

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 3 of 3

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Association, and, the Coalition for Patient
Medicinal Access, 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

**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**

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 ("Movants"), by the undersigned counsel, file this Emergency Motion to Dissolve or Modify the TRO of May 25, 2017;¹ for Renewal of the Motion to Intervene; to Intervene² and Consolidate; for a Stay Pending Appeal; and in Opposition to the Motion for Preliminary Injunction, state as follows:

1. As set forth more fully in the accompanying Memorandum and Affidavits, attached hereto and incorporated herein ("Supported Memo and Affidavits"), Movants are all businesses and persons whose important and vested interests are directly and proximately

¹ The Motion to Shorten Time filed contemporaneously herewith is incorporated herein.

² These motions consist of a motion to renew the prior motion to intervene, and a second, separate motion to intervene.

affected by the Temporary Restraining Order and Motion for Preliminary Injunction, as well as other pleadings and papers, filed in this action.

2. Movants were, and continue to be, denied procedural protections, due process, and their fundamental right to protect their affected interests.

3. Movants have an absolute right, without requesting intervention, to move to modify or dissolve the TRO, under Rule 15-504(f), and for reasons set forth in the Supported Memo and Affidavits.

4. The TRO should be dissolved, for reasons set forth in the Supported Memo and Affidavits.

5. The bond for the TRO is inadequate, under the facts and Maryland Rules, and the TRO should be modified, for reasons set forth in the Supported Memo and Affidavits.

6. A hearing on the Motion to Dissolve or Modify the TRO should be set on two days' notice pursuant to the Maryland Rules, as set forth in the Supported Memo and Affidavits.

7. Movants' rights and interests have been, and continue to be, adversely affected by and in this action by the relief requested by Plaintiff.

8. Movants' interests are not – and cannot be – adequately represented by the State, including the Maryland Medical Cannabis Commission, because Movants' interests differ from the State's interests.

9. Movants should be allowed to Intervene prior to, or at the commencement of, the preliminary injunction hearing, for reasons set forth in the Supported Memo and Affidavits, and Motion to Shorten Time.

10. Prior to the preliminary injunction hearing, Movants should be provided copies of all discovery and pleadings filed or exchanged after the initial Motion to Intervene was denied.

11. Movants should be permitted to subpoena witnesses and/or documents for the preliminary injunction hearing.

12. The Motion for Preliminary Injunction should be denied, after a full adversary hearing, for reasons set forth in the Supported Memo and Affidavits.

13. The June 2, 2017, hearing should be continued, for reasons set forth in, and on the conditions suggested in, the Supported Memo and Affidavits, and Motion to Continue June 2, 2017 Hearing, incorporated herein.

14. Alternative Medicine Maryland, LLC's ("AMM"), time to respond should be shortened as set forth in the Motion to Shorten Time, incorporated herein.

15. AMM should be compelled to bring to any hearing the information requested in the Supported Memo and Affidavits, and Motion to Shorten Time.

16. AMM's entire Motion is grounded on a faulty factual predicate and unproven assumption.

17. AMM would have this Court believe that the Commission did nothing to achieve racial and ethnic diversity. That is not correct.

18. AMM errs when it suggests that it seeks to preserve the status quo through a preliminary injunction.

19. On the facts presented, it would have been unconstitutional to do what AMM requests.

20. Prof. F. Michael Higginbotham appears to be a highly-respected attorney and nothing contained herein is to the contrary; however, his affidavit is inadmissible, and Movants object to consideration of it in its entirety.

21. While AMM previously opposed consolidation by arguing the GTI/MCP case (Case No. 24-C-16-005134) and AMM case were different, it took a 180 degree turn in the deposition of Commissioner Robshaw, and AMM's counsel stated: "*Geographic diversity is part of our complaint. Not just racial and ethnic diversity.*" Robshaw Depo. at 118, 122 (emphasis added). Based on that admission, these actions should be consolidated, for reasons stated in the Supported Memo and Affidavits.

22. This action should be stayed pending appeals in Case Nos. 40 and 42, Court of Special Appeals, for reasons stated in the Supported Memo and Affidavits.

23. Movants incorporate by reference their prior filings in this matter and the related GTI/MCP case.

24. AMM seeks to delay Movants' medical treatment and businesses. In this, as in other contexts, justice delayed is justice denied. *Stanford v. Dist. Title Ins. Co.*, 260 Md. 550, 554 (1971).

25. Here, treatment delayed is treatment denied. Patients have waited four years while AMM has dithered since the middle of 2015. It is far too late in the day to tell them, "be patient, we're working on it." AMM's actions are callous and unconscionable.

26. Businesses have invested millions and it is far too late to tell them that multi-million dollar buildings must sit empty and employees laid off.

Wherefore, the Movants request that this Court order AMM to bring the requested current financial statements, audited financial statements, application, and ranking to the hearing, dissolve and modify the TRO, deny the request for preliminary injunction, and for such other and further relief as may be necessary or appropriate.

REQUEST FOR HEARING

Movants request a hearing on their motion. Pursuant to Rule 15-504(f): "The court shall proceed to hear and determine the application at the earliest possible time."

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

I HEREBY certify that on this 30th day of May 2017, a copy of the foregoing was served,
by first-class mail, postage prepaid, and via email, on:

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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

ORDER GRANTING MOTION TO DISSOLVE OR MODIFY TRO

It is this ___ day of May, 2017, by the Circuit Court for Baltimore City, ORDERED that:

1. The temporary restraining order entered on May 25, 2017, be, and hereby is, DISSOLVED;

2. [ALTERNATIVE] The temporary restraining order entered on May 25, 2017, be, and hereby is, DISSOLVED unless and until Alternative Medicine Maryland, LLC, posts a bond in the amount of \$_____, the Court having found on the record before it that said company has sufficient financial resources to do so;

3. This order is without prejudice to any person to request a greater or lesser bond in the amount that a preliminary injunction issues, no ruling on such issue being contained herein; and,

4. That a copy of this order shall be transmitted to all parties and persons who have appeared.

Barry G. Williams
Judge, Circuit Court for Baltimore City

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

ORDER

It is this ___ day of May, 2017, by the Circuit Court for Baltimore City, ORDERED that:

1. Alternative Medicine Maryland, LLC, shall produce a copy of its most recent financial statements, last audited financial statements, Application, and RESI ranking at the hearing on the Motion to Dissolve or Modify TRO, with copies for all counsel; and,
2. That a copy of this order shall be transmitted to all parties and persons who have appeared.

Barry G. Williams
Judge, Circuit Court for Baltimore City

Exhibit A.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-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.”

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:

Phillip M. Andrews
Christopher C. Jeffries
Sheila R. Gibbs
Louis P. Malick
Kramon & Graham, P.A.
One South Street
Suite 2600
Baltimore, Maryland 21202
pandrews@kg-law.com
cjeffries@kg-law.com
sgibbs@kg-law.com
lmalick@kg-law.com
(410) 752-6030 Telephone
(410) 539-1269 Facsimile

Of Counsel:
Lanny J. Davis
Davis Goldberg & Galper PLLC
1700 K. St., N.W., Suite 825
Washington, D.C. 20006
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.

888 Seventeenth Street, N.W., Suite 904
Washington, D.C. 20006
Alfred.belcuore@belcuorelaw.com

Edward Weidenfeld
The Weidenfeld Law Firm, P.C.
edward@weidenfeldlaw.com
888 17th Street N.W. #1250
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Attorney for Plaintiff Maryland Cultivation & Processing, LLC

Heather B. Nelson
Robert D. McCray
Heather.nelson1@maryland.gov
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Office of the Attorney General
Maryland Department of Health & Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201

Attorneys for Defendants

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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


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.

Exhibit A.2

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF John Doe 2

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, **John Doe 2** suffer from essential tremors, chronic joint pain, and clinical depression.

3. I have been diagnosed with essential tremors, chronic joint pain (from arthritis) and clinical depression.

4. The pharmaceutical drugs I have been prescribed do not treat the various conditions as advertised and cause side effects which can be worse than the conditions.

5. I need to have medicinal cannabis which has been more effective without side effects to treat my conditions.

6. I do not want to disclose my medical condition or treatment to the public.

7. I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

John Doe 2

May 28, 2017

Executed in Maryland

Exhibit A.3

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF Allegany Medical Marijuana Dispensary

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. Allegany Medical Marijuana Dispensary is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 9, 2016, Allegany Medical Marijuana Dispensary was approved by the Maryland Medical Cannabis Commission (“MMCC”) for a distribution license, after a rigorous and costly application process.

4. Allegany Medical Marijuana Dispensary has finished the Stage 2 process. Allegany Medical Marijuana Dispensary believes in good faith that it will timely meet, all requirements for final approval and licensure as our facility build-out will be complete by 7/1/2017.

5. On December 23, 2016, Allegany Medical Marijuana Dispensary began taking steps to become operational.

6. Allegany Medical Marijuana Dispensary has spent in excess of \$750,000 to plan and complete build-out, purchase software, interview and retain clinical, management, and operational staff, advertise, and provide advocacy in the community by bringing in medical speakers from Universities such as Duke. Furthermore, we already have over 400 patients registered with our Dispensary. We receive phone calls, emails, mail, and social media inquiries daily from patients desperate to obtain cannabis as a legal medicine.

7. Any challenge to the licensing process creates substantial uncertainty for Allegany Medical Marijuana Dispensary, its employees, and the patients waiting for legal treatment.

8. I am owner and managing member of Allegany Medical Marijuana Dispensary.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Dr. Sajal Roy, PharmD, CSP, CGP, CPSO, CACP



May 28, 2017

Executed in Maryland

Exhibit A.4

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF CHARM CITY MEDICUS, LLC –

DISPENSARY SENATORIAL DISTRICT 6

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. Charm City Medicus, LLC is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for dispensing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 09, 2016, Charm City Medicus, LLC was approved by the Maryland Medical Cannabis Commission (“MMCC”) for a dispensary license, after a rigorous and costly application process.

4. Charm City Medicus, LLC is now concluding the Stage 2 process. Charm City Medicus, LLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On January 9th, 2017, Charm City Medicus, LLC began taking steps to become operational.

6. As of May 27, 2017, Charm City Medicus, LLC has raised approximately \$1,000,000 of capital investment. On May 25, 2017, Charm City Medicus, LLC executed a lease agreement for its dispensary location in Senatorial District 6. Over the last several months, Charm City Medicus, LLC has met with our District 6 Senator (Mr. Johnny Ray Salling), our 7th Council District Councilman (Mr. Todd Crandell) and his staff, the Baltimore County Police Precinct 12 leadership, and has also participated in numerous neighborhood association meetings to introduce our company and discuss the medical cannabis program in Maryland. Through some of these meetings and social media, we have received numerous inquiries from patients and families of patients on when our dispensary would be open and what types of products we would have available. We believed from the beginning we not only had a responsibility to our patients but also to the local residents and businesses therefore we have developed and maintained the relationships necessary to successfully implement the medical cannabis industry into the Maryland market. Additionally, we received a written letter (which was also sent to the Maryland Medical Cannabis Commission) from the President of the neighborhood association in closest proximity to our dispensary location approving the use of the property we recently executed a lease for. This property is already properly zoned per the Baltimore County zoning regulations outlined in Bill No. 61-15 and does not require a special exception. Every day more and more Maryland citizens either struggle or succumb to opiod addiction and through the medical cannabis program we have an opportunity to offer alternative natural medication and save lives – the more program delays, the more citizens we lose to opiod addiction.

We have already executed contracts for architectural and engineering design and drawings with a well-respected Baltimore City architectural firm. We are scheduled for demo and buildout to commence within the next 10 calendar days. We have also contracted out our security

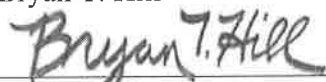
requirements to a local security company for camera, fire/burglary, and biometric entry/exit capabilities to ensure we comply with MMCC regulations. We have scheduled training for our dispensary staff and will be traveling to Colorado and Washington DC to train on site at our consultants successful and compliant dispensary locations. Over the next 90 days we will have invested over \$650,000 total since January 2017 to get our dispensary operation up and running to ensure patients have a safe and secure location to obtain their medical cannabis products. Our monthly operational expenses, to include building and employee expenses, is over \$100,000. By continuing to delay the program and availability of medical cannabis products, we will have burned through all our capital and funding by mid fall 2017. It is imperative the Maryland medical cannabis program continue as scheduled to ensure patients (who have waited over four years already) have access to medicine but also to support the livelihood and success of the dispensaries who are mostly small businesses owned by Maryland residents.

7. Any challenge to the licensing process creates substantial uncertainty for Charm City Medicus, LLC.

8. I am owner and managing member of Charm City Medicus, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Bryan T. Hill



May 29, 2017

Executed in Maryland

Exhibit A.5

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

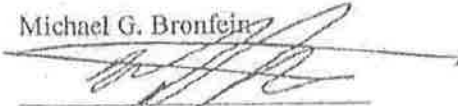

January 23, 2017
Executed in Maryland

Exhibit A.6

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF MICHAEL G. BRONFEIN, CEO CURIO CULTIVATION, LLC

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. Curio Cultivation, LLC, is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission ("MMCC"), and then for cultivating medical cannabis and distributing it to eligible patients through channels established and approved by the laws of Maryland.

3. On August 15, 2016, Curio Cultivation, LLC, was approved by the MMCC for a Stage 1 grower license, after a rigorous and costly application process. Curio Cultivation, LLC, is now concluding the Stage 2 approval and licensure process. Curio Cultivation, LLC, proffers that it believes in good faith that it will timely meet all requirements for Stage 2 approval and licensure and is, in fact, scheduled to receive its final inspection on or about May 31, 2017.

4. I am told that under COMAR 10.62.08.06.E, MMCC may rescind pre-approval "if the grower is not operational within 1 year of pre-approval." Therefore, immediately after pre-approval on August 15, 2016, Curio Cultivation, LLC, began taking steps to become operational on or before August 15, 2017.

5. Growing medical grade cannabis is a highly-technical process that requires a substantial investment and a substantial amount of time and expertise is needed to develop a secure and effective cultivation facility. It is necessary to build or lease an appropriate facility, hire and train employees, purchase expensive and unique equipment, create formulations and test those for commercialization, and take other steps required by law.

6. Curio Cultivation, LLC, has completed the majority of the construction of its State-of-the-Art 56,000 square foot Hygienic Cultivation and Good Manufacturing Practice (“cGMP”) manufacturing plant located in Timonium, Maryland, and is scheduled to move into the facility on May 26, 2017. Curio Cultivation, LLC, received its Use & Occupancy permit for the building from Baltimore County on May 16, 2017. Any and all delay is costly. This facility represents a total investment of \$20,000,000.00 and is intended to enable Curio Cultivation, LLC, to become a national leader in medicinal cannabis products in traditional pharmaceutical dosage forms. If operations are restrained or enjoined, Curio Cultivation, LLC, will sustain operating losses of approximately \$200,000.00 per month.

