entities received a license to grow cannabis and the
10 Coalition for Patient Medicinal Access, LLC and Company
11 formed to advance the interest of patients and growers.

12 The Court has reviewed all relevant case law
13 including, but not limited to, Maryland National Capital
14 Park and Planning Commission v. Town of Washington Grove,
15 where the Court discusses standard for intervention of
16 right under Maryland Rule 2-214(a). And what the Court
17 stated, that the rule contains four requirements a person
18 must satisfy in order to intervene as a right. 1); the
19 application was timely, 2); the person claimed an interest
20 related to the property or transaction that is the
21 substance of the action, the person is so situated that
22 the disposition of the action as a practical matter may
23 impair or impede that person's ability to protect their
24 interest. The persons interest is not adequately
25 represented by existing parties to the suit.

1 As the Court noted during arguments, the Court
2 does not need to assess the timeliness of the application.
3 Again, I would find that it was timely given the limited
4 time since the filing of both suits. Part II, the
5 proposed intervenors' claim and interest relating to the
6 transactions that are the subject of these actions. The
7 proposed intervenors believe that they should be allowed
8 in as a matter of right, because if these two complainants
9 are allowed to go forward, the possible time and money
10 loss, which is speculative, could effect their ability to
11 proceed as growers or receive medical cannabis.

12 While this may be true, the first issue is to
13 determine what the transactions that are the subject of
14 this action. This Court finds that the transactions in
15 both cases stem from the applicable or implementation of
16 the statute by the Commissioner, and whether or not the
17 statute has been applied or implemented in an
18 unconstitutional, arbitrary, or capricious manner. The
19 intervenors claim an interest, but this Court finds that
20 the alleged interest is not applicable here. One can
21 always claim an interest in litigation if they stand to
22 benefit from the implementation of legislation that allows
23 parties to be involved in commerce regulated by the
24 government. But that is not the true issue here in your
25 case.

1 The issue at hand in the GTI case is whether or
2 not the Commission, by allegedly removing GTI and MCP from
3 the initial list of 15 growers to make it out of State I
4 and replacing them on the list of Stage I awardees with
5 two proposed growers who allegedly scored lower and those
6 two entities acted in an arbitrary or capricious manner.
7 If that is not the finding, then the process would
8 continue. If the Court does make that finding, then
9 theoretically the Court could order specific performance.
10 If ordered, this could effect only two entities, Holistic,
11 LLC and Shore Naturals, LLC, not any of the proposed
12 intervenors.

13 Holistic has filed a Motion to Intervene and the
14 Court will rule on that at a later time. For the AMM
15 litigation, the Court may be called upon to determine
16 whether or not the process used by the Commission in
17 reviewing and granting Stage I approval to medical
18 cannabis grower license applicants was done in a way that
19 was arbitrary, capricious, or potentially
20 unconstitutional. The Commission has a true interest in
21 making sure that the Court does not make that finding.
22 And so the arguments of the Office of the Attorney General
23 is uniquely suited to advance the appropriate arguments.
24 If the Court does not find the actions unconstitutional,
25 arbitrary, or capricious, then the process would continue.

1 This Court does understand that the statute was
2 recently enacted and that it has not gone under
3 significant scrutiny. There's no history of
4 administrative and judicial rulings for the statute.
5 There are allegations that the process was flawed at the
6 inception and at the application. This Court does not
7 know if it is true, but does note that the intervener's
8 concerns can only be address after a determination of the
9 statute as applied and implemented by the Commission was
10 not arbitrary, capricious, or unconstitutional. Those
11 issues have to do with the statute and not the tangential
12 issues requested.

13 The Court therefore does not find that the
14 intervenors have sufficient interest that are connected to
15 the actions involved in each case. And that's whether the
16 person is so situated that the disposition of the action
17 as a practical matter may impair or impede that person's
18 ability to protect that interest. Once again, this Court
19 has already determined that the claim of interest in this
20 case for the proposed intervenors is misplaced given the
21 allegations presented by the plaintiffs in each case.
22 These are specific issues concerning actions of the
23 subcommittee and the committee in implementing the
24 statute. And once again, arguments that the Commission is
25 uniquely situated to respond to, not the growers, the

1 potential users of the medical cannabis grown.

2 The Court understand that the proposed
3 intervenors have a general interest in the outcome of the
4 case. The growers want nothing to stand in the way of the
5 process which would allow them to get a license, the
6 patients certainly want access to medical cannabis as soon
7 as possible. Those wishes do not rise to the level of a
8 right to intervene.

9 Finally, there's the issue of adequate
10 representation by the existing parties. This Court is
11 satisfied that the Commission, represented by the Office
12 of the Attorney General and not the proposed intervenors
13 before the Court today, is the appropriate defendant to
14 represent the issue of whether or not the statute as
15 implemented was done in an arbitrary, capricious, or
16 unconstitutional manner in part as alleged by the
17 replacement of two growers in the GTI matter. When total,
18 as alleged by the overall application of the statute,
19 in the AMM matter. So far this Court has seen vigorous
20 representation by the Attorney General on behalf of the
21 Commission. Simply because a litigation may not be going
22 in the matter, that a private entity thinks it should,
23 whether the arguments are made are different, there's no
24 basis to allow intervention. This Court is also mindful
25 that there is the potential of permissive intervention.

1 The Court will incorporate by reference all relevant
2 arguments made in responding to the motion as a matter of
3 right and add the following.

4 The Court does not believe that it would be
5 either appropriate or necessary to allow the proposed
6 intervenors in either case, pursuant to the permissive
7 right to intervention under Rule 2-214(b). The Court has
8 considered whether intervention would unduly delay the
9 adjudication of either claim and it determines that it
10 would. Interestingly enough, the proposed intervenors
11 seemingly have an interest in speeding up the process,
12 because they want to begin growing as soon as possible,
13 and want nothing to stand in the way of the next phase of
14 licensing.

15 While understanding the desire for their speed,
16 filing various motions does add time to these proceedings.
17 The Plaintiffs have filed their claims and as noted above,
18 the issue here is whether or not the actions of the
19 Defendant were arbitrary, capricious, or potentially
20 unconstitutional. The Commission is ready, and willing
21 and able to defend its actions. Allowing intervenors at
22 this stage does not assist in that determination.
23 Therefore the Motion to Intervene as a matter of right
24 impermissibly is denied.

25 The Court will now hear the arguments on the

1 Motion to Dismiss filed by the Commission. Thank you,
2 Counsel.

3 MR. BERMAN: Thank you, Your Honor.

4 (Off the record - 03:06:56 p.m.)

5 (Session resumes - 03:54:41)

6 THE COURT: Thank you. Everyone may be seated.
7 Mr. Warnken, in your pleadings you indicated that you
8 agree with the request to dismiss the Department of Health
9 and Mental Hygiene and the individually named
10 commissioners, is that correct?

11 MR. WARNKEN: That's correct, Your Honor, we
12 have no objection.

13 COURT'S RULING

14 THE COURT: All right. So that will be granted.
15 This Court is satisfied that concerning the issue of the
16 Motion to Dismiss, that the Court's analysis of the motion
17 be limited to the four corners of the complaint, any
18 exhibits. And as far as dismissal for failure to state a
19 claim is proper only if the alleged facts and permissible
20 inferences so viewed would have proven, none the less
21 failed, to afford relief to the Plaintiff. In the
22 alternative, the Defendant has asked this Court to grant a
23 Motion for Summary Judgment. And that, of course, will be
24 granted if there's no genuine dispute as to any material
25 fact and that the parties would be entitled to judgment as

1 a matter of law.

2 At the outset the Court will not that it has
3 reviewed all relevant case law and all statutes. But for
4 the purpose of clarity will state the following:

5 Under Health General Section 13-3302(c), the
6 Commission's purpose is to develop policies, procedures,
7 guidelines and regulations to implement programs to make
8 medical cannabis available to qualifying patients in a
9 safe and effective manner. Section 3-306(a) gives the
10 Commission the authority to license medical cannabis
11 growers and meet all requirements established by the
12 Commission to operate in the State and can issue a maximum
13 of 15 licenses. It also notes that the Commission shall
14 actively seek to achieve racial, ethnic and geographic
15 diversity when licensing medical cannabis growers.

16 That the Commission was required by statute to
17 establish a review process. It did so by promulgating
18 regulations under COMAR. And in the response, the
19 defense note that the scoring criteria set out in the
20 regulations do not include race or ethnicity. Concerning
21 lack of standing to challenge the Commission's efforts to
22 actively seek to achieve racial diversity, the Defendant
23 claims that the complaint stops short of establishing
24 standing, because it fails to allege that AMM was injured
25 by the Commission's legally required conduct. And, of

1 course, that is why the Court is here, to determine if the
2 conduct of the Commission was legally sufficient or
3 potentially arbitrary, capricious, or unconstitutional.

4 The Plaintiffs have alleged significant
5 minority ownership. There's supposed to be an attempt at
6 actively seeking racial and ethnic diversity, along with
7 geographic diversity (inaudible) the Plaintiffs can show
8 injury. There's a concern about lack of standing to
9 challenge the consideration of Maryland residency, because
10 the Plaintiff received all available credit under that
11 scoring criteria. In the Motion to Dismiss, the Defendant
12 states that the Plaintiff received all credit for
13 residency, because it was a yes or no response. They have
14 attached as proof, Exhibit A, which was the application
15 with some of the frequently asked questions. FAQ 21-B
16 states that it only takes on Maryland resident to check
17 the residency box. 10-D and 12-D indicate that if there's
18 one or more Maryland resident, then the applicant will get
19 the full maximum point value.

20 The problem is that at this stage the
21 information is not in the complaint. And if the Court
22 takes it into consideration it would be considered under
23 the Summary Judgment Rules. There's also the possibility
24 that it is inaccurate and can only be determined after
25 some level of discovery. Therefore as pled, the Court is

1 satisfied that as an applicant for a license, that the
2 Plaintiff has standing to challenge the consideration of
3 Maryland residency.

4 The next issue that the Defendant brought to
5 the Court's was the Plaintiff lacked standing to challenge
6 the consideration of capitalization. Alleging that
7 because the complaint neither pleads nor suggests upon
8 information and belief that AMM was aggrieved by the
9 Commission's evaluations, evaluation, of adequate
10 capitalization, therefore AMM lacks standing to bring any
11 of its articulated claims for declaratory judgment so the
12 complaint should be dismissed. This Court finds without
13 knowledge of the evaluation, it would not be appropriate
14 to grant summary judgment as pled. The Court is satisfied
15 that the Court has standing to at least bring the claim.
16 Whether after closer scrutiny it is a viable claim is to
17 be determined at a later date.

18 The next issue was the AMM's claim regarding
19 racial and ethnic diversity in licensing and investigating
20 adequate capitalization. The Defendants say it should be
21 dismissed because at this stage that is not ripe.
22 Defendant argues that the claim isn't ripe because the
23 licensing efforts are ongoing and no licenses have been
24 issued. AMM alleges that the Commission has failed to act
25 to achieve racial and ethnic diversity, but the Commission

1 is so acted to do so. This was in the Defendant's
2 response on Page 18.

3 The question then becomes how and what way. The
4 Commission says that they have recently worked, and I
5 quote, "To collect data from applicants in an effort to
6 assess the level of racial and ethnic diversity within the
7 applicant pool for each of the relevant licensing
8 categories. The Commission intends to work with the
9 diversity consultant to identify present and future
10 opportunities to create racial and ethnic diversity in the
11 medical cannabis licensing and the licensing process is
12 ongoing."

13 The query that the Court would have is at what
14 stage is the Defendant required to show compliance with
15 the statute and is step two a mere formality, something we
16 know was done to seek geographic diversity during Stage I.
17 And that's certainly one of the issue involved in the GTI
18 case. The question then becomes, is there a requirement
19 to do the same thing for racial and ethic diversity or
20 not. The Court is satisfied that these are material
21 issues that are in dispute and best resolved after
22 discovery. Therefore the Motion to Dismiss and Summary
23 Judgment will be denied on that ground.

24 The complaint should be dismissed for failing
25 to join necessary parties. Earlier today this Court found

1 that the proposed intervenors were not necessary parties
2 to this or the GTI litigation. In taking that assessment
3 and applying to all of the entities granted Stage I
4 approval, this Court does not find a dismissal is
5 appropriate for failing to join those entities as parties
6 in this matter. In the Motion to Dismiss the Defendant
7 states that if the Court grants the relief requested by
8 AMM and requires the Commission to discontinue the
9 licensing process pending some unspecified corrective
10 action, then those companies which have already received
11 Stage I pre-approval for medical cannabis grower license
12 will be irreparably damaged.

13 That may be true. But if the manner in which
14 the Commission implemented the statute is unconstitutional
15 or done in an arbitrary or capricious manner, then this
16 Court can not let it stand simply because of the potential
17 harm to those who have received Stage I approval. To the
18 extent that there is harm, it would be the default of the
19 Defendants if it is determined that the process was
20 flawed. The claim for injunctive relief should be
21 dismissed for failure to state a claim. The Defendants
22 allege that Count I of the complaint seeking preliminary
23 and permanent injunction should be dismissed.

24 Again, without ruling on the actual request
25 for injunctive relief, this Court is satisfied that as

1 pled, the Plaintiff's allegations, at least concerning the
2 failure of the Commission to actively seek racial and
3 ethnic diversity, are sufficient to show that this is a
4 callable claim. This is based on the complaint and the
5 response filed by the Defendant where it was stated that
6 the statutory language at issue may be read to provide
7 broad authority, but does not set up precise requirements.
8 The language may have authorized a range of possible
9 actions, but because the legislature did not specify what
10 steps were required of the Commission, it can not be said
11 the requirements of the statute were not met.