7. Any restraint or injunction of the licensing process creates substantial uncertainty for Curio Cultivation, LLC, and will cause it to immediately upon the granting, layoff all employees until such time as the matter is resolved and Curio Cultivation, LLC is able to commence operations.

8. The granting of a TRO or injunctive relief will result in immediate layoff of all employees until the issue is resolved. This will cause hardship to Curio’s Cultivation, LLC’s employees. For example, three of Curio Cultivation, LLC’s initial senior managers resigned from well-paying positions in other states, moved their families to Maryland, and in two cases purchased

homes, taking on mortgage debt based on their anticipated income from Curio Cultivation, LLC. The payroll that will be suspended is approximately \$209,000 per month.

9. Adding an additional dimension of hardship should a TRO or injunction be issued, Curio Holdings, LLC, the parent of Curio Cultivation, LLC, also has a processing subsidiary whose primary purpose is the manufacture of proprietary medicinal products based on the research and development of Curio's scientific advisory board. The Science Board has developed nine promising compounds and it is anticipated that four of these compounds would be placed in clinical surveys with patients in November 2017, if Curio is able to continue its business operations unconstrained. Therefore, the issuance of a TRO will irreparably damage the health of patients who have waited for four years for Maryland to launch this life changing program.

10. In addition to the foregoing, 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 shortens that benefit and is prejudicial.

11. In addition to the foregoing, I am concerned that if the facility is not operational on or before August 15, 2017, MMCC may rescind pre-approval under COMAR 10.62.08.06.E.

12. I am the Chief Executive Officer, and an owner and managing member of Curio Cultivation, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the

contents of the foregoing paper are true.

CURIO CULTIVATION, LLC

BY: 

~~Michael Bronfein~~
Managing Member

May 23, 2017

Executed in Maryland

Exhibit A.7

ALTERNATIVE MEDICINE 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-16-005801

**AFFIDAVIT OF MACKIE BARCH, MANAGER, DOCTORS ORDERS MARYLAND
LLC**

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. Doctors Orders Maryland LLC, is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission ("MMCC"), and then for cultivating medical cannabis and distributing it to eligible patients through channels established and approved by the laws of Maryland.

3. On August 15, 2016, Doctors Orders Maryland LLC, was approved by the MMCC for a Stage 1 grower license, after a rigorous and costly application process. Doctors Orders Maryland LLC, is now commencing the Stage 2 approval and licensure process. Doctors Orders Maryland LLC, proffers that it believes in good faith that it will timely meet all requirements for Stage 2 approval and licensure.

4. I am told that under COMAR 10.62.08.06.E, MMCC may rescind pre-approval "if the grower is not operational within 1 year of pre-approval." Therefore, immediately after pre-approval on August 15, 2016, Doctors Orders Maryland LLC, began taking steps to become operational on or before August 15, 2017.

5. Growing medical grade cannabis is a highly-technical process that requires a substantial investment and a substantial amount of time and expertise is needed to develop a secure and effective cultivation facility. It is necessary to raise capital, build or lease an appropriate facility, hire and train employees, purchase expensive and unique equipment, create formulations and test those for commercialization, and take other steps required by law.

6. Doctors Orders Maryland LLC has incurred expenditures totaling approximately \$1,250,000 to date in preparation of commencing its cultivation, processing and dispensary operations.

7. Doctors Orders Maryland LLC is in the process of finalizing a round of financing up to \$7,000,000. If operations are restrained or enjoined, Doctors Orders Maryland LLC will lose a significant majority of this financing. Without timely funding, Doctors Orders Maryland LLC will not be able to complete construction of its growing and processing facilities, resulting in an inability to be operational by August 15, 2017.

8. Doctors Orders Maryland LLC or its affiliates has incurred approximately \$90,000 in real estate-related expenses, including option payments, environmental studies and legal fees, in connection with its lease of real property in Dorchester County for its proposed cultivation and processing operations, and in Baltimore City for its proposed dispensary operations. Any injunction of the licensing process will delay the opening of these locations, causing Doctors Orders Maryland LLC to incur additional real property costs, including lease payments, prior to commencement of any receipt of revenue from the proposed operations, jeopardizing overall viability of its business.

9. Doctors Orders Maryland LLC is in the process of engaging skilled and unskilled employees and consultants to service its anticipated operational needs. Any delay in Maryland's

medicinal cannabis program negatively impacts Doctors Orders Maryland LLC's ability to procure a competitive work force, due to the commencement of medicinal cannabis programs in other states.

10. In addition to the foregoing, 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 shortens that benefit and is prejudicial.

11. In addition to the foregoing, I am concerned that if the facility is not operational on or before August 15, 2017, MMCC may rescind pre-approval under COMAR 10.62.08.06.E.

12. In addition, any further delay in Maryland's medical cannabis program will affect thousands of patients' ability to obtain timely access to medicinal cannabis in Maryland.

13. I am the Manager of Doctors Orders Maryland LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

DOCTORS ORDERS MARYLAND LLC

BY: _____

Mackie Barch

Manager

May 30, 2017

Executed in Maryland



Exhibit A.8

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF EVOLUTION WELLNESS, LLC

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. Evolution Wellness, LLC (“Evolution”) is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 9th, 2016, Evolution was pre-approved by the Maryland Medical Cannabis Commission (“MMCC”) to pursue a dispensary license, after a rigorous and costly application process.

4. Evolution is now concluding the Stage 2 process. Evolution proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On December 21st, 2016, after the Organization Briefing with the MMCC in Ellicott City, Maryland, Evolution began taking steps to become operational.

6. In an effort to become operational, Evolution, its investors and its partners have committed over \$1,500,000 in resources to date. These costs include the acquisition of property (3005 Solomons Island Road, Edgewater, Maryland), consulting, professional service, and legal fees related to its capital raise, land use/zoning approvals, and other required steps to obtain Stage 2 approval. Additionally, Evolution has already engaged professional firms to assist with the engineering, architecture and build-out of its retail location.

If the MMCC is enjoined from issuing Stage 2 license approvals, there could be delays that would cause significant and irreparable harm to Evolution's business. Without the ability to become operational, Evolution will burn its cash reserves at a rate of over \$15,000 a month on real estate and other necessary operational costs. Additionally, Evolution has a special exception hearing in Anne Arundel County related to the use of commercial real estate scheduled for June 8th, 2017. Zoning approval is expected, but delays in obtaining Stage 2 license approvals could cause the zoning approvals to lapse. The resulting misalignment in zoning and licensing approvals will, in turn, create a cycle of increased legal spend and additional permitting work that could expose the company to tens of thousands of dollars' worth of irreparable financial harm. If the misalignment cannot be corrected, it could further cause Evolution to miss the Stage 2 approval deadlines altogether resulting in a total loss.

On the human capital side, Evolution has committed resources to recruiting uniquely skilled employees. The Company has been notified that it will likely lose at least two of those key employees if there are any delays of more than a month of its anticipated launch date. Evolution expects to provide jobs for as many as fifteen Maryland state citizens that are all at risk if there are substantial delays in the licensing timeline.

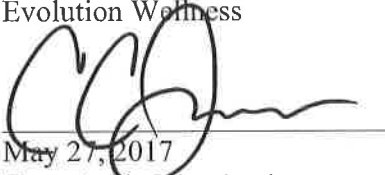
Finally, Evolution has ample committed investor capital to become operational. However, if there are any significant delays in the MMCC's proffered timeline, it could shake investor confidence and potentially cause the investors to pull their commitments. If that happens, it could put Evolution in danger of bankruptcy.

7. Any challenge to the licensing process and changes in the MMCC-proffered timeline will create substantial uncertainty for Evolution.

8. I am owner and managing member of Evolution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Christopher C. Jensen
Co-Founder and CEO
Evolution Wellness



May 27, 2017
Executed in Maryland

Exhibit A.9

ALTERNATIVE MEDICINE 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-16-005801

**AFFIDAVIT OF CARY D. MILLSTEIN, PRESIDENT OF FREESTATE
WELLNESS, LLC**

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. Freestate Wellness, LLC, is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission (the "MMCC"), and then for cultivating medical cannabis and distributing it to eligible patients through channels established and approved by the laws of Maryland.

3. On August 15, 2016, Freestate Wellness, LLC, was approved by the MMCC for a Stage 1 grower license, after an almost 20 month rigorous and costly application process. Freestate Wellness, LLC, is now concluding the Stage 2 approval and licensure process. Freestate Wellness, LLC, proffers that it believes in good faith that it will timely meet all requirements for Stage 2 approval and licensure and

anticipates; it will submit its Stage 2 application and request its final inspection be on or before June 2, 2017.

4. I am told that under COMAR 10.62.08.06.E, MMCC may rescind pre-approval "if the grower is not operational within 1 year of pre-approval." Therefore, immediately after pre-approval on August 15, 2016, Freestate Wellness, LLC, began taking steps to become operational on or before August 15, 2017. Growing medical grade cannabis is a highly-technical process that requires a substantial investment and a substantial amount of time and expertise is needed to develop a secure and effective cultivation facility. It is necessary to build or lease an appropriate facility, hire and train employees, purchase expensive and unique equipment, identify strains and test those for commercialization, and take other steps required by law.

5. Freestate Wellness, LLC, has nearly completed the initial phase of the interior construction of its state-of-the-art 48,000 square foot state of the art agricultural plant located in Howard County, Maryland, and is planning to move into the facility on June 9th, 2017. Freestate Wellness, LLC, is scheduled to request its Use & Occupancy permit for the building from Howard County on May 31, 2017. Any and all delay is costly. This facility represents an initial total investment of \$8,000,000.00 and is intended to enable Freestate Wellness, LLC, to become Maryland's premier producer of medicinal cannabis products with traditional and customized pharmaceutical dosage forms. If operations are restrained or enjoined, Freestate Wellness, LLC, will sustain losses of approximately \$150,000.00 per month.

6. Any restraint or injunction of the licensing process creates substantial

damage for Freestate Wellness, LLC, and will cause it to immediately upon the granting, layoff all employees until such time as the matter is resolved and Freestate Wellness, LLC is able to commence operations.

7. The granting of injunctive relief will result in immediate layoff of all employees until the issue is resolved. This will cause hardship to Freestate Wellness, LLC's employees. For example, two of Freestate Wellness, LLC's initial senior managers resigned or have given notice from well-paying positions; the payroll that will be suspended is approximately \$90,000 per month.

8. Adding an additional dimension of hardship should an injunction be issued, Freestate Wellness, LLC, also has applied for a patented and proprietary method of delivering variable dosed medicaments. Therefore, the issuance of an injunction will irreparably damage the health of patients who have waited over four years for Maryland to launch this life-changing program.

9. In addition to the foregoing, 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 which provides economic protections to licensees who have taken substantial risk in becoming the first operators in a new marketplace. Any delay in licensure shortens that benefit and is prejudicial.

10. In addition to the foregoing, the time and expense thus far committed pale in comparison to the total damages Freestate Wellness, LLC, would endure should through no fault of its own, this valuable right was taken from them after following all of the state requirements and being scored 4th highest cultivator applicant in Maryland. We

estimate our total economic loss could exceed \$200,000,000.00 in the first 5 years of business operations alone; should this TRO not be lifted, an injunction granted, and further delays allowed to stop this program from launching, our losses will increase as we had relied on the state and its program commitments to undertake this business initiative. We feel the state of Maryland should understand and bear the consequences of its actions.

11. In addition to the foregoing, I am concerned that if our facility is not operational on or before August 15, 2017, MMCC may rescind our pre-approval under COMAR 10.62.08.06.E.

12. I am the President and an owner of Freestate Wellness, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

FREESTATE WELLNESS, LLC

By:  _____
Cary Millstein
President
May 27, 2017

Exhibit A.10

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF Lauren Simpson

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. G&J Pharmaceuticals is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 16th, 2016, G&J Pharmaceuticals was approved by the Maryland Medical Cannabis Commission ("MMCC") for a distribution license, after a rigorous and costly application process.

4. G&J Pharmaceuticals is now concluding the Stage 2 process. G&J Pharmaceuticals proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On December 17th, 2016, G&J Pharmaceuticals began taking steps to become operational.

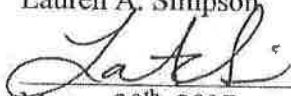
6. G&J Pharmaceuticals has engaged consultants for opening the dispensary; found a location and is signing a lease for the dispensary; has hired a Clinical Director; begun an extensive marketing campaign beginning with the creation of a website; partnered with a highly rated medical dispensary in Lansing, MI for branding and best practices; paid for training in Colorado and web based for the Operations Manager; among other various tasks and expenses involved in starting a new business.

7. Any challenge to the licensing process creates substantial uncertainty for G&J Pharmaceuticals.

8. I am owner and managing member of G&J Pharmaceuticals.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Lauren A. Simpson



May 30th, 2017

Executed in Maryland

Exhibit A.11

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF FRANK D. BOSTON, III, GREEN LEAF MEDICAL, LLC

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. Green Leaf Medical, LLC, is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission ("MMCC"), and then for cultivating medical cannabis as approved by the laws of Maryland.

3. On August 15, 2016, Green Leaf Medical, LLC, was approved by the MMCC for a Stage 1 grower license, after a rigorous and costly application process. Green Leaf Medical, LLC, is now concluding the Stage 2 approval and licensure process. Green Leaf Medical, LLC, proffers that it believes in good faith that it will timely meet all requirements for Stage 2 approval and licensure and is, in fact, scheduled to receive its final inspection on or about July 27th, 2017

4. I am told that under COMAR 10.62.08.06.E, MMCC may rescind pre-approval "if the grower is not operational within 1 year of pre-approval." Therefore, immediately after pre-approval on August 15, 2016, Green Leaf Medical, LLC began taking steps to become operational on or before August 15, 2017.

5. Growing medical grade cannabis is a highly-technical process that requires a substantial investment and a substantial amount of time and expertise is needed to develop a secure and effective cultivation facility. It is necessary to build or lease an appropriate facility, hire and train employees, purchase expensive and unique equipment, create formulations and test those for commercialization, and take other steps required by law.

6. Green Leaf Medical has completed the majority of the construction of its State-of-the-Art 45,000 square foot medical cannabis cultivation facility located in Frederick, Maryland, and is scheduled to move into the facility on July 28th, 2017. Green Leaf Medical, LLC, received zoning verification approval in 2015 and has held a lease on the property since that time. Any and all delays are costly. Our facility represents a total investment of \$6,500,000.00 with an on going burn rate of \$95,000 per month. If operations are restrained or enjoined, Green Leaf Medical, LLC, will sustain losses of approximately \$95,000.00 per month.

7. Any restraint or injunction of the licensing process creates substantial uncertainty for Green Leaf Medical, LLC, and will cause it too immediately upon the granting, layoff all employees until such time as the matter is resolved and Green Leaf Medical, LLC is able to commence operations.

8. The granting of a TRO or injunctive relief will result in immediate layoff of all employees until the issue is resolved. This will cause hardship to Green Leaf Medical, LLC's employees. For example, two of Green Leaf Medical, LLC's initial senior managers resigned from a well-paying positions in other companies based on their anticipated income from Green Leaf Medical, LLC.

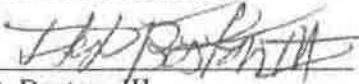
9. In addition to the foregoing, there is a statutory moratorium on additional grower licenses through June 1, 2018. This is a "first to market" provision and it is an important benefit. Any delay in licensure shortens that benefit and is prejudicial.

10. In addition to the foregoing, I am concerned that if the facility is not operational on or before August 15, 2017, MMCC may rescind pre-approval under COMAR 10.62.08.06.E.

11. I am a Founding Member, an owner and managing member of Green Leaf Medical, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Green Leaf Medical, LLC

BY: 

Frank D. Boston, III
A Founding Member
May 26, 2017
Executed in Maryland

Exhibit A.12

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF HALLAWAY, LLC

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. Hallaway, LLC is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.
3. On Dec 9, 2016, Hallaway LLC was approved by the Maryland Medical Cannabis Commission ("MMCC") for a distribution license, after a rigorous and costly application process.
4. On December 10, 2016, Hallaway LLC began taking steps to become operational.
5. Hallaway LLC has negotiated a price and contract terms for a lease which it will lose if we are unable to move forward because of delays. The process of finding and negotiating for a usable, appropriate space has taken us months of work. Hallaway LLC stands to lose our

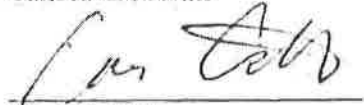
investors if there is a significant delay to this process which would cost our company our initial \$20,000 investment.

6. Any challenge to the licensing process creates substantial uncertainty for Hallaway LLC.

7. I am owner and managing member of Hallaway LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Carissa Cartalemi



May 30, 2017

Executed in Maryland

Exhibit A.13

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF HERBICULTURE INC.

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. Herbiculture Inc. is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 9th, 2016, Herbiculture Inc. was approved by the Maryland Medical Cannabis Commission (“MMCC”) for a distribution license, after a rigorous and costly application process.

4. Herbiculture Inc. is now in the process of concluding the Stage 2 application process. Herbiculture Inc. proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On December 9th, 2016, Herbiculture Inc. began taking steps to become operational.

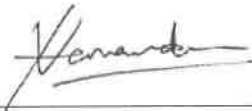
6. Herbiculture Inc. has been working with Montgomery county to ensure we receive the appropriate zoning and construction permits to ensure the facility meets all legal requirements. We have already leased a retail space, which require us to provide a personal guarantee and are currently paying monthly rent until we get the dispensary set up. Further delays will mean much higher costs, and raising further funds to ensure that we have sufficient funds to complete the project. Such uncertainly in the Maryland market is making it difficult to find further investment. Therefore, we need to ensure that we move forward as soon as possible to ensure we will not incur further loss of investment.

7. Any challenge to the licensing process creates substantial uncertainty for Herbiculture Inc.

8. I am owner and managing member of Herbiculture Inc.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Venushki Hemachandra



May 30, 2017

Executed in Maryland

Exhibit A.14

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF MARYLAND PHYSICIAN PARTNERS

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 Arizona. I am competent to testify to the facts contained herein.

2. Maryland Physician Partners is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for dispensing of medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 9th 2016, Maryland Physician Partners was approved by the Maryland Medical Cannabis Commission ("MMCC") for a distribution license, after a rigorous and costly application process.

4. Maryland Physician Partners is now concluding the Stage 2 process. Maryland Physician Partners proffers that it believes in good faith that it will timely meet all requirements for Stage 2 approval and licensure.

5. On December 9, 2016, Maryland Physician Partners began taking steps to become operational.

6. Maryland Physician Partners has collaborated with several real estate firms, hired staff to help find suitable locations, invested in area maps, flown out to Maryland to pursue appropriate locations and attend COMAR required events. We anticipated that costs through the first year will be approximately \$800,000. However, this was counting on having revenue. If there is nothing to dispense (and no revenue), then our costs run us well over \$1,000,000 into the red by Fall 2018.

7. Any challenge to the licensing process creates substantial uncertainty for Maryland Physician Partners.

8. I am owner and managing member of Maryland Physician Partners

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Gina Berman, MD

May 29, 2017

Executed in Arizona

Exhibit A.15

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF KYLE E. KINGSLEY, M.D.

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 Minnesota. I am competent to testify to the facts contained herein.

2. MaryMed, LLC, ("MaryMed") is a Maryland limited liability company formed for the purpose of seeking a license from the Natalie M. LaPrade Maryland Medical Cannabis Commission (the "MMCC"), and subsequently for cultivating medical cannabis and distributing it to eligible patients through channels established and approved by the laws of Maryland.

3. On August 15, 2016, MaryMed was approved by the MMCC for a Stage 1 grower pre-approval, after a rigorous and costly application process. MaryMed is now concluding the Stage 2 approval and licensure process. MaryMed proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure and is ready to receive its final inspection on or about July 31, 2017.

4. I am told that under COMAR 10.62.08.06.E, MMCC may rescind pre-approval "if the grower is not operational within 1 year of pre-approval." Therefore, immediately after pre-approval on August 15, 2016, MaryMed began taking steps to become operational on or before August 15, 2017.

5. Growing medical grade cannabis is a highly-technical process that requires a substantial investment and a substantial amount of time and expertise is needed to develop a secure and effective cultivation facility. It is necessary to build or lease an appropriate facility, hire and train employees, purchase expensive and unique equipment, and take other steps required by law.

6. MaryMed has completed substantial construction and renovation of its 22,500 square foot cultivation and manufacturing plant with state-of-the-art laboratory facilities located in Hurlock, Maryland, and is scheduled to move into the facility on or before July 31, 2017. Any and all delay is costly and would result in irreparable harm to MaryMed. MaryMed has already committed to a total investment in excess of \$5,000,000 that is intended to enable MaryMed to become a national leader in providing best-in-class pharmaceutical grade medicinal cannabis products utilizing state-of-the-art cultivation technology. If operations are restrained or enjoined, MaryMed will sustain losses of approximately \$100,000 per month.

7. Any restraint or injunction of the licensing process creates substantial uncertainty for MaryMed and will cause it to immediately upon the granting, layoff all MaryMed employees until such time as the matter is resolved and MaryMed is able to commence operations.

8. The granting of a TRO or injunctive relief will result in immediate layoff of all personnel employed by MaryMed until the issue is resolved. This will cause hardship to MaryMed's employees.

9. In addition to the foregoing, 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.

10. In addition to the foregoing, I am concerned that if the facility is not operational on or before August 15, 2017, MMCC may rescind pre-approval under COMAR 10.62.08.06.E.

11. I am the Chief Executive Officer, and an owner and managing member of MaryMed, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

MARYMED, LLC

BY: 

Kyle E. Kingsley, M.D.
Chief Executive Officer
May 30, 2017
Executed in Maryland

Exhibit A.16

ALTERNATIVE MEDICINE 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-16-005801

**AFFIDAVIT OF MITCHELL P. KAHN, CEO MARYLAND COMPASSIONATE CARE
AND WELLNESS, LLC**

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 Illinois. I am competent to testify to the facts contained herein.

2. Maryland Compassionate Care and Wellness, LLC is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for cultivating medical cannabis and distributing it to eligible patients through channels established and approved by the laws of Maryland.

3. On August 15, 2016, Maryland Compassionate Care and Wellness, LLC was approved by the Maryland Medical Cannabis Commission (“MMCC”) for a Stage 1 grower license, after a rigorous and costly application process.

4. Maryland Compassionate Care and Wellness, LLC is now concluding the Stage 2 approval and licensure process. Maryland Compassionate Care and Wellness, LLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. I am told that under COMAR 10.62.08.06.E, MMCC may rescind pre-approval “if the grower is not operational within 1 year of pre-approval.” Therefore,

immediately after pre-approval on August 15, 2016, Maryland Compassionate Care and Wellness, LLC began taking steps to become operational on or before August 15, 2017.

6. Growing medical grade cannabis is a highly-technical process that requires a substantial investment and a substantial amount of time and expertise is needed to develop a secure and effective cultivation facility. It is necessary to build or lease an appropriate facility, hire and train employees, purchase expensive and unique equipment, and take other steps required by law.

7. Maryland Compassionate Care and Wellness, LLC has completed substantial construction of its state-of-the-art 53,000 square foot cultivation facility located in Taneytown, Maryland. This facility represents a total investment of approximately \$10,000,000.00 and is intended to enable Maryland Compassionate Care and Wellness, LLC to become an industry leader in medical cannabis cultivation and processing. If operations are restrained or enjoined, Maryland Compassionate Care and Wellness, LLC will sustain losses of approximately \$175,000.00 per month.

8. Any restraint or injunction of the licensing process creates substantial uncertainty for Maryland Compassionate Care and Wellness, LLC and will cause it to immediately upon the granting, layoff all employees until such time as the matter is resolved and Maryland Compassionate Care and Wellness, LLC is able to commence operations. This will cause hardship to Maryland Compassionate Care and Wellness, LLC's employees who have left other well-paying positions to join the company.

9. In addition to the foregoing, 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.

10. In addition to the foregoing, I am concerned that if the facility is not operational on or before August 15, 2017, MMCC may rescind pre-approval under COMAR 10.62.08.06.E.

11. I am the Chief Executive Officer, and an owner and manager of Maryland Compassionate Care and Wellness, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

MARYLAND COMPASSIONATE CARE AND WELLNESS, LLC



By: _____
Mitchell P. Kahn
Manager
May 26, 2017
Executed in Illinois

Exhibit A.17

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF ALAN STAPLE

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 North Carolina. I am competent to testify to the facts contained herein.

2. Medical Products and Services, Inc. is a Maryland limited liability company formed for, among other things, the purpose of seeking a dispensary license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 16, 2016, Medical Products and Services, Inc. was approved by the Maryland Medical Cannabis Commission (“MMCC”) for a Dispensary License, after a rigorous and costly application process.

4. Medical Products and Services, Inc. is now concluding the Stage 2 process. Medical Products and Services, Inc proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On December 17, 2016, Medical Products and Services, Inc. started taking steps to become operational.

6. On December 21, 2016, the Medical Cannabis Commission held a Business Information Session. Representatives of the Commission distributed documents governing the procedure for Stage 2 license approval. The Executive Director of the Commission advised the attendees that the Stage 2 approval process must be completed by December 31, 2017 or the Stage 1 Approval granted Medical Products and Services, Inc On December 17th, 2016 would be suspended. Subsequent to this meeting, and consistent with the advice and guidance provided by the Commission, Medical Products and Services, Inc. entered into a series of loan and equity agreements to obtain the financial resources necessary to have the business become operational no later than October 2017. Subsequent to this meeting, and consistent with the advice and guidance provided by the Commission, Medical Products and Services, Inc. entered into additional contracts including a building lease, employee housing lease, loan agreements, utility service agreements, software license agreements, consulting contracts, and legal services agreements that in the aggregate exceed \$20,000 per month. The ability of Medical Products and Services, Inc to meet its obligations under these agreements is predicated on being able to initiate sales of Medical Cannabis no later than October 2017. This date was established after consultation with Commission staff, the companies that had received stage 1 approval of licenses to Grow and Process Medical Cannabis and in reliance on the statement on the Commission web site that “... *The MMCC anticipates that medical cannabis will be available to patients from a licensed dispensary in mid-to-late Summer 2017...*” If the Commission is enjoined from issuing licenses to Growers and Processors then the ability of Medical Products and Services, Inc to meet its obligations will be compromised and Medical Products and Services, Inc may run out of money and face bankruptcy. Medical Products and Services has entered into long term lease agreements that represent liabilities of over \$200,000 as well as loan agreements with investors for over

\$150,000. These liabilities will fall to the owners of Medical Products and Services causing severe financial hardship.

7. Any challenge to the licensing process creates substantial additional costs and uncertainty for Medical Products and Services, Inc.

8. I am the majority shareholder of Medical Products and Services, Inc and the Chief Executive Officer.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Alan Staple

A handwritten signature in black ink, appearing to read "Alan Staple". The signature is written in a cursive, somewhat stylized font.

May 29, 2017
Executed in Maryland

Exhibit A.18

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF OC Botanicals LLC

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. OC Botanicals LLC is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 9th, 2016, OC Botanicals LLC was pre-approved by the Maryland Medical Cannabis Commission ("MMCC") to pursue a dispensary license, after a rigorous and costly application process.

4. OC Botanicals LLC is now concluding the Stage 2 process. OC Botanicals LLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. In an effort to become operational, OC Botanicals LLC, its investors and its partners have committed over \$540,000 in resources to date with a pending property purchase of

\$995,000 under agreement. Additionally, OC Botanicals LLC has already engaged professional firms to assist with the engineering, architecture and build-out of its retail location.

If the MMCC is enjoined from issuing Stage 2 license approvals, there could be delays that would cause significant and irreparable harm to OC Botanicals LLC business. Without the ability to become operational, OC Botanicals LLC will burn its cash reserves at a rate of over \$9,000 a month on real estate and other necessary operational costs. Additionally, OC Botanicals LLC currently has a lease/purchase agreement that if not able to be executed as agreed in the contractual obligation, could expose the company to tens of thousands of dollars' worth of irreparable financial harm and could further cause OC Botanicals LLC to miss the Stage 2 approval deadlines altogether resulting in a total loss.

Finally, OC Botanicals LLC has ample committed investor capital to become operational. However, if there are any significant delays in the MMCC's proffered timeline, it could shake investor confidence and potentially cause the investors to pull their commitments. If that happens, it could put OC Botanicals LLC in danger of bankruptcy.

6. Any challenge to the licensing process and changes in the MMCC-proffered timeline will create substantial uncertainty for OC Botanicals LLC.

7. I am an owner of OC Botanicals.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Robert Richardson

OC Botanicals LLC



May 29, 2017

Executed in Maryland

Exhibit A.19

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF GREEN ANALYTICS MD, dba STEEP HILL MARYLAND

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. Green Analytics MD, dba Steep Hill Maryland is a Maryland limited liability company formed for, among other things, the purpose of seeking approval from the Maryland Medical Cannabis Commission to perform chemical, microbiological, and other analytical tests on medical cannabis products produced under the umbrella of Maryland’s medical cannabis program.

3. In January of 2017, after a rigorous and costly process, the Maryland Medical Cannabis Commission (“MMCC”) granted Steep Hill Maryland provisional approval to test medical cannabis products once those products were made available.

4. Steep Hill Maryland is now concluding the final buildout of our laboratory, and we proffer that we will meet all requirements to be ready to test medical cannabis products when the MMCC approves Steep Hill Maryland and when Maryland’s cultivators and processors make them available.