12 And in its footnote to that section, the
13 Defendant states, "In stark contrast to the minimal
14 statutory language at issue in the Commission of Cannabis
15 Grower Licensing Statute, the legislature created very
16 detailed statutory provisions to support efforts to
17 achieve diversity (inaudible) offshore farming. The Court
18 is not sure if the argument is that the statute was poorly
19 crafted and so the benefit of the doubt should be given to
20 the Defendant. But this Court is mindful that once
21 brought to the Court's attention, we can not allow a
22 statute or rule to be implemented in an unconstitutional,
23 arbitrary, or capricious manner. The Court does not know
24 if that's what's going on here, but is satisfied that as
25 pled, it is appropriate to deny the motion on the grounds

1 that the request fails to state a claim upon which relief
2 can be granted.

3 And if not dismissed, there was a request from
4 the Defendant to grant summary judgment, enter a
5 declaration confirming the Commission has statutory and
6 regulatory authority. This Court sees that there are a
7 number of material facts that are in dispute in this case,
8 ranging from what was and wasn't done to satisfy the
9 requirements of the statute, to seek racial and ethnic
10 diversity, and what stage these things must be done, if at
11 all. This Court will now issue an in declaration and
12 notes that the statute, that by statute the Commission has
13 the authority to issue licenses for medical cannabis
14 growers. Without more facts this Court can not, as
15 requested by the Defendant, make a finding that the
16 Commission has, in all pertinent respects, acted in
17 accordance with its statutory and regulatory authority.
18 Therefore the Motion for Summary Judgment will be denied
19 on that ground.

20 The Defendants indicate that the Commission was
21 not statutorily required to provide a race-based
22 preference in scoring application for medical cannabis
23 grower licenses. And that is at an issue here, the Court
24 is not focused on whether or not there was a race-based
25 preference. Just whether or not the Commission followed

1 the requirements of the statute and regulations, and that
2 the manner in which it did so was potentially
3 unconstitutional, arbitrary or capricious.

4 The Defendants do mention the Richland case,
5 but the issue here is what, if anything, was done. And if
6 nothing was done, why not. There is no information to
7 show what was done to actively seek racial and ethnic
8 diversity. On Page 30 of the motion, the Defendants refer
9 to Section 3306(a)(9), which requires the Commission to
10 actively seek to achieve racial and ethnic diversity in
11 licensing medical cannabis growers. Defendants state that
12 the statute contains race neutral language and the
13 Commission approached this goal in a race neutral manner
14 consistent with judicial guidance. Although it may be
15 argued that the statute authorized vigorous efforts to
16 explore whether an adequate evidentiary basis could be
17 found upon which to support a scoring preference for
18 racially or ethnically diverse applicant does not require
19 that action.

20 The Commission sought legal guidance on how to
21 interpret that provision, enacted regulations accordingly,
22 and endeavored to achieve racial and ethnic diversity in a
23 race neutral manner by conducting broad publicity about
24 opportunities within the new medical cannabis industry in
25 Maryland. The Defendant makes this assertion as a fact,

1 but of course this goes to the very heart of the issue at
2 bar. The Court sees this as another material fact that is
3 in dispute and therefore not something that is appropriate
4 on summary judgment without any discovery.

5 The Defendants then allege that COMAR, the
6 COMAR sections, do not violate a dormant commerce clause
7 or privileges and immunity clause. Based on the request
8 of the Defendant to find that the regulation is not in
9 violation, this Court has reviewed relevant case law
10 concerning the dormant commerce clause and the privileges
11 and immunity clause. And while that may be true, again,
12 without any facts or discovery, this Court believes that
13 it would not be appropriate to grant summary judgment.
14 That request is denied. And the Commission, the
15 Defendants indicate that the Commission did not act in an
16 arbitrary or capricious manner by requiring applicants to
17 budget and demonstrate adequate capital. The Defendant
18 states that no single capitalization threshold could
19 adequately provide for numerous variables. The Court
20 agrees with that and I'll take a sit of water.

21 The question is there anything to show that the
22 Commission is going to or has used capitalization numbers
23 as a determining factor in granting a license. The
24 Commission certainly has an inherent right to make sure
25 that applicants are funded. But it easily can be argued

1 that if that is going to be used in a governmental
2 process, and it very well may need to be disclosed. The
3 Court's not making any ruling on that particular issue,
4 except that the determination that there are material
5 facts in dispute, so summary judgment would not be
6 appropriate. So for all of the reasons stated and
7 arguments referred to, this Court denies a Motion for
8 Summary Judgment and denies a Motion to Dismiss on all
9 counts.

10 And there are a number of other motions that
11 have been filed in these matters. The Court will give its
12 ruling now and issue orders tomorrow. But again, this
13 Court did not find that a hearing was either necessary nor
14 appropriate. There's a Motion to Consolidate in AMM and
15 GTI by the proposed, former proposed intervenors. Noting
16 that they are not parties at this time, the Court has
17 determined that the motion is moot. But out of an
18 abundance of caution, also finds that if not moot, the
19 motion will be denied. The cases have the same statutory
20 scheme in common, but this Court agrees with the Defendant
21 finding that the two cases focus on different times frames
22 and different questions of fact and law. And again, the
23 motion filed by the former proposed intervenors to
24 consolidate would be denied in AMM and GTI.

25 And those same former proposed intervenors filed

1 a Motion to Dismiss. And again for the same reasons the
2 Court will find that the Motion to Dismiss filed in AMM
3 and GTI by the proposed intervenors is moot now that they
4 are not parties to this action. And finally, there's a
5 Motion to Intervene filed by Holistic Inc., LLC and AMM
6 and GTI. This Court has reviewed the request and the
7 opposition filed. The Court will grant the request in the
8 GTI litigation out of an abundance of caution. It is
9 granting the request pursuant to the permissive right to
10 intervention under Rule 2-214(b). The Court does so only
11 because of the potential of granting specific performance
12 after a review of the evidence, that is something
13 contemplated then. While the Court believes that the
14 Commission could make the arguments against that remedy,
15 Holistic, now that they have requested intervention, may
16 be best suited to make the argument on their behalf. The
17 request of Holistic, LLC to intervene in the AMM matter is
18 denied for the same reasons that the court articulated
19 earlier today in the previous Motion to Intervene finding
20 that the Commission is best situated to make the arguments
21 in that case. Those are the rulings for the motions for
22
23 today. Thank you, Counsel. This Court is in recess.

24 THE CLERK: All rise.

25 (Off the record - 04:09:16 p.m.)