5. On November 15th, 2015, Steep Hill Maryland began taking steps to become operational. Our most significant purchase was our \$400,000 payment to Steep Hill corporate for

our licensing fee. Most recently, we paid a \$120,000, non-refundable, irreversible down payment on our analytical equipment. Because this payment was irreversible, we are now committed to purchasing the remainder of our equipment at approximately an additional \$630,000 for an approximate total of \$750,000. Our 5-year commercial lease for our testing location in Columbia, MD costs us \$4,000/month. In addition, we are paying approximately \$15,000/month towards our legal/consulting costs and our employees' salaries. Our employees have not only turned down other employment opportunities due to their commitment to our company, but they have chosen to relocate to our area to work for us. Notwithstanding these current costs, the delays that have already taken place in the program have cost us well over \$100,000.

6. We are unsure about our competitors' submitting of affidavits, but we believe that there are 5 other ITL's in the same precarious financial position.

7. As a practicing physician and Division Chief of University of Maryland St. Joseph's Medical Center, I have personally witnessed the suffering of patients who have been waiting patiently to lawfully acquire medical cannabis for their conditions for which all other medical treatments have been unsatisfactory. It is unthinkable to imagine that these patients, or any of Maryland's patients, should be forced to wait any longer than they already have to address their legitimate medical conditions.

8. Any challenge to the licensing process would create substantial uncertainty for Steep Hill Maryland, and given our capital outlay and recurring costs, could be devastating to us.

9. I am the CEO of Steep Hill Maryland, and I am also an owner and founding member. I speak for all of my partners here.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Andrew Rosenstein, MD, AGAF

Andrew Rosenstein, MD

May 29, 2017

Executed in Maryland

Exhibit A.20

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 15, 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

Exhibit A.21

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF Jacob Van Wingerden, SunMed Growers, LLC

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. SunMed Growers, LLC (SMG) is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for cultivating medical cannabis and distributing it to eligible patients through channels established and approved by the laws of Maryland.

3. On August 15, 2016, SMG was approved by the Maryland Medical Cannabis Commission ("MMCC") for a Stage 1 grower license, after a rigorous and costly application process.

4. SMG is now concluding 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.

5. I am told that under COMAR 10.62.08.06.E, MMCC may rescind pre-approval "if the grower is not operational within 1 year of pre-approval." Therefore, immediately after pre-approval on August 15, 2016, SMG began taking steps to become operational on or before August 15, 2017.

6. Growing medical grade cannabis is a highly-technical process that requires a substantial investment and a substantial amount of time and expertise is needed to develop a secure and effective cultivation facility. It is necessary to build or lease an appropriate facility, hire and train employees, purchase expensive and unique equipment, and take other steps required by law.

7. In anticipation of a Stage 2 award before the August 15, 2017 deadline, SMG has hired four employees. One of the employees has purchased a house and is in the process of moving to the area. Two of the employees have relocated from out of state and have signed rental leases on residential property in the area.

8. Subsequent to the Stage 1 award, and because SMG's Stage 1 grower award may be forfeited if SMG is not operational by the August 15, 2017 deadline; SMG signed a binding ten-year lease for a custom built, 78,000 square foot, greenhouse cultivation facility. That facility is currently under construction and 67 acres of land was purchased for that purpose. Over \$6,500,000.00 dollars has been spent or committed to the construction of this facility that is slated to be completed within the next 60 days.

9. SMG has incurred current liabilities in the form of salaries to its employees at approximately \$25,000.00 per month. Once the greenhouse facility is complete, SMG rental obligations to its landlord that will be approximately \$55,000.00 per month.

10. SMG has created a business plan that anticipates receiving its Stage 2 approval before the August 15, 2017 deadline, planting its first plants, harvesting and selling its first crop by November of 2017. The business plan anticipates positive cash flow beginning after its first sale and any delay in the licensing process threatens the viability of this plan and SMG and its employees would be at risk of substantial financial harm.

11. Any challenge or delay to the licensing process creates substantial uncertainty for SMG and its employees.

12. In addition to the foregoing, 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.

13. In addition to the foregoing, I am concerned that if the facility is not operational on or before August 15, 2017, MMCC may rescind pre-approval under COMAR 10.62.08.06.E.

14. 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.

Jacob Van Wingerden



May 28, 2017

Executed in Maryland

Exhibit A.22

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF Three Creeks Dispensary

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. Three Creeks Dispensary, is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 9, 2016, Three Creeks LLC was approved by the Maryland Medical Cannabis Commission (“MMCC”) for a distribution license, after a rigorous and costly application process.

4. Three Creeks Dispensary proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On December 21, 2016, Three Creeks Dispensary began taking steps to become operational.

6. In an effort to become operational, Three Creeks and its owners have committed personal resources in the amount of \$65,000. These costs include consulting, professional

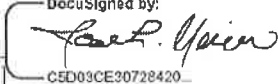
service, legal fees, land use/zoning approvals, deposits for leased space, and other required steps to obtain stage 2 approval. Three Creeks has engaged professional firms to assist with architecture, design and buildout of its retail location. If the MMCC is enjoined from issuing Stage 2 License approvals, there could be delays that would cause significant loss and harm to Three Creek's business.

7. Any challenge to the licensing process creates substantial uncertainty for Three Creeks Dispensary.

8. I am owner and managing member of Three Creeks Dispensary.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Jose L. Merino

DocuSigned by:

C5D03CE20728420

Executed in Maryland

Exhibit A.23

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF JOSEPH GORMAN

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. Town Center Wellness, LLC is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 6, 2016, Town Center Wellness, LLC was approved by the Maryland Medical Cannabis Commission ("MMCC") for a Medical Cannabis Dispensary license, after a rigorous and costly application process.

4. Town Center Wellness, LLC is now concluding the Stage 2 process. Town Center Wellness, LLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On December 11, 2016, Town Center Wellness, LLC began taking steps to become operational.

6. To date Town Center Wellness, LLC has exhausted significant time, energy and resources in its attempt to timely meet all of the requirement for Stage 2 approval and licensure including but not limited to the following:

- a. Engagement of land use/zoning professionals to help identify properties that meet the zoning requirements of the Senatorial District and County in which Town Center Wellness, LLC was granted Stage 1 pre-approval. (Dist. 47, Prince George's County)
- b. Retention of Counsel to pursue the negotiation of Lease with property owner. Said Lease has been concluded and executed by the property owner and Town Center Wellness.
- c. Engagement of and negotiation of employment agreements, including agreements with health professionals including physician's assistant and pharmacist.
- d. Preparation of design and construction documents, at a significant cost, along with engagement of both design, engineering and general contractors.
- e. Obtaining of approximately \$500,000 in equity and debt financing.

7. The significant delay that would occur in the event of a permanent injunction pending a final decision in this matter would have disastrous effects upon Town Center Wellness, LLC including but limited to the following:

- a. Town Center Wellness will be put in the untenable position of either burning through its capital, paying rent for a space that it cannot use or seeking to withdraw from the Lease at a significant penalty. This loss is calculated at over \$100,000.

- b. Town Center Wellness will likely lose its financing rendering the Company severely undercapitalized moving forward.
- c. The employment agreements with certain health professionals will become null and void and Town Center Wellness these professionals will likely pursue more immediate opportunities for employment.
- d. The resulting lack of capital will cause Town Center Wellness to either withdraw from or default on agreements with its design, engineering and construction professionals.

8. Furthermore, any challenge to the licensing process creates substantial uncertainty for Town Center Wellness, LLC.

9. I am owner and managing member of Town Center Wellness, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Joseph P. Gorman



May 30, 2017

Executed in Maryland

Exhibit A.24

ALTERNATIVE MEDICINE 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-16-005801

DECLARATION OF Green Health Docs, LLC

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. I am competent to testify to the facts contained herein.

2. Green Health Docs, LLC is a Maryland limited liability company formed for the purpose of certifying patients for the Maryland Medical Cannabis through channels established and approved by the laws of Maryland.

3. On [Feb 20], 2016, Green Health Docs opened to better serve patients in the Maryland area.

4. Delaying the opening of dispensaries where our patients can get access to this medicine is unfair and immoral to these suffering patients. We urge you to reconsider this action as it negatively impacts THOUSANDS of suffering patients.

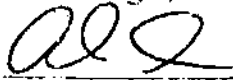
5. Any challenge to the licensing process creates substantial uncertainty for all of our patients.

6. I am owner and managing member of Green Health Docs, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

NAME

Anand Dugar, MD



May 29, 2017

Executed in Maryland

Exhibit A.25

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF MCNA Wellness, LLC

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. MCNA Wellness is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.
3. On December 9, 2016, MCNA Wellness was approved by the Maryland Medical Cannabis Commission ("MMCC") for a distribution license, after a rigorous and costly application process.
4. MCNA Wellness is now concluding the Stage 2 process. MCNA Wellness proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.
5. On December 17, 2016, MCNA Wellness began taking steps to become operational.

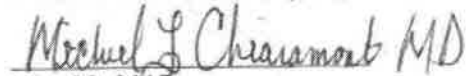
6. With a deadline of December 31, 2017 to complete the stage 2, MCNA signed a letter of intent to lease a space that would obligate us to \$525,000 over a 5 year period. We have retained an architect and designer with commitments of \$50,000. We hired and completed branding for \$10,000 and website design for \$10,000 with ongoing SEO of \$2000/month. Staff has been retained and sent for training and are anticipating full time employment in September 2017. If the Commission is enjoined from issuing grower licenses then the ability of MCNA Wellness to meet its obligation will be severely compromised causing MCNA Wellness to run out of money and face possible bankruptcy.

7. Any challenge to the licensing process creates substantial uncertainty for MCNA Wellness.

8. I am owner and managing member of MCNA Wellness.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Michael F. Chiamonte, MD



May 29, 2017

Executed in Maryland

Exhibit B

GTI MARYLAND, LLC, et al.,

Plaintiffs,

v.

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

Defendants.

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

AFFIDAVIT OF EDWARD L. WEIDENFELD

1. In this Affidavit I will discuss my professional background, the reasons for my present interest in medical cannabis, the considerations that led Maryland Cultivation and Processing LLC (“MCP”) to apply for a “grower” license in Maryland, and the irregular conduct in awarding “pre-approvals” for “grower” licenses that has caused this lawsuit. I will also discuss the irreparable harm MCP will suffer in the absence of a preliminary injunction. I am over the age of 18 years and competent to testify, and I am basing this Affidavit upon my own first-hand knowledge, drawn from my own experience and what has been reliably reported to me.

Professional Background

2. My legal training and interest in administrative procedure began at Columbia University School of Law (class of 1968) where I was selected for the Legislative Drafting and Research Fund. While in law school I also worked for a New York City agency, the Department of Buildings, where I co-authored an article for the St. Johns University Law Review on the authority of New York City to make emergency repairs on privately owned property. (A copy of my professional resume is attached as Exhibit A).

3. After a stint as a middle-school teacher for children with mental disabilities, and thereafter work in the New York City office of an international law firm, in 1972 I joined the U.S. House of Representatives Committee On Interior Affairs as Counsel and Director of the Energy and Fuels Staff. I was responsible for all fuel and energy matters arising under Committee oversight at a time of supply shortages and a growing awareness of the need for environmental protection from the extraction, transportation, refining and consumption of hydrocarbon products.

4. In 1974 I returned to private law practice in Washington, D.C. My focus involved a concentration in regulatory and procurement matters.

5. I became close to the White House staff, acting as an informal consultant to President Ford's domestic policy staff on matters relating to fuel and energy. President Ford appointed me to the Commission on White House Fellows.

6. After the Carter Administration, I joined the campaign of Governor Ronald Reagan for the Republican nomination, as national Chairman of Lawyers for Reagan, and later as Counsel to the Reagan for President 1980 Campaign. After the election, President Reagan appointed me as one of three private sector Members of the Administrative Conference of the United States. I also served as Chairman of the Agency for International Development Committee On Foreign Disaster Relief and as co-counsel to Project Democracy, which led to the establishment of the National Endowment for Democracy.

7. Washingtonian Magazine has named me as one of the 75 "Best Lawyers" in Washington D.C., and various publications have designated me among "Super Lawyers" and "Best Lawyers." I am rated AV by Martindale Hubbell, a Life Member of the American Law Institute, and a Senior Fellow of the Administrative Conference of the United States. I have served as Editor of the Atomic Energy Law Journal, am on the Editorial Board of Bloomberg's BNA Tax Management Service, and am the contributing author of two books.

8. I have offered the foregoing resume not as an exercise in immodesty, but because I believe its context and contrast help show the sincerity of what now follows.

My Interest In Medical Cannabis

9. Approximately 10 years ago I was diagnosed with Parkinson's disease. This neurodegenerative condition is incurable and the usual medications that are effective in the beginning of the disease process often produce a backlash that is as bad as the symptoms they relieve.

10. In my search for alternatives to the products of big Pharma, I came across the book Parkinson's and Marijuana, which described the work being done in Israel that indicates cannabis is an effective anti-inflammatory and anti-anxiety medication offering the possibility of being neuro-protective as well.

11. After discussing the potential medical benefits of cannabis with my neurologist, I decided to try it, and I noticed a positive effect on several symptoms associated with my Parkinson's disease. This progressive disease results in gradual circuit failure between the brain and the body. Along the way it is common to suffer failure of different bodily functions, the most vivid nightmares one can imagine, oppressive fatigue, and depression. After ingesting cannabis I generally felt that the sense of depression and anxiety lifted, and I often felt relief from stiffness in my lower back.

12. Among the concerns I shared with my neurologist was the risk of ingesting toxic products from smoking an unknown plant product. And indeed, there was no consistency to the material I was able to obtain. I realized that, if patients like me were to benefit from medical cannabis, then a reliable source of uncontaminated quality product was necessary.

MCP And Its Application

13. In due course a mutual acquaintance introduced me to Andras Kirschner. Mr. Kirschner has degrees in Plant Science and Sustainable Agriculture from the University of Maine; has studied for a Master's Degree in Business Administration at Loyola Marymount University in Los Angeles, California; and has several years of direct, hands-on experience in organic farming. Mr. Kirschner and I became partners in Phyto Management LLC, a licensed cultivator of medical cannabis and recipient of one of the first cultivator licenses issued by the District of Columbia Department of Health.

14. When the Maryland legislature enacted legislation creating a state-regulated system for the provision of medical cannabis, Mr. Kirschner, a Maryland native, suggested that we pursue Stage I "pre-approval" for a "grower" license.

15. Based on Maryland's reputation for favoring the politically connected, I was initially unwilling to make the commitment required. But on reviewing the Maryland statute, the implementing regulations in COMAR, and the FAQs

(answers to “frequently asked questions”) and public statements of Officials of the Legislature and the Natalie M. LaPrade Maryland Medical Cannabis Commission, we concluded that Maryland was determined to run an open, merit-based licensing process. We accordingly formed MCP, and are equal partners in that firm.