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TRANSCRIBER'S CERTIFICATE

This is to certify that the excerpt of proceedings in the matter of GTI Maryland, LLC, et. al. v. Natalie M. LaPrade Maryland Medical Cannabis Commission, et. al., case number 24-C-16-005801, heard in Circuit Court for Baltimore City on February 21, 2017, was recorded on digital media with video.

I hereby certify that the excerpt of proceedings herein contained were transcribed by me or under my direction. That said transcript is a true and accurate record to the best of my ability and constitutes the official transcript thereof.

In witness thereof, I have hereunto subscribed my name on this 23rd day of March, 2017.

Sherry R. Miller



Sherry R. Miller, President

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GTI MARYLAND, LLC, ET. AL. v. NATALIE M. LAPRADE MARYLAND MEDICAL CANNABIS COMMISSION, ET. AL.
February 21, 2017 BEFORE Barry G. Williams, Judge

GTI MARYLAND, LLC, et. al.,	*	IN THE
	*	
Plaintiffs	*	CIRCUIT COURT
	*	
V	*	FOR
	*	
NATALIE M. LAPRADE MARYLAND	*	BALTIMORE CITY
MEDICAL CANNABIS COMMISSION,	*	
et. al.,	*	CASES: 24-C-16-005134
	*	
Defendants.	*	

* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS
(Motion to Intervene)

BEFORE: THE HONORABLE BARRY G. WILLIAMS, Judge

DATE: February 21, 2017

APPEARANCES:

For the Plaintiff: Philip Andrews, Esquire
Louis P. Malick, Esquire
Christopher C. Jeffries, Esquire

For the Proposed
Intervenors: Arnold Weiner, Esquire
Michael Berman, Esquire

For Maryland
Cultivation
and Processing: Alfred Belcuore, Esquire
Edward Weidenfeld, Esquire

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1 PROCEEDINGS

2 (On the record - 02:05:41 p.m.)

3 THE CLERK: The Honorable Barry Williams
4 presiding.5 THE COURT: Thank you. You may be seated.
6 Good afternoon all.

7 MR. WEINER: Good afternoon, Your Honor.

8 MR. BELCUORE: Good afternoon, Your Honor.

9 MR. JEFFRIES: Good afternoon, Your Honor.

10 THE COURT: We're here for a number of matters.
11 We'll start with the Motion to Intervene of GTI. And this
12 24-C-16-005134, Docket Number 44. Counsel, please
13 identify yourselves for the record.14 MR. WEINER: Good afternoon, Your Honor. Arnold
15 Weiner and Michael Berman for the Proposed Intervenors.

16 THE COURT: Good afternoon.

17 MR. ANDREWS: Good afternoon, Your Honor. Philip
18 Andrews on behalf of Plaintiff, GTI Maryland. Along with
19 me are my colleagues, Chris Jeffries and Louis Malick.

20 THE COURT: Good afternoon.

21 MR. MALICK: Good afternoon, Your Honor.

22 MR. JEFFRIES: Good afternoon, Your Honor.

23 MR. BELCUORE: Good afternoon, Your Honor.
24 Alfred Belcuore with Edward Weidenfeld for Maryland
25 Cultivation and Processing.

1 THE COURT: All right. This is a Motion to
2 Intervene of GTI. Counsel, I have reviewed all of your
3 filings and you certainly have time to argue if you
4 choose. Do you choose to argue or not?

5 MR. WEINER: Yes, we do, Your Honor. And I'm
6 Arnold Weiner. I have just one or two preliminary remarks
7 and I'd like to turn it over to Mr. Berman.

8 THE COURT: Very well. Your time starts now.
9 Thank you.

10 MOTION TO INTERVENE

11 PROPOSED INTERVENOR'S ARGUMENT

12 MR. WEINER: Your Honor, there are two comments I
13 would like to make on behalf of our four growers proposed
14 to intervene. All of them received Stage I approval. All
15 of them have either bought or leased premises, all of them
16 are in the process of improving those premises to meet the
17 standard of the Commission. And hiring staff, they have
18 numerous people on their payrolls already. And they're
19 working hard to meet the August deadline to be operational
20 for the second stage. They've invested, Your Honor, as
21 our affidavits show, more than \$10 million.

22 These grower intervenors in particular, Your
23 Honor, have no interest in crashing somebody else's party.
24 And the only outcomes in this case were either than the 15
25 Stage I approvals remain or that two be switched out. And

1 those were the only two outcomes we wouldn't have moved to
2 intervene.

3 The problem here is, that in order to make their
4 case, GTI and Maryland Cultivation have found it necessary
5
6 to make broader allegations, to make allegations that the
7 grant of the 15 approvals was capricious and arbitrary,
8 and should be set aside. And, Your Honor, you need only
9 look at the second amended complaint at Paragraph 70, in
10 which they say in Paragraph 70, GTI does, that the Stage I
11 approvals were completely contrary to the Commission's,
12 and I add the word "previous public announcements and
13 representations and during the application."

14 Paragraph 72, in which they allege that
15 nevertheless the Commission, prior to, or contrary to its
16 prior guidance exceeded to the reshuffled group of 15.
17 And Paragraph 73, in which they say that the processors,
18 some of the processors, were allowed to change locations,
19 but they were denied that opportunity.

20 Because their case turns on, to get relief,
21 turns on the finding of arbitrariness and capriciousness,
22 what they've really done is let a genie out of the bottle.
23 Because once -- if the Court were to find that the
24 Commission acted arbitrarily or capriciously, the Court
25 would not be bound by the limited relief that they say

1 they're seeking. We quoted at length, Your Honor, from
2 Anne Arundel County Ethics Committee versus Dvorak, 189
3 Md. App. We quoted that at Page 9 of our memoranda. I
4 won't repeat it, you know that it says that the Court is
5 not constrained by what they ask for, it could give more,
6 it could give less. And that's true not only of Your
7 Honor, but also true of any public (inaudible). And for
8 that reason, Your Honor, we think that we have important
9 interests that we need to protect. Let me turn it over to
10 Mr. Berman.

11 MR. BERMAN: Thank you, Mr. Weiner. With the
12 Court's permission, good afternoon, Your Honor.

13 THE COURT: Good afternoon.

14 MR. BERMAN: Good afternoon, Your Honor. Michael
15 Berman, B-e-r-m-a-n. Your Honor, I will not repeat what
16 is in the briefs. I think we've shown an interest. The
17 test is whether it may, as a practical matter, be impaired
18 or impeded. It's a very minimal test, may and practical.
19 We've shown that the invention was timely. And without
20 any disrespect to the State or its attorneys, we've shown
21 that the State does not adequately protect our interests.

22 Your Honor, our position is that of innocent
23 bystanders. We should not have to suffer any risk from
24 this litigation. If the litigation may impact us, and
25 I'll go a little bit further than Mr. Weiner did on why we

1 think it may. If it may impact us, we'd submit we have a
2 right to be heard. If I may digress. May I ask Your
3 Honor for a five minute warning? We'd like to reserve
4 five minutes for rebuttal.