16. Maryland’s announced process, designed to assure patients of a quality product, consistent in dosage and the effect, was important to my decision to commit the extensive resources required to compete in Maryland, because I am not only an investor, I am a patient. As an investor, I hear about rates of return, but as a patient the quality of the medicine is a greater concern than the profits of the enterprise.

17. In November 2015, after many months of preparatory efforts, MCP submitted its Application for Stage I “pre-approval” for a “grower” license. In our Application, we indicated that the proposed location for our “grower” facility was in Frederick County, Maryland.

18. Throughout the entire process, we believed, based upon everything in the statute and regulations, and in the Commission’s Application form, FAQs, and other statements, that “location” was “not relevant” for determining “pre-approval” for a “grower” license. That is precisely what the Commission told us in their FAQs. We believed the Applicants would be evaluated and scored pursuant to criteria set out in the regulations (criteria that did not include “location”), and that

this scoring would be done by objective experts, hired by the Commission, at the Regional Economic Studies Institute (“RESI”) at Towson University. Twice in the Application form the Commission had emphasized, “The Commission intends to award licenses to Applicants that most efficiently and effectively ensure public safety and safe access to medical cannabis.” (As stated in the Application form, Exhibit 1 to the Commission’s Memorandum in Support of its Motion to Dismiss or for Summary Judgment against MCP, at pp. 5 and 19).

19. This understanding was consistent even with the Commission’s “urgent” request to Applicants in July 2016 that “the Commission would like to invite you to provide information identifying the county within which you propose to operate your grower facility, if known.” In response, we once again informed the Commission that our proposed facility was in Frederick County, Maryland. (The Commission’s communication, and our response, are attached within Exhibit B to this Affidavit).

20. In August 2016, MCP received the Commission’s notification that MCP was ranked within the top 20 but not the top 15 of Applicants for “pre-approval” for a “grower” license, and that therefore MCP was not receiving “pre-approval.” The Commission’s notification letter is attached as Exhibit C to this Affidavit. The letter speaks for itself; it plainly states that the rankings were the product of RESI’s evaluation, and makes no mention of location.

21. The Commission also released an "Announcement" to the public "Regarding Rankings for Grower and Processor Applicants." That Announcement included the Commission's final rankings of the top 20 Applicants for "grower" and "processor" licenses. The Announcement, with the rankings, is attached as Exhibit D to this Affidavit. The Announcement speaks for itself; it plainly states that the rankings were the product of RESI's evaluation, and makes no mention of location. MCP is shown as Number 16.

The Commission's Manipulation Of The Rankings

22. Following this notification and Announcement, Mr. Kirschner and I, through our own investigative efforts and the work of others, including journalists, have uncovered facts showing that improper behavior by the Commission resulted in the denial of "pre-approval" to MCP. In sum, MCP was indeed ranked within the top 15 pursuant to the rules announced and established in the statute, regulations, and other public documents, but was removed from the top 15, after the RESI rankings were completed, to meet the personal preferences of certain Members of the Commission.

23. In the following Paragraphs, I will outline what we have learned. I am also attaching the following additional sources of information:

(a) the Affidavit of Peter A. Kadens, attached as Exhibit E, which includes Kadens' report of his conversations with former Commission Member Deborah Miran; and

(b) these newspaper articles:

- Dresser, "Head Of Maryland Medical Marijuana Grower Licensing Defends Decisions, Says Scores Were Tightly Bunched," The Baltimore Sun, Oct. 15, 2016 (attached as Exhibit F);

- Cox, "With Little Money Or Oversight, Untrained Volunteers Set Up Maryland's Medical Marijuana Industry," The Baltimore Sun, Oct. 9, 2016 (attached as Exhibit G);

- Gregg & Nirappil, "Last-Minute Change In Who Can Grow Medical Pot In Maryland Spurs Complaints," The Washington Post, Sept. 12, 2016 (attached as Exhibit H);

- Wood, "Maryland Medical Cannabis Commission Identifies Medical Marijuana Growers and Processors," The Baltimore Sun, Aug. 15, 2016 (attached as Exhibit I);

- Gregg & Nirappil, "The First Players in Maryland's Medical Marijuana Industry Have Political Ties," The Washington Post, Aug. 15, 2016 (attached as Exhibit J); and

- Witte, “Maryland Panel Makes First License Decisions On Medical Pot,” The Washington Post, Aug. 5, 2016 (attached as Exhibit K).

24. On or about June 6, 2016, the Commission’s Executive Director, Patrick Jamison, appointed a “Grower Subcommittee” to receive RESI’s rankings. The Grower Subcommittee was chaired by Commission Vice-Chairman Harry Robshaw and included Commissioners Christina Godin-Paul, Deborah Miran, Nancy Rosen-Cohen, and John Traunfeld.

25. On July 12, 2016, the Commission met and, according to a video of the meeting, unanimously approved certain internal “rules” the Commission supposedly would use to determine the top 15 “grower” Applicants for “pre-approval.” These “rules” were never disclosed to the Applicants or the public, never published for notice and comment, and to our knowledge never approved by the Attorney General.

26. Like the previously published COMAR regulations, these new “rules” apparently provided that the Commission would use RESI’s scores to determine the top 15 grower applications for Stage I “pre-approval.” But according to the video of the July 12, 2016, meeting, these new “rules” also announced -- for the first time -- that the Commission would use a map of “Agricultural Regions” of Maryland (“the Map”) to gauge how the top 15 RESI-scored Applicants were geographically distributed throughout the State. Nothing was said about making

location now "relevant," or indeed determinative, for awarding "pre-approval." Nothing was said about moving any Applicant outside of the top 15 ranked Applicants, based on location, and about doing so without offering Applicants the opportunity to change proposed locations.

27. The Map showed five "Agricultural Regions": North Central, Northern Eastern Shore, Southern Eastern Shore, Southern, and Western. MCP's proposed location was in the North Central "Agricultural Region." A copy of the Map is attached to as Exhibit L to this Affidavit.

28. Shortly after the July 12 meeting, on or about July 13, the Grower Subcommittee received RESI's rankings. Through conversations with Pete Kadens of GTI Maryland, I have learned that RESI ranked MCP at Number 8. Mr. Kadens received this information directly from a Grower Subcommittee Member, Commissioner Deborah Miran. Mr. Kadens' own Affidavit, which recites the information he obtained from Commissioner Miran, is attached as Exhibit E to this Affidavit.

29. Thereafter, on July 19, the Commission requested that the Applicants identify the County -- "if known" -- in which they proposed to operate. As it had in its Application, MCP informed the Commission that its proposed location was in Frederick County. See Exhibit B to this Affidavit.

30. On July 27, the Grower Subcommittee met to review the top 15 Applicants as ranked by RESI. All members of the Grower Subcommittee, including Robshaw, unanimously decided to award Stage I “grower” “pre-approvals” for these top 15 RESI-scored Applicants, including MCP. There was no suggestion of any manipulation based upon location, geography, or anything else.

31. On the very next day, however, Robshaw summoned the Grower Subcommittee and directed its Members to revise the rankings based upon his own notion of “geographic diversity.” He did not use “Agricultural Regions”; in fact, he disagreed with the placement of Anne Arundel County within the Southern Agricultural Region. Instead, Robshaw focused on Counties. He removed two firms from the top 15, MCP (Frederick County) and GTI (Washington County) (which RESI had ranked as Numbers 8 and 12, respectively), and replaced them with a firm in Prince George’s County (Holistic Industries LLC (“Holistic”), ranked by RESI as Number 20) and a firm in Worcester County (Shore Naturals Rx LLC, ranked by RESI as Number 21). The Grower Subcommittee approved Robshaw’s shuffling, with Commissioner Miran dissenting.

32. Robshaw’s changes are summarized in MCP’s Complaint in this action (¶¶ 51-58); in Mr. Kadens’ Affidavit (¶ 3), attached hereto as Exhibit E; and in the Chart attached hereto as Exhibit M. Of the top RESI-ranked 15 Applicants,

and excluding GTI, six Applicants were ranked lower than MCP and yet received “pre-approval.” Three Applicants in the North Central Agricultural Region, including GTI, were ranked lower than MCP. Yet Robshaw’s shuffling bounced MCP from the top 15.

33. After receiving the names of the Counties where each “grower” Applicant intended to operate, Robshaw and his fellow Commissioners had information from which the identities of the Applicants could be ascertained. With this information, as stated above, Robshaw expressed dissatisfaction with the Map showing Agricultural Regions, and decided to use Counties as the determinant, not Agricultural Regions.

34. Robshaw’s re-rankings helped one of the most politically connected applicants, Holistic. The Commission had received a letter supporting Holistic from Thomas V. “Mike” Miller, President of the Maryland Senate. Holistic’s “team” included (a) Henry P. “Phil” Miller, Jr., a relative of Senator Miller who invested in Holistic and who had offered his farm as Holistic’s cultivation site; (b) the son-in-law of Gerard E. Evans, Maryland’s reportedly highest paid lobbyist, who represented Holistic; (c) the former Maryland Secretary of Health Nelson Sabatini; and (d) Ismael “Vince” Canales, leader of the Maryland Fraternal Order of Police and -- like Robshaw -- a veteran of the Prince George’s County Police

Department. The Commission has awarded “pre-approval” to Holistic for a “grower” license, a “processor” license, and a “dispensary” license.

35. These events raise the specter of favoritism, cronyism, and political influence. Robshaw’s manipulation removed merit as the basis for awarding the 15 Stage I “pre-approvals” for “grower” licenses.

The Balance Of Harm And The Public Interest

36. MCP was created for the sole purpose of acquiring a license to grow medical cannabis in Maryland. The Commission’s action has effectively barred MCP from entering the Maryland’s new medical cannabis market. Without injunctive relief, MCP may enter the market, if ever, no sooner than 2018, assuming the State then issues additional grower “pre-approvals” or actual licenses.

37. MCP will suffer the loss of its rightful place as not only a licensed medical cannabis grower, but also as one of the first entrants into this new market. The first entrance into a market occurs only once, and in light of state-created barriers to entrance, its cost is all the more difficult to quantify. With such high barriers to entrance, the medical cannabis growers market is effectively a state-created oligopoly.

38. In addition to losing the opportunity to enter the medical cannabis growers market, MCP is at risk of losing the right to lease a facility specifically

customized to grow medical cannabis. MCP spent months surveying various locations and meeting with local officials and real estate professionals before selecting a facility in Frederick County. After extensive negotiations, in April 2016, MCP and its putative landlord reached an agreement on the terms and conditions of a lease, including landlord improvements to MCP's specifications, in the amount of \$1,500,000, to provide a facility for the specific purpose of growing medical cannabis, which improvements were to be amortized over the term of the lease. The lease allowed 180 days, from the date of execution, to secure "pre-approval" for a medical cannabis grower's license. The 180-day period has expired, and although the landlord has informally agreed to extend the time temporarily, there is no assurance that the property, and the agreement, will be held indefinitely.

39. The Commission has also issued "pre-approvals" for licenses for prospective dispensers and processors of medical cannabis. Some of the firms winning these "pre-approvals," like Holistic, are also "growers." But those that are not will need to develop relationships with "growers," and I am aware that they are already doing so. MCP is losing that opportunity, for without "pre-approval" MCP is not a candidate with which either a dispenser or processor may wish to do business.

40. None of this loss is quantifiable. Providing medical cannabis in Maryland is a new business not only for MCP, but also for all the firms receiving “pre-approval.” MCP’s injury is immediate and irreparable.

41. There is also a personal side to irreparable injury. I believe in the potential of medical cannabis as an aid for patients in need. While I am excited to be part of a young industry, challenged by its risks and attracted by its potential, at this stage of my life legacy is my largest motivation. Participating in the cultivation of medical cannabis lets me advocate on behalf of patients for a just cause, on the right side of advancing healthcare, civil rights, civil liberties, criminal justice, and sentencing reform. At my age, and with my illness, my time for this service has become very much of the essence.

42. There will be no delay resulting from prompt adjudication of MCP’s Complaint. MCP does not seek to interfere with the “pre-approval” of the 13 Applicants that were legitimately placed within the top 15 by the Commission. We only seek to be restored within the top 15, as ranked by RESI, and seek to enjoin award of “pre-approval” only to the two Applicants that unfairly gained “pre-approval” as a result of the Commission’s manipulation of the rankings.

43. These two Applicants may not even be taking actions needed to receive actual licenses. By letter dated December 27, 2016, the Maryland Attorney General has confirmed that, since being awarded “pre-approval” in August 2016,

these two Applicants have not taken any required steps to achieve actual licenses.

While the State has declined voluntarily to take no action on these two Applicants, the Attorney General's Office stated:

“... [T]he Commission respectfully declines to formally halt the stage two-pre-approval process for any of the applicants. However, as of today, December 27, 2016, there is also no indication that the two applicants at issue are presently poised to become eligible for full licensure. As of December 27, 2016, the Commission continues to await the submission of supplemental materials from each of the two applicants subject to challenge. Until those submissions are received from the two applicants at issue, consideration by the Commission of their applications cannot proceed.” Exhibit N to this Affidavit (emphasis added).

Neither of these Applicants has sought to intervene in this litigation.

44. In sum, the Commission's manipulation of the scores denies the public early access to two Applicants deemed by experts to be more qualified than the two concerns that Robshaw's rankings have benefitted. Without judicial intervention, the result will certainly not meet the Commission's promise, as it emphasized in its pre-award statements, that “The Commission intends to award licenses to Applicants that most efficiently and effectively ensure public safety and safe access to medical cannabis.”

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true. Executed on January 9, 2017.

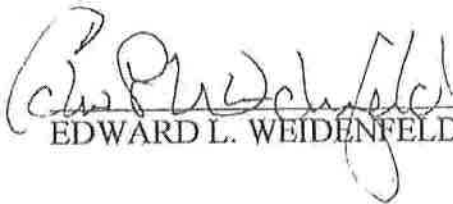

EDWARD L. WEIDENFELD

Exhibit C

From: Michael Berman
Sent: Thursday, May 25, 2017 11:34 AM
To: Heather B. Nelson (heather.nelson1@maryland.gov) <heather.nelson1@maryland.gov>; Robert D. McCray <robert.mccray@maryland.gov>
Subject: Curio Affidavit

Enclosed is an executed affidavit unchanged from the unsigned one sent yesterday. Please present it to the Court. We would appreciate if you would let us know the outcome of the hearing. Thank you.