5 THE COURT: Certainly, I will do that.

6 MR. BERMAN: Thank you. Your Honor, the
7 dilemma here is, and the risk is very real. On July 29,
8 what happened according to the Plaintiff's complaint, is a
9 subcommittee, a growers subcommittee of five
10 commissioners, the committee is 16 -- I'm not sure whether
11 there were 15 or 16 sitting at the time, but it has 16
12 slots. So five subcommittee members met on July 29 and
13 they voted for what we call the swap out and the
14 Plaintiffs call the reshuffling. That, we would submit,
15 was nothing more than a subcommittee recommendation. It
16 was a interlocutory, non-final decision.

17 On August 5, that recommendation was presented
18 to the Commission as a whole, all 15 or 16 commissioners.
19 They then unanimously, including Commissioner Moran, voted
20 in favor of the report and adopted it. There was no swap
21 out in the final decision. So the Plaintiff's objection
22 is to an interlocutory recommendation. And to challenge
23 that they do, and they must, attack the final decision.
24 It is that final decision that created our client's, our
25 grower client's interest, by giving them the Stage I

1 award.

2 So the Plaintiffs illogically assert that they,
3 one who was denied a license, has standing to challenge
4 the decision. But they reject the mirror image. They
5 reject the argument that those who received the award have
6 no standing. They argue that those who received the award
7 have no standing to challenge the exact same decision.
8 And they do so even though the grower awardees have spent
9 millions in reliance. And they, on their own allegations,
10 are out of contract and don't even allege that they are
11 able to perform.

12 Two, the interest of Jane and John Doe, minors
13 who need medical cannabis therapy. They are the people
14 that the statute was intended to protect, intended to
15 assist. If they lack standing, then Plaintiff's mere
16 disappointed bidders also lack standing. Third, as Mr.
17 Weiner says, GTI and MCP, have opened the door and they
18 refuse to close it. Their allegations are broad and wide-
19 ranging. And our fourth interest is we believe and we
20 submit, that we have an interest in the process. Our
21 client's awards, our grower awardee's awards, are being
22 adjudicated. We submit that the process is administrative
23 mandamus. Plaintiffs submit that it's plenary review
24 under the Declaratory Judgment Act and Injunctive Relief.
25 We believe that we have a protectable interest in the

1 process.

2 So the Plaintiffs, GTI and MCP, replied. But
3 wait; we're just requesting very limited relief. They are
4 honorable people, we're not saying that they are deceptive
5 at all. I've known Mr. Andrews for 30 years, I respect
6 the members of the Bar, we take them at their word. But
7 in doing so, we have to evaluate their roadmap. And their
8 roadmap is a complaint. And the complaint, under Rule 2-
9 303, can't include surplusage. And what the complaint
10 includes is broad-sweeping allegations that all 15
11 licenses were awarded without merit.

12 So as Mr. Weiner has said, the Court sits in
13 equity. Under the case law, the Court may go farther than
14 the Plaintiff's request or not as far; the Court has broad
15 discretion to do equity. Second. They're asking the
16 Court to reinstate a July 29 subcommittee interlocutory
17 recommendation. As I pointed out earlier, to do that they
18 must attack the August 5 final vote, which is an attack on
19 our client's interests. And third, they have the right to
20 liberally amend. We've all been in litigation that
21 changes as it goes on. They may be compelled to amend to
22 protect their client's interests. And if so, their duty
23 is to their client. And if it impacts our client
24 negatively, they'll do what they have to do. So we submit
25 that we have an interest at risk.

1 Lastly, timeliness, Your Honor. The Plaintiffs
2 do little more --

3 THE COURT: I don't need to hear any argument on
4 timeliness.

5 MR. BERMAN: Pardon me?

6 THE COURT: I don't need to hear any argument on
7 timeliness.

8 MR. BERMAN: Thank you, Your Honor. And on
9 adequate representation, Your Honor, the State has fine
10 attorneys, they're representing their interest. While
11 there may be a shared goal among the Defendants and the
12 Proposed Intervening Defendants, that's almost always the
13 case. If that was the test, intervention would never be
14 granted. Your Honor, I always hesitate to give a sports
15 analogy, because I'm not really knowledgeable about
16 sports. But the goal of the football team is always the
17 same. Every member of the team wants to score. But the
18 interests of the individual players may be different. The
19 quarterback may want to score with a pass, the kicker may
20 want to score with a kick, and the runner may want to
21 score with a run. And that's sort of the situation we're
22 in. Sure, we share a goal with the State. But we have a
23 very different interest.

24 Our interest here, and why it is not adequately
25 represented, is that the growers are very interested in

1 who gets the license. The State is interested only in
2 issuing 15 licenses. Similarly, Jane and John Doe are
3 interested in getting medical therapy that is not an
4 interest of the State. And finally, our clients have an
5 economic risk, a large economic risk, that the State does
6 not have. For those reasons, we are not adequately
7 represented.

8 The relief we would request today, Your Honor,
9 is to grant the Motion to Intervene as defendants, deem
10 the Motion to Dismiss filed and set an accelerated date
11 for oppositions and replies, consider a scheduling
12 conference. Stay all discovery, not procedurally. I'm
13 not making a motion for a protective order. I'm asking as
14 a substantive matter, because of the substance of our
15 claim, that all discovery be stayed. And that the Court
16 set in a hearing on the Motion to Consolidate.

17 THE COURT: Thank you, Counsel.

18 PLAINTIFF'S ARGUMENT

19 MR. ANDREWS: Yes. Thank you, Your Honor. The
20 difficulty with the proposed intervenor's position is that
21 there are four requirements they have to meet under
22 Maryland Rule 2-214. And they don't meet any of them.
23 Let me go first, because I think this was principally the
24 argument that was being made, about having to do with the
25 particular interest of the Proposed Intervenors. The

1 cases are very clear. For example, Duckworth versus Dean,
2 that for intervention is a matter of right. The proposed
3 intervenor must have standing to be a party. And standing
4 requires, as Your Honor knows, that the outcome of the
5 lawsuit might cause a person to suffer some kind of
6 special damage, different in character and kind from that
7 suffered by the general public. None of the Proposed
8 Intervenor meet that standard here, Your Honor.

9 Because their claimed interests are either
10 speculative, based on a bunch of what ifs, or are remote
11 possibilities. The cases are clear, and we've cited them
12 in our papers, that what the Court needs to focus on is
13 the present pleadings. Not what could happen or might
14 happen. From day one, GTI's complaint has been narrowly
15 focused. We have no mentioned any of the grower
16 intervenors. We aren't trying to slow down Stage II. And
17 if we were, we would have done it a long time ago.
18 Because at this point, GTI and MCP are six months behind
19 the currently constituted top 15.

20 This Court can afford the entire relief that GTI
21 and MCP seek and it wouldn't affect any of the proposed
22 intervenors. Jane and John Doe are not asserting any
23 interests that's any different from any other patient who
24 may become eligible to obtain and use medical cannabis
25 under Maryland law. That's just too remote. There's a

1 case we've cited, Environmental Integrity Project versus
2 Moran Ash, an Environmental Protection law suit. The
3 aggrieved property owners, individual property owners,
4 wanted to join in the lawsuit. The Court said; you've got
5 a general interest like all of the other residents who
6 were within 10 to 15 miles of the plant, it's too general.
7 That's the same situation the Doe intervenors have.

8 The same fate for the Coalition intervenor.
9 Again, in that Environmental Integrity Project case, there
10 were two non-profits who said; we want to protect the
11 environment, we want to make certain the environmental
12 laws are enforced. And the Court of Special Appeals said
13 in that case, that's too general of an interest. And
14 again, for the proposed grower applicants, the relief that
15 we are asking for doesn't put them in any jeopardy, other
16 than what they can seemingly imagine. But that's not what
17 the case is saying is a proper basis for intervention.
18 I'm commending the Court, Maryland National Capital Park
19 and Planning versus the Town of Washington Grove. There
20 the Court of Appeals said that it's not enough for a
21 person seeking intervention to base its motion on concern
22 that some future action or proceedings may affect its
23 interests adversely.

24 Seeking intervention in those circumstances is
25 merely speculative and affords no present basis upon which

1 to become a party in the proceedings. It's clear that the
2 grower intervenors, if you will, want to keep their Stage
3 II review going, want to continue their preparations for
4 full licensure. And nothing that we have done or are
5 doing are set forth in their relief from day one would
6 interfere with that. Under those circumstances they are
7 legally, if you will, a stranger to these proceedings.
8 Having an interest in medical cannabis is insufficient.
9 And again, if the Court could afford full relief, it won't
10 change a thing. The proposed grower intervenors will stay
11 in the top 15. They can continue to be licensed, we're
12 not trying to stop that, we haven't tried to stop that.
13 And as Your Honor will recall, the two entities that were
14 swapped out, to use the intervenor's term, or reshuffled,
15 (inaudible) grower intervenors.

16 The last thing I would say, with respect to
17 the fourth requirement, inadequate representation by
18 existing parties. Again, the cases are clear. We've
19 cited them, I know Your Honor's read them. Maryland
20 Radiological Society versus the Health Services Cost
21 Review Commission. The existing parties have exactly the
22 same objectives and goals as these intervenors, that Stage
23 II proceed and that they proceed with their facility
24 preparation until they're ready for final licensure. And
25 we're not seeking to interfere with that at all.

1 The defendants are ably represented by counsel,
2 they've got the same objective. And under that case, and
3 again, the Environmental Integrity Project case, it's very
4 clear that that's not a basis for intervention as a matter
5 of right. Very quickly. As Your Honor said Your Honor
6 doesn't wish to hear about timeliness, I'm satisfied with
7 what we say in the papers on that. So let me just speak a
8 moment with respect to permissive intervention. Again,
9 the question there is, do the -- is there any defense that
10 has a question in law or fact in common with the action,
11 whether the intervenors have any defense. Well, there's
12 been no claim made against them, so they couldn't have a
13 defense. And then the question is does their entry into
14 the case, does intervention prejudice the adjudication of
15 the rights of the original parties. And I think it's very
16 clear that the cases say that the behavior of the
17 intervenors to date, which was to arrive here on December
18 30th with an emergency motion trying to stay discovery, we
19 agreed to a discovery schedule, discovery was ongoing.
20 That's when a disruption is unnecessary. It doesn't add
21 anything to the case except another layer of delay,
22 scheduling taking up the Court's time and resources, we've
23 already had a hearing of dispositive motions.

24 So at this juncture, there is legally
25 cognizable basis for the proposed intervenors to

1 intervene. And for that reason, GTI urges Your Honor to
2 deny the Motion for Intervention.

3 THE COURT: Thank you.

4 MCC'S ARGUMENT

5 MR. BELCUORE: Your Honor, no fewer than 10 times
6 the Maryland Cultivation and Processing has represented
7 formally that it seeks no relief that would upset the
8 status of these intervenors to proceed to licenses. We've
9 said it our Motion for Preliminary Injunction, in the
10 proposed order that attached to it, in the reply in
11 support of it, in the opposition to this motion, and to
12 correspondence with intervenor counsels. We have no basis
13 upon which to upset the award to these intervenors.
14 Rather intervenors argue, to use a term we heard today,
15 the litigation lets the genie out of the bottle.

16 And they cite a case which intervenors say
17 reports a notion that the Court readily may grant
18 equitable relief going beyond that which is even requested
19 by the parties. But that's not what the Dvorak case says
20 at all. What it says is that the statute at issue in that
21 case could not be interpreted to constrain the power of
22 the Court to award equitable relief.

23 Intervenors have cited no authority for this
24 assertion that there could be a runaway court, if I could
25 use that clause. We're not requesting that relief, we

1 have no reason to expect that we would receive that
2 relief.

3 THE COURT: But you're not saying that the Court
4 doesn't have the authority to do so.

5 MR. BELCUORE: Am I saying it or are they saying
6 it? Well, the Court has --

7 THE COURT: You have to acknowledge the Court
8 certainly has broad authority.

9 MR. BELCUORE: I do.

10 THE COURT: Okay.

11 MR. BELCUORE: I do. But I think it would be
12 highly unusual if no evidence is presented by any parties
13 in the adversarial process that challenges the validity of
14 the awards to these intervenors that there would be an
15 injunction explaining the process to them. Because what
16 happened here, is that is the reshuffling if you call, the
17 removal of these two parties, GTI and MCP, taking them out
18 of the 15 and inserting then with two other parties that
19 are not now before the Court.

20 THE COURT: Basically, Counsel, you're saying
21 that the Court doesn't need to allow the proposed
22 intervenors in because there's no real concern that they
23 have based on your own request for relief.

24 MR. BELCUORE: That is correct.

25 THE COURT: You're just simply asking to have

1 two other people moved out, not anyone else, correct?

2 MR. BELCUORE: That's precisely it, Your Honor.

3 THE COURT: But of course, one knows that there
4 may be another argument coming up in a few minutes that's
5 contrary to that, is that not accurate and realistic?

6 MR. BELCUORE: From us?

7 THE COURT: At some point in this day, how
8 about that?

9 MR. BELCUORE: We have no leads that we're
10 following. For example, for example. One of the problems
11 with the intervenor's proposed order is that they want
12 this Court to freeze the total number of awards at 15.
13 And they want this Court to --

14 THE COURT: Well, isn't that already done? The
15 Court has nothing to do with that.

16 MR. BELCUORE: That's correct. Because as I'm
17 sure the intervenors are aware, there are bills that are
18 pending in the General Assembly that will change that.