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



PLEASE NOTE NEW EMAIL ADDRESS OF mberman@rwllaw.com

CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

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Exhibit D

SENATE BILL 1197

J1

71r3802

By: **Senator Miller**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session
Introduced and read first time: March 20, 2017

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Maryland Medical Cannabis Commission – Membership,**
3 **Licensing, and Studies**

4 FOR the purpose of requiring the Natalie M. LaPrade Maryland Medical Cannabis
5 Commission to actively seek, to the extent permitted by State and federal law, to
6 achieve racial, ethnic, and geographic diversity when licensing medical cannabis
7 growers, processors, and dispensaries and to strongly encourage and conduct ongoing
8 outreach to certain small, minority, and women business owners and entrepreneurs
9 for certain purposes; altering the membership of the Commission; requiring the
10 Governor to appoint an executive director of the Commission with the advice and
11 consent of the Senate of Maryland; establishing the Natalie M. LaPrade Medical
12 Cannabis Access Fund; requiring the Department of Health and Mental Hygiene to
13 administer the Fund; providing that the Fund is a special, nonlapsing fund that is
14 not subject to a certain provision of law; providing for the purpose of the Fund;
15 requiring the State Treasurer to hold the Fund separately and the Comptroller to
16 account for the Fund; requiring the Fund to be invested and reinvested in a certain
17 manner; providing that investment earnings of the Fund shall be retained to the
18 credit of the Fund; providing that the Fund is subject to a certain audit; requiring
19 the Comptroller to pay out money from the Fund as directed by the Department;
20 providing that the Fund consists of certain money and fees; prohibiting any part of
21 the Fund from reverting or being credited to certain funds; providing that
22 expenditures from the Fund may be made only in accordance with the State budget;
23 requiring the Department, in consultation with the Commission, to establish a
24 certain program allowing certain individuals to obtain medical cannabis from certain
25 dispensaries at no cost or a reduced cost and to reimburse certain dispensaries from
26 a certain Fund; requiring the Department to adopt certain regulations; prohibiting
27 a member of the Senate of Maryland or the House of Delegates from being an owner
28 or an employee of a certain business entity that holds a certain license; altering the
29 number of medical cannabis grower licenses that may be awarded by the
30 Commission; requiring the Commission to award up to a certain number of medical

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



E 000816

1 cannabis grower licenses to certain applicants; requiring, on or before a certain date,
 2 the Commission to conduct a certain study; providing that the total number of
 3 medical cannabis grower licenses awarded by the Commission shall decrease under
 4 certain circumstances; authorizing the Commission to issue additional licenses
 5 beginning on a certain date under certain circumstances; requiring the Commission
 6 grant Stage One preapproval for a medical cannabis grower license to certain
 7 applicants on or before a certain date; requiring certain applicants to meet certain
 8 requirements for final approval for a certain license; prohibiting the Commission
 9 from reviewing, evaluating, or ranking an application for a medical cannabis grower
 10 license or awarding any additional medical cannabis grower licenses until a certain
 11 disparity study is completed; providing for the termination of the terms of certain
 12 appointed members of the Commission; providing for the appointment and terms of
 13 certain appointed members of the Commission; requiring the Certification Agency,
 14 in consultation with the General Assembly and the Office of the Attorney General,
 15 to initiate a certain study of the medical cannabis industry to make a certain
 16 determination relating to certain business participation in the medical cannabis
 17 industry; authorizing the Board of Public Works to adopt certain regulations;
 18 requiring the final report of a certain study to be submitted to the Legislative Policy
 19 Committee before a certain date, defining a certain term; and generally relating to
 20 membership, licensing, and studies and the Natalie M. LaPrade Maryland Medical
 21 Cannabis Commission.

22 BY repealing and reenacting, with amendments,
 23 Article – Health – General
 24 Section 13–3302, 13–3303(a) and (f), and 13–3306(a)
 25 Annotated Code of Maryland
 26 (2015 Replacement Volume and 2016 Supplement)

27 BY adding to
 28 Article – Health – General
 29 Section 13–3303.1 and 13–3305.1
 30 Annotated Code of Maryland
 31 (2015 Replacement Volume and 2016 Supplement)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 33 That the Laws of Maryland read as follows:

34 **Article – Health – General**

35 13–3302.

36 (a) There is a Natalie M. LaPrade Medical Cannabis Commission.

37 (b) The Commission is an independent commission that functions within the
 38 Department.

1 (c) The purpose of the Commission is to develop policies, procedures, guidelines,
2 and regulations to implement programs to make medical cannabis available to qualifying
3 patients in a safe and effective manner.

4 (d) (1) The Commission shall develop identification cards for qualifying
5 patients and caregivers.

6 (2) (i) The Department shall adopt regulations that establish the
7 requirements for identification cards provided by the Commission.

8 (ii) The regulations adopted under subparagraph (i) of this
9 paragraph shall include:

- 10 1. The information to be included on an identification card;
- 11 2. The method through which the Commission will distribute
12 identification cards; and
- 13 3. The method through which the Commission will track
14 identification cards.

15 (e) The Commission shall develop and maintain a Web site that:

16 (1) Provides information on how an individual can obtain medical cannabis
17 in the State; and

18 (2) Provides contact information for licensed dispensaries.

19 (F) THE COMMISSION SHALL:

20 (1) ACTIVELY SEEK, TO THE EXTENT PERMITTED BY STATE AND
21 FEDERAL LAW, TO ACHIEVE RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY WHEN
22 LICENSING MEDICAL CANNABIS GROWERS, PROCESSORS, AND DISPENSARIES; AND

23 (2) STRONGLY ENCOURAGE AND CONDUCT ONGOING OUTREACH TO
24 SMALL, MINORITY, AND WOMEN BUSINESS OWNERS AND ENTREPRENEURS,
25 INCLUDING CERTIFIED MINORITY BUSINESS ENTERPRISES, AS DEFINED IN § 14-301
26 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, TO APPLY FOR A LICENSE AS
27 A MEDICAL CANNABIS GROWER BY:

28 (i) ESTABLISHING AND USING TRAINING PROGRAMS IN
29 PARTNERSHIP WITH TRADITIONAL MINORITY-SERVING INSTITUTIONS, INCLUDING
30 HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND TRADE ASSOCIATIONS
31 FOR MINORITY AND WOMEN BUSINESS OWNERS AND ENTREPRENEURS;

1 (ii) DISSEMINATING INFORMATION ABOUT THE LICENSING
2 PROCESS FOR MEDICAL CANNABIS GROWERS THROUGH MEDIA THAT HAVE BEEN
3 DETERMINED TO REACH LARGE NUMBERS OF MINORITY AND WOMEN BUSINESS
4 OWNERS AND ENTREPRENEURS; AND

5 (iii) COLLABORATING WITH THE GOVERNOR'S OFFICE OF
6 MINORITY AFFAIRS, TRADE ASSOCIATIONS FOR SMALL, MINORITY-OWNED, AND
7 WOMEN-OWNED BUSINESSES, AND OTHER ENTITIES TO ENSURE THAT OUTREACH IS
8 APPROPRIATELY TARGETED.

9 13-3303.

10 (a) The Commission consists of the following [16] 14 members:

11 (1) The Secretary of Health and Mental Hygiene, or the Secretary's
12 designee; [and]

13 (2) ONE MEMBER REPRESENTING A MINORITY BUSINESS
14 ENTERPRISE WHO HAS NO RELATIONSHIP TO THE MEDICAL CANNABIS INDUSTRY,
15 APPOINTED BY THE PRESIDENT OF THE SENATE;

16 (3) ONE MEMBER REPRESENTING A MINORITY BUSINESS
17 ENTERPRISE WHO HAS NO RELATIONSHIP TO THE MEDICAL CANNABIS INDUSTRY,
18 APPOINTED BY THE SPEAKER OF THE HOUSE; AND

19 [[2]] (4) The following [15] 11 members, appointed by the Governor:

20 (i) Two members of the public who support the use of cannabis for
21 medical purposes and who are or were patients who found relief from the use of medical
22 cannabis;

23 (ii) One member of the public designated by the Maryland Chapter
24 of the National Council on Alcoholism and Drug Dependence;

25 (iii) Three physicians licensed in the State;

26 (iv) One nurse licensed in the State who has experience in hospice
27 care, nominated by a State research institution or trade association;

28 (v) One pharmacist licensed in the State, nominated by a State
29 research institution or trade association;

30 (vi) One scientist who has experience in the science of cannabis,
31 nominated by a State research institution;

1 [(vii) One representative of the Maryland State's Attorneys'
2 Association;

3 [(viii) One representative of law enforcement;

4 [(ix) An attorney who is knowledgeable about medical cannabis laws
5 in the United States;]

6 [(x)] (VII) An individual with experience in horticulture,
7 recommended by the Department of Agriculture; AND

8 [(xi)] (VIII) One representative of the University of Maryland
9 Extension[; and

10 [(xii) One representative of the Office of the Comptroller].

11 (f) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
12 Commission may employ a staff, including contractual staff, in accordance with the State
13 budget.

14 (2) THE GOVERNOR SHALL APPOINT AN EXECUTIVE DIRECTOR OF
15 THE COMMISSION, WITH THE ADVICE AND CONSENT OF THE SENATE.

16 13-3303.1.

17 (A) THERE IS A NATALIE M. LAPRADE MEDICAL CANNABIS ACCESS FUND.

18 (B) THE DEPARTMENT SHALL ADMINISTER THE FUND.

19 (C) THE PURPOSE OF THE FUND IS TO PROVIDE ACCESS TO MEDICAL
20 CANNABIS FOR INDIVIDUALS ENROLLED IN THE MARYLAND MEDICAL ASSISTANCE
21 PROGRAM OR IN THE VETERANS ADMINISTRATION MARYLAND HEALTH CARE
22 SYSTEM.

23 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
24 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

25 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
26 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

27 (3) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
28 MANNER AS OTHER STATE FUNDS, AND ANY INVESTMENT EARNINGS SHALL BE
29 RETAINED TO THE CREDIT OF THE FUND.

1 (4) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF
2 LEGISLATIVE AUDITS AS PROVIDED FOR IN § 2-1220 OF THE STATE GOVERNMENT
3 ARTICLE.

4 (5) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS
5 DIRECTED BY THE DEPARTMENT.

6 (E) THE FUND CONSISTS OF:

7 (1) 1% OF THE GROSS ANNUAL SALES OF EACH MEDICAL CANNABIS
8 GROWER, PROCESSOR, AND DISPENSARY LICENSED BY THE COMMISSION UNDER
9 THIS SUBTITLE;

10 (2) ANY MONEY APPROPRIATED IN THE STATE BUDGET TO THE
11 FUND;

12 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
13 THE BENEFIT OF THE FUND, IN ACCORDANCE WITH ANY CONDITIONS ADOPTED BY
14 THE COMMISSION FOR THE ACCEPTANCE OF DONATIONS OR GIFTS TO THE FUND;
15 AND

16 (4) ANY FEES COLLECTED BY THE COMMISSION UNDER THIS
17 SUBTITLE.

18 (F) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

19 (1) THE GENERAL FUND OF THE STATE; OR

20 (2) ANY OTHER SPECIAL FUND OF THE STATE.

21 (G) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
22 WITH THE STATE BUDGET.

23 (H) (1) THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION,
24 SHALL ESTABLISH A PROGRAM TO ALLOW ELIGIBLE INDIVIDUALS ENROLLED IN THE
25 MARYLAND MEDICAL ASSISTANCE PROGRAM OR IN THE VETERANS
26 ADMINISTRATION MARYLAND HEALTH CARE SYSTEM TO:

27 (I) OBTAIN MEDICAL CANNABIS FROM A LICENSED
28 DISPENSARY AT NO COST OR A REDUCED COST; AND

1 (II) REIMBURSE A LICENSED DISPENSARY FOR THE COST OF
 2 THE MEDICAL CANNABIS DISPENSED TO AN ELIGIBLE INDIVIDUAL UNDER THE
 3 PROGRAM FROM THE FUND.

4 (2) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT
 5 THIS SUBSECTION.

6 13-3305.1.

7 (A) IN THIS SECTION, "OWNER" INCLUDES ANY TYPE OF OWNER OR
 8 BENEFICIARY OF A BUSINESS ENTITY, INCLUDING AN OFFICER, A DIRECTOR, A
 9 PRINCIPAL EMPLOYEE, A PARTNER, AN INVESTOR, A STOCKHOLDER, OR A
 10 BENEFICIAL OWNER OF THE BUSINESS ENTITY AND, NOTWITHSTANDING ANY OTHER
 11 PROVISION OF THIS SUBTITLE, A PERSON HAVING ANY OWNERSHIP INTEREST
 12 REGARDLESS OF THE PERCENTAGE OF OWNERSHIP INTEREST.

13 (B) A MEMBER OF THE SENATE OF MARYLAND OR THE HOUSE OF
 14 DELEGATES MAY NOT BE AN OWNER OR AN EMPLOYEE OF ANY BUSINESS ENTITY
 15 THAT HOLDS A MEDICAL CANNABIS GROWER LICENSE, DISPENSARY LICENSE, OR
 16 PROCESSOR LICENSE.

17 13-3306.

18 (a) (1) The Commission shall license medical cannabis growers that meet all
 19 requirements established by the Commission to operate in the State to provide cannabis to:

- 20 (i) Processors licensed by the Commission under this subtitle;
- 21 (ii) Dispensaries licensed by the Commission under this subtitle;
- 22 (iii) Qualifying patients and caregivers; and
- 23 (iv) Independent testing laboratories registered with the
 24 Commission under this subtitle.

25 (2) (i) [Except] SUBJECT TO SUBPARAGRAPH (III) OF THIS
 26 PARAGRAPH AND EXCEPT as provided in subparagraph [(ii)] (IV) of this paragraph, the
 27 Commission may [license] AWARD no [more] LESS than 15 AND NO MORE THAN 20
 28 LICENSES TO medical cannabis growers.

29 (II) IN ADDITION TO THE 15 APPLICANTS GRANTED STAGE ONE
 30 PREAPPROVAL FOR A MEDICAL CANNABIS GROWER LICENSE BY THE COMMISSION
 31 IN AUGUST 2016, THE COMMISSION SHALL AWARD UP TO THREE LICENSES TO
 32 APPLICANTS THAT:

1 1. MEET THE STANDARDS FOR A MEDICAL CANNABIS
2 GROWER ESTABLISHED UNDER THIS SECTION; AND

3 2. IF A SCORING SYSTEM IS USED TO EVALUATE
4 APPLICANTS FOR MEDICAL CANNABIS GROWERS, QUALIFY AS MINORITY BUSINESS
5 ENTERPRISES PENDING THE OUTCOME OF A DISPARITY STUDY FOR AT LEAST 5% OF
6 THE SCORE.

7 (iii) OF THE 20 TOTAL LICENSES THAT MAY BE AWARDED UNDER
8 SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, THE TOTAL NUMBER OF
9 LICENSES AWARDED SHALL DECREASE BY THE NUMBER OF STAGE ONE
10 PREAPPROVAL LICENSEES THAT DO NOT MEET THE COMMISSION'S REQUIREMENTS
11 FOR FINAL APPROVAL ON OR BEFORE AUGUST 15, 2017.