19 THE COURT: I'm not worried about bills that are
20 pending, I'm worried about what's in front of me now.

21 MR. BELCUORE: Right. The statute now says a
22 maximum of 15. But even under the State's rubric in this
23 case, MCP is the first alternate. It's number 16 by the
24 State's recalculation of the numbers. If one of the 15 is
25 no longer eligible and the Commission decides that it

1 should not get a license, it would default to number 16,
2 which is our client, MCP. There is one firm, not any of
3 these intervenors, not any of the proposed intervenors in
4 the other motion that will come before Your Honor. But
5 one of the other 15, called MedMec. Not Medmec. Mary
6 Mec. Maryland Med. Was one of the 15 who received
7 preapproval.

8 Who on February 6th, days ago, suffered criminal charges
9 brought against their former security director and chief
10 medical officer, two felonies each, for transporting --

11 THE COURT: Are you sure you want to use that on
12 your time to give to the Court or do you want to go to
13 something else?

14 MR. BELCUORE: All right. But you see, that
15 would be the case, in supporting our (inaudible) Your
16 Honor, that would be a situation --

17 THE COURT: It's your time.

18 MR. BELCUORE: -- because we have a basis for
19 thinking that if they're not -- if that firm is not
20 disqualified, then we should get it. But we have no basis
21 in the world, and expect none, and have not asserted any,
22 to challenge the award to these intervenors. They get it
23 even under the charges that we've made, because they were
24 there all along within the top 15. They weren't put there
25 on our expenses.

1 The Shack (sic) case, talks about the fact,
2 Schenk (phonet) rather, that the speculative nature of a
3 concern is not enough. And that case we cited in our
4 opposition, it wasn't even mentioned in a 40 page reply.
5 That case really is dispositive of this argument that we
6 now make; that a speculative concern is not enough. The
7 adequacy of representation. The interest here is the
8 preservation, the interest as the intervenors see it, is
9 the preservation of their status to gain a license.
10 That's precisely what the State is arguing with all the
11 force that could be mustered. The intervenors say that
12 there should be no discovery. The government has filed a
13 Motion for Protective Order. And as Your Honor is aware,
14 is asserting deliberate process and privilege to freeze
15 the right.

16 The intervenors say that review, the scope of
17 review, is narrow because it's an administrative
18 adjudication. We disagree with that. But the State is
19 making that argument now in resisting the Motion for
20 Preliminary Tnjunction. When the interests are the same,
21 the juris prudence of this jurisdiction, the Radiological
22 Society, is there must be a showing of collusion,
23 non-feasance, or bad faith. Collusion, non-feasance or
24 bad faith, for an intervenor to crash -- I wouldn't call
25 this a party. But they are certainly trying to upset

1 what's going on in this Court. And they're doing it by
2 multiple filings, lengthy filings, duplicative filings,
3 repetitive of what the government is argument, and
4 filings, as I've indicated, for example, in a reply that
5 doesn't even address the cases that we have cited.

6 The issue with respect to timeliness rests for
7 intervenor on two cases that are patently distinguishable.
8 The Park and Planning Commission case, the intervenor was
9 already a party, had been brought in on a third party
10 complaint, and had participated in the litigation. It
11 went then to the appellate court who denied the Park and
12 Planning Commission Motion for Summary Judgment, granted
13 in part as to the plaintiff. And then the Park and
14 Planning Commission sought a reconsideration or
15 intervention. And the ruling, the Court of Appeals held
16 that it was erroneous to deny that, because they had been
17 involved throughout the case already. So timeliness was
18 not an issue.

19 THE COURT: One minute, Counsel.

20 MR. BELCUORE: And then the Radiological case,
21 the motion there was filed at the time when the issue
22 became known as a result of an appellate decision. And
23 the issue was raised by the court sua sponte, so the
24 doctor's Motion to Intervene was timely. There are those
25 alternatively independent grounds, Your Honor. And we

1 rest upon the papers for the rest of the argument, that
2 would sustain Your Honor's denial of this Motion to
3 Intervene.

4 THE COURT: Thank you, Counsel. Five minutes, if
5 you need it.

6 REBUTTAL ARGUMENT

7 MR. BERMAN: Thank you, Your Honor. By
8 Plaintiff's own allegations, there's \$40, \$50 million at
9 stake for the grower awardees and medical treatment for
10 Jane and John Doe. I don't know if Your Honor is of an
11 age that you remember the late Senator Edward Dirksen. He
12 was talking about the federal budget and he said; a
13 billion here, a billion there, pretty soon you're talking
14 big money. \$45, \$50 million is big money. That is a
15 concrete interest that is at stake here, Your Honor.
16 Medical treatment is a concrete interest.

17 In response to Mr. Andrews' standing argument,
18 the cases that GTI cited --

19 THE COURT: I don't --

20 MR. BERMAN: Thank you, Your Honor. We believe
21 we've shown that the disruption argument, Your Honor, we
22 have a different view of the governing law. That is not
23 disruption. That is a matter either -- we're right on
24 that or we're wrong on that, Your Honor will call the
25 balls and strikes, and we'll know at the end of the day.

1 But that is far from disruption. Urging a governing
2 principle that if correct, would streamline this case, is
3 not disrupting it.

4 Your Honor, the Dvorak case that MCP argued,
5 here's an exact quote. "When a legislative body enacts
6 a provision for the purpose of benefitting or protecting
7 the public interest," like the cannabis law, "the Circuit
8 Court must consider the public interest." So we think it
9 does support the broad equitable power of the Circuit
10 Court.

11 In closing, Your Honor, here we've shown that
12 our client's interests are not identical with the State.
13 Under a Maryland Radiological standard, the Court of
14 Appeals has said; ordinarily intervention should be
15 allowed, unless it is clear, clear, that the proposed
16 intervenor's interests are protected. Here it is far from
17 clear. Thank you, Your Honor.

18 THE COURT: Thank you, Counsel.

19 (Off the record - 02:35:48 p.m.)

20 (On the record - 02:59:46 p.m.)

21 COURT'S RULING

22 THE COURT: You may be seated. The Court has
23 been called upon to determine whether or not intervention
24 either as a right admissibly appropriate in these two
25 matters. The proposed intervenors, John and Jane Doe,

1 were prospective network patients. Certain proposed
2 growers who received Stage I approval in turning those
3 entities received a license to grow cannabis and the
4 Coalition for Patient Medicinal Access, LLC and Company
5 formed to advance the interest of patients and growers.