12 [(ii)] (iv) 1. [Beginning] SUBJECT TO SUBSUBPARAGRAPH 2
13 OF THIS SUBPARAGRAPH, BEGINNING June 1, [2018] 2021, the Commission may issue
14 the number of licenses necessary to meet the demand for medical cannabis by qualifying
15 patients and caregivers issued identification cards under this subtitle in an affordable,
16 accessible, secure, and efficient manner.

17 2. ON OR BEFORE DECEMBER 1, 2020, THE
18 COMMISSION SHALL CONDUCT A STUDY TO DETERMINE THE DEMAND FOR MEDICAL
19 CANNABIS BY QUALIFYING PATIENTS IN THE STATE.

20 3. THE COMMISSION MAY ISSUE ADDITIONAL MEDICAL
21 CANNABIS GROWER LICENSES UNDER SUBSUBPARAGRAPH 1 OF THIS
22 SUBPARAGRAPH ONLY IF THE GENERAL ASSEMBLY ADOPTS LEGISLATION
23 INCREASING THE NUMBER OF LICENSES BASED ON THE RESULTS OF THE STUDY
24 CONDUCTED UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH.

25 [(iii)] (v) The Commission shall establish an application review
26 process for granting medical cannabis grower licenses in which applications are reviewed,
27 evaluated, and ranked based on criteria established by the Commission.

28 (iv) (vi) The Commission may not issue more than one medical
29 cannabis grower license to each applicant.

30 (v) (vii) A grower shall pay an application fee in an amount to be
31 determined by the Commission consistent with this subtitle.

32 (3) The Commission shall set standards for licensure as a medical cannabis
33 grower to ensure public safety and safe access to medical cannabis, which may include a
34 requirement for the posting of security.

35 (4) Each medical cannabis grower agent shall:

1 (i) Be registered with the Commission before the agent may
2 volunteer or work for a licensed grower; and

3 (ii) Obtain a State and national criminal history records check in
4 accordance with § 13-3312 of this subtitle.

5 (5) (i) A licensed grower shall apply to the Commission for a
6 registration card for each grower agent by submitting the name, address, and date of birth
7 of the agent.

8 (ii) 1. Within 1 business day after a grower agent ceases to be
9 associated with a grower, the grower shall:

10 A. Notify the Commission; and

11 B. Return the grower agent's registration card to the
12 Commission.

13 2. On receipt of a notice described in subsubparagraph 1A of
14 this subparagraph, the Commission shall:

15 A. Immediately revoke the registration card of the grower
16 agent; and

17 B. If the registration card was not returned to the
18 Commission, notify the Department of State Police.

19 (iii) The Commission may not register a person who has been
20 convicted of a felony drug offense as a grower agent.

21 (6) (i) A medical cannabis grower license is valid for 4 years on initial
22 licensure.

23 (ii) A medical cannabis grower license is valid for 2 years on renewal.

24 (7) An application to operate as a medical cannabis grower may be
25 submitted in paper or electronic form.

26 (8) (i) The Commission shall encourage licensing medical cannabis
27 growers that grow strains of cannabis, including strains with high cannabidiol content,
28 with demonstrated success in alleviating symptoms of specific diseases or conditions.

29 (ii) The Commission shall encourage licensing medical cannabis
30 growers that prepare medical cannabis in a range of routes of administration.

31 (9) (i) The Commission shall:

1 1. Actively seek to achieve racial, ethnic, and geographic
2 diversity when licensing medical cannabis growers; and

3 2. Encourage applicants who qualify as a minority business
4 enterprise, as defined in § 14-301 of the State Finance and Procurement Article.

5 (ii) Beginning June 1, 2016, a grower licensed under this subtitle to
6 operate as a medical cannabis grower shall report annually to the Commission on the
7 minority owners and employees of the grower.

8 (10) An entity seeking licensure as a medical cannabis grower shall meet
9 local zoning and planning requirements.

10 SECTION 2. AND BE IT FURTHER ENACTED, That:

11 (a) (1) On or before July 1, 2017, the Natalie M. LaPrade Maryland Medical
12 Cannabis Commission shall grant Stage One preapproval for a medical cannabis grower
13 license to the two applicants for a medical cannabis grower license whose applications were
14 initially ranked in the top 15 of all medical cannabis grower license applications by the
15 Regional Economic Studies Institute in July 2016 but did not receive Stage One
16 preapproval for a license.

17 (2) An applicant who is granted Stage One preapproval for a medical
18 cannabis grower license under paragraph (1) of this subsection shall meet the requirements
19 established by the Commission for final approval of a medical cannabis grower license.

20 (b) The Commission may not review, evaluate, or rank an application for a
21 medical cannabis grower license or award any additional medical cannabis grower licenses
22 under § 13-3306(a)(2)(ii) of the Health – General Article, as enacted by Section 1 of this
23 Act, until the disparity study required under Section 4 of this Act is completed.

24 SECTION 3. AND BE IT FURTHER ENACTED, That:

25 (a) The terms of the following members of the Natalie M. LaPrade Maryland
26 Medical Cannabis Commission shall expire on June 1, 2017:

27 (1) the representative of the Maryland State's Attorneys' Association;

28 (2) the representative of law enforcement;

29 (3) the attorney who is knowledgeable about medical cannabis laws in the
30 United States; and

31 (4) the representative of the Office of the Comptroller.

1 (b) The President of the Senate and the Speaker of the House of Delegates shall
2 each appoint one member representing minority business enterprises that have no
3 relationship to the medical cannabis industry in 2017, and the two appointed members
4 shall serve for a term of 4 years beginning July 1, 2017, until a successor is appointed and
5 qualifies.

6 SECTION 4. AND BE IT FURTHER ENACTED, That the Certification Agency, in
7 consultation with the General Assembly and the Office of the Attorney General, shall
8 initiate a study of the regulated medical cannabis industry to determine whether there is
9 evidence to support racial preferences in the awarding of licenses or whether to provide
10 other assistance to minority and women applicants and business owners seeking to
11 participate in the medical cannabis industry. In preparation for the study, the Board of
12 Public Works may adopt regulations authorizing a unit of State government to require
13 bidders and offerors to submit information necessary for the conduct of the study. The
14 Board of Public Works may designate that certain information received in accordance with
15 regulations adopted under this section shall be confidential. Notwithstanding that certain
16 information may be designated by the Board of Public Works as confidential, the
17 Certification Agency may provide the information to any person under contract with the
18 Certification Agency to assist in conducting the study. The study also shall evaluate
19 race-neutral programs and other methods that can be used to address the needs of minority
20 businesses. The final report on the study shall be submitted to the Legislative Policy
21 Committee of the General Assembly, in accordance with § 2-1246 of the State Government
22 Article, before December 1, 2017, so that the General Assembly may review the report
23 before the 2018 Session.

24 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June
25 1, 2017.

Exhibit E

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 1443

(Delegate Glenn, *et al.*)

Health and Government Operations

Finance

Natalie M. LaPrade Medical Cannabis Commission Reform Act

This emergency bill repeals and reconstitutes the membership of the Natalie M. LaPrade Medical Cannabis Commission and requires extensive outreach to encourage industry participation by small, minority, and women business owners. The State's "certification agency" (the Maryland Department of Transportation (MDOT)) must conduct a disparity study by July 1, 2017, implement a new Small Medical Cannabis Enterprise Program, and establish a process for certification by May 15, 2017. The cap on medical cannabis grower licenses increases to 20, and processor licenses are capped at 20. Beginning April 11, 2017, Stage One pre-approval licenses cannot be issued until the disparity study is complete, and they must be issued using a new scoring process that focuses on racial, ethnic, and geographic diversity. A new special fund provides free or discounted medical cannabis to specified individuals. The bill establishes reporting requirements for the commission and licensees, and it requires the commission to adopt various implementing regulations.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures for MDOT increase by \$51,300 in FY 2017 and as much as \$1.2 million in FY 2018 to initiate the disparity study and hire staff to implement the new program. General fund expenditures for the Department of Labor, Licensing, and Regulation (DLLR) increase by \$23,400 in FY 2017 and \$138,900 in FY 2018 to subsidize staff salaries. Special fund expenditures for the commission increase by \$40,700 in FY 2017 and at least \$227,300 in FY 2018 to hire consultants, pay salaries to the new commissioners, and conduct outreach. Out-years reflect ongoing costs. Special fund revenues for the commission likely decrease.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
SF Revenue	\$0	(-)	(-)	(-)	(-)
GF Expenditure	\$23,400	\$138,900	\$147,600	\$155,300	\$163,600
SF Expenditure	\$92,000	\$1,448,000	\$1,776,200	\$636,700	\$397,900
Net Effect	(\$115,300)	(\$1,586,900)	(\$1,923,800)	(\$792,100)	(\$561,400)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not expected to materially affect local operations or finances.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Natalie M. LaPrade Medical Cannabis Commission – Membership, Salaries, and Duties

Commission membership is reduced from 16 to 9 members. The Secretary of Health and Mental Hygiene (or designee) continues to serve on the commission; the other 8 members must include:

- 5 members appointed by the Governor with the advice and consent of the Senate;
- 1 member appointed by the Governor from a list of 3 individuals recommended by the President of the Senate;
- 1 member appointed by the Governor from a list of 3 individuals recommended by the Speaker of the House; and
- 1 member appointed by the Governor from either of the lists from the President or the Speaker.

The bill eliminates all current commission membership positions (except for the Secretary of Health and Mental Hygiene), which generally terminate when the bill takes effect. However, the bill makes an exception for current members whose terms would have expired on September 30, 2017, such that their terms now terminate on June 1, 2017. In addition, to ensure a level of continuity, the Governor is authorized to reappoint a commission member who was serving before enactment of the bill (but only in filling the five positions which require advice and consent of the Senate).

The Governor may remove a commission member for just cause and must appoint an executive director (with the advice and consent of the Senate). Except for the Secretary of Health and Mental Hygiene, a commission member is entitled to both the salary provided in the commission's budget and reimbursement for reasonable expenses. Salaries must be paid once every two weeks.

The bill establishes new requirements for commission members. An appointed member of the commission must (1) be at least 25 years old; (2) have resided in Maryland for at least five years and be a current resident of the State; (3) be a qualified voter of the State; and (4) have substantial experience in specified areas generally relating to fiduciary

responsibilities or as an academic or professional in a field relating to health, agriculture, law enforcement, or finance. A commission member may not (1) have any financial, ownership, or management interest, including ownership of any stocks, bonds, or other similar financial instruments, in any medical cannabis licensee; (2) have an official relationship to a person who holds a medical cannabis license; (3) be an elected official of State or local government; (4) receive or share in the receipts or proceeds of any medical cannabis licensee; or (5) have a beneficial interest in any contract for the manufacture or sale of medical cannabis or the provision of any independent consulting services in connection with any medical cannabis license. To the extent practicable, membership must reflect the racial, ethnic, and gender diversity of the State. Members must file financial disclosure forms.

The commission must conduct ongoing, thorough, and comprehensive outreach to small, minority, and women business owners and entrepreneurs that may have an interest in applying for a medical cannabis license, including (1) developing partnerships with specified entities and collaborating with these partners to ensure outreach is appropriately targeted; (2) establishing and conducting training programs for employment in the medical cannabis industry; and (3) disseminating information about the licensing process through media demonstrated to reach large numbers of minority and women business owners and entrepreneurs. The commission must also partner with the Division of Workforce Development and Adult Learning (DWDAL) in DLLR to identify employment opportunities within the medical cannabis industry for job seekers, dislocated workers, and ex-offenders.

The commission may make grants to appropriate educational and business development organizations to train and assist small, minority, and women business owners and entrepreneurs seeking to become licensed.

The annual report to the Governor and General Assembly (due by January 1 of each year) is expanded to include minority and business owners who are licensed by the commission and the required outreach conducted by the commission. In addition, the current reporting requirement on physicians certified by the commission is modified to reflect providers certified by the commission (when Chapter 474 of 2016, which broadens the types of health care providers who may qualify patients as eligible for medical cannabis, takes effect – June 1, 2017).

Natalie M. LaPrade Medical Cannabis Compassionate Use Fund

The bill establishes the Natalie M. LaPrade Medical Cannabis Compassionate Use Fund, a special nonlapsing fund that is administered by the Department of Health and Mental Hygiene (DHMH). The fund is subject to audit by the Office of Legislative Audits. The purpose of the fund is to establish a program to allow eligible individuals enrolled in

Medicaid or in the Veterans Administration Maryland Health Care System to obtain medical cannabis from a licensed dispensary free of charge or at a reduced cost. Accordingly, the fund is used to reimburse a licensed dispensary for the cost of the medical cannabis dispensed to an eligible individual. DHMH must adopt implementing regulations for this program and the fund.

By December 1, 2017, the commission, in consultation with DHMH, must report to the General Assembly on (1) the revenues necessary to implement the program; (2) the amount of fees and which licensees should be assessed those fees to generate sufficient revenues; and (3) the use of any other funding mechanism to implement the program.

Disparity Study

Uncodified language requires MDOT (as the certification agency), in consultation with the General Assembly and the Office of the Attorney General, to initiate a study of the medical cannabis industry and market to evaluate whether there is a compelling interest to apply the State Minority Business Enterprise (MBE) Program, or a similar program, to assist minorities and women in the medical cannabis industry, and whether that program would comply with federal and State law. The study must also evaluate race-neutral programs or other methods that may be used to address the needs of minority and women applicants and minority and women-owned businesses seeking to participate in the medical cannabis industry. MDOT must report on the findings of the study to the commission and the Legislative Policy Committee by July 1, 2017.

In consultation with the Office of the Attorney General, the commission must submit emergency regulations to implement remedial measures based on the findings of the disparity study.

Small Medical Cannabis Business Enterprise Program

The bill establishes a Small Medical Cannabis Business Enterprise Program in MDOT (as the certification agency). The program must certify a business entity as a small medical cannabis enterprise if the business entity meets one of two sets of conditions. Accordingly, the business entity must either:

- be at least 51% owned by one or more individuals who have a personal net worth that does not exceed the limits on personal net worth prescribed by the existing MBE program *and* meet the small business size standards for the MBE program or the Small Business Reserve (SBR) Program; or
- be a certified MBE under the existing program.

By May 15, 2017, the certification agency must establish a process for reviewing and evaluating applicants seeking certification under the new program. The process must include provisions for a special unit within the certification agency to expedite certifications during the initial 180 days of the program. Additionally, the certification agency must modify the current MBE directory to include small medical cannabis business enterprises certified under the new program. A small medical cannabis business enterprise certified under the new program must submit an annual affidavit to the certification agency as well as any other information required to determine whether the business entity continues to satisfy the eligibility requirements for certification.

Issuance of Additional Medical Cannabis Grower, Dispensary, and Processor Licenses and Reporting Requirements

Beginning April 11, 2017, the commission generally may *not* award any additional Stage One pre-approvals for grower, dispensary, or processor licenses unless (1) the required disparity study is completed and (2) the criteria for the award of Stage One pre-approval include any necessary remedial measures that are tailored to address the findings of the disparity study. The commission is likewise prohibited from reviewing, evaluating, or ranking an application for a license.