6 The Court has reviewed all relevant case law
7 including, but not limited to, Maryland National Capital
8 Park and Planning Commission v. Town of Washington Grove,
9 where the Court discusses standard for intervention of
10 right under Maryland Rule 2-214(a). And what the Court
11 stated, that the rule contains four requirements a person
12 must satisfy in order to intervene as a right. 1); the
13 application was timely, 2); the person claimed an interest
14 related to the property or transaction that is the
15 substance of the action, the person is so situated that
16 the disposition of the action as a practical matter may
17 impair or impede that person's ability to protect their
18 interest. The persons interest is not adequately
19 represented by existing parties to the suit.

20 As the Court noted during arguments, the Court
21 does not need to assess the timeliness of the application.
22 Again, I would find that it was timely given the limited
23 time since the filing of both suits. Part II, the
24 proposed intervenors' claim and interest relating to the
25 transactions that are the subject of these actions. The

1 proposed intervenors believe that they should be allowed
2 in as a matter of right, because if these two complainants
3 are allowed to go forward, the possible time and money
4 loss, which is speculative, could effect their ability to
5 proceed as growers or receive medical cannabis.

6 While this may be true, the first issue is to
7 determine what the transactions that are the subject of
8 this action. This Court finds that the transactions in
9 both cases stem from the applicable or implementation of
10 the statute by the Commissioner, and whether or not the
11 statute has been applied or implemented in an
12 unconstitutional, arbitrary, or capricious manner. The
13 intervenors claim an interest, but this Court finds that
14 the alleged interest is not applicable here. One can
15 always claim an interest in litigation if they stand to
16 benefit from the implementation of legislation that allows
17 parties to be involved in commerce regulated by the
18 government. But that is not the true issue here in your
19 case.

20 The issue at hand in the GTI case is whether or
21 not the Commission, by allegedly removing GTI and MCP from
22 the initial list of 15 growers to make it out of State I
23 and replacing them on the list of Stage I awardees with
24 two proposed growers who allegedly scored lower and those
25 two entities acted in an arbitrary or capricious manner.

1 If that is not the finding, then the process would
2 continue. If the Court does make that finding, then
3 theoretically the Court could order specific performance.
4 If ordered, this could effect only two entities, Holistic,
5 LLC and Shore Naturals, LLC, not any of the proposed
6 intervenors.

7 Holistic has filed a Motion to Intervene and the
8 Court will rule on that at a later time. For the AMM
9 litigation, the Court may be called upon to determine
10 whether or not the process used by the Commission in
11 reviewing and granting Stage I approval to medical
12 cannabis grower license applicants was done in a way that
13 was arbitrary, capricious, or potentially
14 unconstitutional. The Commission has a true interest in
15 making sure that the Court does not make that finding.
16 And so the arguments of the Office of the Attorney General
17 is uniquely suited to advance the appropriate arguments.
18 If the Court does not find the actions unconstitutional,
19 arbitrary, or capricious, then the process would continue.

20 This Court does understand that the statute was
21 recently enacted and that it has not gone under
22 significant scrutiny. There's no history of
23 administrative and judicial rulings for the statute.
24 There are allegations that the process was flawed at the
25 inception and at the application. This Court does not

1 know if it is true, but does note that the intervener's
2 concerns can only be address after a determination of the
3 statute as applied and implemented by the Commission was
4 not arbitrary, capricious, or unconstitutional. Those
5 issues have to do with the statute and not the tangential
6 issues requested.

7 The Court therefore does not find that the
8 intervenors have sufficient interest that are connected to
9 the actions involved in each case. And that's whether the
10 person is so situated that the disposition of the action
11 as a practical matter may impair or impede that person's
12 ability to protect that interest. Once again, this Court
13 has already determined that the claim of interest in this
14 case for the proposed intervenors is misplaced given the
15 allegations presented by the plaintiffs in each case.
16 These are specific issues concerning actions of the
17 subcommittee and the committee in implementing the
18 statute. And once again, arguments that the Commission is
19 uniquely situated to respond to, not the growers, the
20 potential users of the medical cannabis grown.

21 The Court understand that the proposed
22 intervenors have a general interest in the outcome of the
23 case. The growers want nothing to stand in the way of the
24 process which would allow them to get a license, the
25 patients certainly want access to medical cannabis as soon

1 as possible. Those wishes do not rise to the level of a
2 right to intervene.

3 Finally, there's the issue of adequate
4 representation by the existing parties. This Court is
5 satisfied that the Commission, represented by the Office
6 of the Attorney General and not the proposed intervenors
7 before the Court today, is the appropriate defendant to
8 represent the issue of whether or not the statute as
9 implemented was done in an arbitrary, capricious, or
10 unconstitutional manner in part as alleged by the
11 replacement of two growers in the GTI matter. When total,
12 as alleged by the overall application of the statute,
13 in the AMM matter. So far this Court has seen vigorous
14 representation by the Attorney General on behalf of the
15 Commission. Simply because a litigation may not be going
16 in the matter, that a private entity thinks it should,
17 whether the arguments are made are different, there's no
18 basis to allow intervention. This Court is also mindful
19 that there is the potential of permissive intervention.
20 The Court will incorporate by reference all relevant
21 arguments made in responding to the motion as a matter of
22 right and add the following.

23 The Court does not believe that it would be
24 either appropriate or necessary to allow the proposed
25 intervenors in either case, pursuant to the permissive

1 right to intervention under Rule 2-214(b). The Court has
2 considered whether intervention would unduly delay the
3 adjudication of either claim and it determines that it
4 would. Interestingly enough, the proposed intervenors
5 seemingly have an interest in speeding up the process,
6 because they want to begin growing as soon as possible,
7 and want nothing to stand in the way of the next phase of
8 licensing.

9 While understanding the desire for their speed,
10 filing various motions does add time to these proceedings.
11 The Plaintiffs have filed their claims and as noted above,
12 the issue here is whether or not the actions of the
13 Defendant were arbitrary, capricious, or potentially
14 unconstitutional. The Commission is ready, and willing
15 and able to defend its actions. Allowing intervenors at
16 this stage does not assist in that determination.
17 Therefore the Motion to Intervene as a matter of right
18 impermissibly is denied.

19 The Court will now hear the arguments on the
20 Motion to Dismiss filed by the Commission. Thank you,
21 Counsel.

22 (Excerpt concluded - 03:06:55 p.m.)
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TRANSCRIBER'S CERTIFICATE

This is to certify that the proceedings in the matter of GTI Maryland, LLC, et. al. v. Natalie M. LaPrade Maryland Medical Cannabis Commission, et. al., case number 24-C-16-005134, heard in Circuit Court for Baltimore City on February 21, 2017, was recorded on digital media with video.

I hereby certify that the proceedings herein contained were transcribed by me or under my direction. That said transcript is a true and accurate record to the best of my ability and constitutes the official transcript thereof.

In witness thereof, I have hereunto subscribed my name on this 23rd day of March, 2017.





Sherry R. Miller, President

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