However, uncodified language establishes that, following the completion of the disparity study and adoption of any regulations necessary to implement the findings of the study, the commission *must* accept new applications for licensure (in addition to those already received). The commission has to then resume reviewing, evaluating, and ranking applications for licensure – in accordance with an evaluation system based on the findings of the study – and awarding licenses as authorized under the bill. The commission must permit a person who previously applied for licensure to amend and resubmit the application or to withdraw that application entirely. The initial application fee may be waived for a person who previously applied, but the commission may charge a reasonable fee for the submission of an amended application.

When ranking applications for licensure, the commission must establish an evaluation preference, worth at least 10% of the total available evaluation points, for certified small medical cannabis business enterprises. The commission must use this evaluation preference for each cycle of solicitation and review of applications it conducts.

To the extent permitted by federal and State law, the commission must actively seek to achieve racial, ethnic, and geographic diversity when licensing growers, dispensaries, and processors. The commission must also encourage applicants who are small, minority, or women-owned business entities to apply for certification under the Small Medical Cannabis Business Enterprise Program.

Growers: The bill increases the current cap on grower licenses that may be issued from 15 to 20 growers. If an applicant awarded Stage One pre-approval for a grower license in August 2016 fails to satisfy the requirements for licensure due to a lack of good faith effort by the applicant to become operational by August 15, 2017, the commission must rescind that applicant's Stage One pre-approval. Should this happen, the cap on the total number of grower licenses the commission may award decreases by the same number of Stage One pre-approvals for licensure that are rescinded. The bill repeals language authorizing the commission to issue additional licenses as necessary to meet demand beginning June 1, 2018. Instead, the commission must conduct a study to determine the demand for medical cannabis by qualifying patients in the State and report to the General Assembly by December 1, 2020. Accordingly, any increase in the number of growers requires legislative action. The bill increases the term of renewal grower licenses from two to four years.

Dispensaries: Although the bill establishes that, beginning April 11, 2017, the commission may not award additional Stage One pre-approvals for a dispensary license until specified actions are taken, as discussed above, the bill creates an exception for an applicant licensed as a grower. Specifically, the commission (1) must grant Stage One pre-approval for a dispensary license to an applicant that is a licensed medical cannabis grower and (2) may grant final approval if the applicant meets commission requirements.

Processors: The bill establishes a cap of 20 on the number of processor licenses that may be issued. However, beginning June 1, 2019, the commission may increase the number of processor licenses in order to meet demand for medical cannabis by qualifying patients and caregivers issued identification cards in an affordable, accessible, secure, and efficient manner. There is no corresponding requirement for a demand study; instead, if (and when) the commission increases the cap, it must report to the General Assembly on the new total number of processor licenses. The bill increases the term of renewal processor licenses from two to four years.

Reporting Requirements for Licensed Growers, Dispensaries, and Processors: Beginning June 1, 2017, and annually thereafter, all licensees must report to the commission (1) the number of minority and women owners of the licensee; (2) the ownership interest of any minority and women owners; and (3) the number of minority and women employees of the licensee.

Registration of Grower, Dispensary, and Processor Agents with a Felony Drug Conviction

The bill modifies the current prohibition against registering an individual convicted of a felony drug offense as a medical cannabis grower agent, dispensary agent, or processor agent. Instead, the commission *may* register an individual convicted of a felony drug offense as an agent *unless* (1) the individual was convicted of the offense or satisfactorily completed his or her sentence (whichever was later) within the seven-year period

immediately preceding the date on which the individual submitted an application or (2) the commission finds a substantial reason to deny the registration.

Prohibitions

An “owner” is defined as any type of owner or beneficiary of a business entity, including an officer, director, principal employee, partner, investor, stockholder, or beneficial owner of the business entity as well as a person having *any* ownership interest regardless of the percentage of ownership interest. A constitutional officer or a Secretary of a principal department of the Executive Branch of State government may not (1) be an owner or an employee of any business entity that holds a medical cannabis license or (2) have an official relationship to a business entity that holds a medical cannabis license.

Current Law/Background:

Maryland’s Medical Cannabis Program

Chapter 403 of 2013 established, Chapters 240 and 256 of 2014 expanded, and Chapter 251 of 2015, and Chapter 474 of 2016 further modified the State’s medical cannabis program. The Natalie M. LaPrade Medical Cannabis Commission currently allows for the licensure of growers, processors, and dispensaries and the registration of their agents. The program also establishes a framework to certify physicians, qualifying patients (including veterans), and their caregivers to provide qualifying patients with medical cannabis legally under State law via written certification. Effective June 1, 2017, dentists, podiatrists, nurse practitioners, and nurse midwives are authorized to be “certifying providers” – along with physicians – under the medical cannabis program. Specifically, a qualifying patient who has been provided with a written certification from an authorized certifying health care provider in accordance with a bona fide provider-patient relationship may obtain a 30-day supply of medical cannabis. Medical cannabis is defined in regulation as any product containing usable cannabis or medical cannabis finished product. A 30-day supply is defined as 120 grams of usable cannabis, unless a qualifying patient’s certifying physician determines that this amount is inadequate to meet the medical needs of the patient. Regulations establish posttraumatic stress disorder as one of several debilitating medical conditions.

Statute dictates that medical cannabis may only be obtained from a grower or dispensary licensed by the commission and that the commission may license no more than 15 growers initially. However, beginning June 1, 2018, the commission may issue the number of grower licenses necessary to meet demand for medical cannabis by qualifying patients and caregivers in an affordable, accessible, secure, and efficient manner. Section 13-3306 of the Health-General Article requires the commission to “actively seek to achieve racial,

ethnic, and geographic diversity when licensing medical cannabis growers” and to “encourage applicants who qualify as an MBE.”

There is no established limit on the number of processor licenses in statute or regulation. While there is no statutory limit on the number of dispensary licenses either, regulations establish a limit of 2 dispensary licenses per senatorial district, or up to 94 statewide (not including dispensary licenses issued to licensed growers). There is also no requirement for the commission to seek to achieve racial, ethnic, and geographic diversity when licensing medical cannabis processors, but there is such a statutory requirement for dispensaries. There is no requirement to encourage applicants who qualify as an MBE for either processor or dispensary licenses.

The commission is authorized to set fees to cover its operating costs; these fees were established by regulations promulgated in September 2015. Grower application fees are paid in two stages: Stage One is \$2,000; and Stage Two is \$4,000. There is also an annual license fee of \$125,000. Dispensary application fees are also paid in two stages: Stage One is \$1,000; and Stage Two is \$4,000. There is also an annual license fee of \$40,000. An individual may apply for a grower-dispensary license with the applicable fee structure simply being a combination of grower and dispensary fees. The number of growers is still capped at 15 even if some licenses are combined grower-dispensary licenses. Processor application fees are also paid in two stages: Stage One is \$2,000; and Stage Two is \$4,000. There is also an annual license fee of \$40,000.

The commission opened applications for grower, processor, and dispensary licenses in September 2015. The application forms included instructions and a description of the scoring process for evaluating the applications. The commission received 145 grower applications, 124 processor applications, and 811 dispensary license applications. Towson University’s Regional Economic Studies Institute (RESI) was commissioned to review the grower and processor applications through a double-blind review process in which all identifying information was redacted. The scoring system contained six main categories, including additional factors, which stated that, 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. In August 2016, the commission announced the 15 growers and 15 processors who were awarded Stage One license pre-approvals. The evaluation procedures to be used in the award of dispensary licenses were adopted by the commission in November 2016. The commission announced 102 dispensaries who were awarded Stage One license pre-approvals in December 2016. This number included 10 pre-approvals issued to applicants who also received grower license pre-approvals. All of the Stage One pre-approvals awarded in 2016 have 365 days from the date of pre-approval notification to complete all necessary steps to obtain final licensure. Should an awardee fail to do so, the commission may not issue a final license.

Geographic diversity became an issue when two companies among the top 15 ranked growers did not receive pre-approval after being replaced by other companies in order to provide geographic representation throughout the State. Although the applications did not require applicants to include information related to location, in June 2016, the commission subsequently asked applicants for the locations of their prospective operations. In July 2016, a subcommittee of the commission unanimously voted to preliminarily approve the top 15 growers based on RESI's scoring, which did not include a consideration of location. Afterward, three members of the subcommittee reversed their vote, which resulted in two lower-ranked firms being moved into the top 15 growers in order to achieve geographic diversity. The two companies that were initially included in the top 15 growers but later removed are suing the commission, claiming that the determination of how geographic diversity was to be considered was unclear to applicants.

On October 28, 2016, DHMH published regulations revising existing regulations concerning the Natalie M. LaPrade Medical Cannabis Commission. Among other provisions, the regulations require the commission to promptly issue a refund of the annual license fee paid for a grower, processor, or dispensary license in the event that the commission does not issue a license. The period within which the Joint Committee on Administrative, Executive, and Legislative Review may review the regulations expired on December 13, 2016, and DHMH is free to adopt the regulations. However, to date, the department has not taken final action on the regulations.

Maryland's Minority Business Enterprise Program

The State's MBE program requires that a statewide goal for MBE contract participation be established biennially through the regulatory process under the Administrative Procedure Act. The biennial statewide MBE goal is established by the Special Secretary for the Governor's Office of Minority Affairs (GOMA), in consultation with the Secretary of Transportation and the Attorney General. Generally, prior to each reauthorization of the State's MBE program, the State conducts a disparity study to determine whether there is continued evidence that MBEs are underutilized in State contracting.

The most recent disparity study was published in February 2017 and serves as the basis for the reauthorization of the MBE program proposed under Senate Bill 4 of the 2017 session. It found, among other things, that there are substantial and statistically significant disparities that are consistent with discrimination against minorities and nonminority women in State procurement. It also establishes that the MBE program is consistent with the study data and is narrowly tailored to the compelling interests of the State.

An MBE is a legal entity, other than a joint venture, that is:

- organized to engage in commercial transactions;
- at least 51% owned and controlled by one or more individuals who are socially and economically disadvantaged; and
- managed by, and the daily business operations of which are controlled by, one or more of the socially and economically disadvantaged individuals who own it.

Maryland's Small Business Reserve Program

Chapter 75 of 2004 established SBR and defined a small business as either a certified minority-owned business or a business other than a broker that is independently owned and operated, not a subsidiary of another firm, and not dominant in its field of operation. In addition, Chapters 538 and 539 of 2012 (as amended by Chapter 76 of 2014) established that, to qualify as a small business under SBR, a business must meet *either* of the following criteria in its most recently completed three fiscal years:

- the firm did not employ more than 25 people in its retail operations; 50 people in either its wholesale or construction operations; or 100 people in either its service, manufacturing, or architectural and engineering operations; *or*
- average gross sales did not exceed \$2.0 million for manufacturing operations, \$3.0 million for retail operations, \$4.0 million for wholesale operations, \$4.5 million for architectural and engineering services, \$7.0 million for construction operations, and \$10.0 million for service operations.

Small businesses self-report their small business status by registering on eMaryland Marketplace, the State's online procurement portal. Chapter 119 of 2016 transferred responsibility for administering SBR from the Department of General Services to GOMA and repealed its termination date, making the program permanent. Currently, almost 6,000 certified small businesses in Maryland are eligible to participate in SBR. Fiscal 2014 was the first year since its inception that the program achieved its target of 10% of State procurement dollars being awarded to certified small businesses.

State Revenues:

Effect of Caps on Licenses Issued

The bill increases the cap on the number of grower licenses the commission may issue to 20, but no additional licenses may be issued until the required disparity study is completed, the commission issues new regulations and implements any remedial actions required based on the findings of the study, and new applications are accepted and scored under a

new scoring process. Depending on whether available data can be used for the disparity study, the study will likely take between 8 and 24 months to complete – despite the bill’s requirement that study findings be reported by July 1, 2017 (less than 3 months after this bill takes effect). After its completion, the commission must contract with an outside consultant to reopen applications and issue the additional licenses according to the new process and regulations. Given the requirement to complete a disparity study, and the amount of time it took for the commission to develop and then adopt regulations and begin to issue initial licenses, the additional licenses are likely not issued for *at least* another 6 months after the study has been completed. For example, after expansion of the commission in 2014, it took more than a year to finalize regulations, hire RESI to process applications, review the results, and begin issuing licenses.

Thus, if the commission issues the additional five grower licenses authorized under the bill, the licenses are likely not able to be awarded until fiscal 2019 at the earliest, and possibly later. Under current law, the commission would be able to issue additional grower licenses as required to meet demand, beginning June 1, 2018, and there is no cap on processor licenses. Given the permanent-but-higher cap on the number of grower licenses and the new cap on processor licenses (that may be lifted June 1, 2019), the bill likely results in foregone special fund revenues as it either delays issuance of new licenses and/or further limits the number that may be issued.

In addition, the bill establishes that the cap on grower licenses that may be awarded must be decreased by the number of Stage One pre-approval licensees that fail to satisfy the commission’s requirements for final approval by August 15, 2017. To the extent that any do not meet those requirements, the commission must rescind their Stage One pre-approval and cannot issue additional licenses as it would have been able to do under current law. Thus, special fund revenues may decrease further.

Increased Term of Certain Licenses

The Department of Legislative Services (DLS) notes that the bill increases the term of a renewal grower and processor license from two to four years. Since the commission’s licensure fees (established in regulation) are annual, DLS assumes that changing the terms of licensure has no effect on the commission’s special fund revenues.

Capitalization of the Natalie M. LaPrade Medical Cannabis Compassionate Use Fund

The bill establishes the new fund and requires DHMH to establish a program, but it does not definitively specify a dedicated funding source. Instead, the commission, in consultation with DHMH, must report to the General Assembly by December 1, 2017, on the anticipated amount of revenues necessary to implement the program, the amount of fees and the licensees on which they should be assessed to generate sufficient revenue, and

the use of any other funding mechanism to implement the program. Thus, although the fund may be capitalized as early as fiscal 2018, the actual timing, source, and amount of any capitalization is unknown.

State Expenditures:

Disparity Study and Small Medical Cannabis Business Enterprise Program

TTF expenditures for MDOT increase to conduct the required disparity study. MDOT advises that this type of study is similar to the disparity study that it must complete periodically for the State's MBE program; the study analyzes the availability and utilization of firms in Maryland's geographic and product markets by analyzing data in specific industry categories. Each industry is composed of specific industry classifications defined by U.S. Census North American Industry Classification System (NAICS) codes.

Medical cannabis is a new industry to Maryland, so the most recent study, published in February 2017, did not analyze NAICS codes specific to the industry. However, MDOT advises that existing codes *may* be able to be used to complete the study, similar to the approach taken to evaluate the Off-shore Wind and Video Lottery/Casino industries. If such an approach is viable, expenditures for MDOT increase by approximately \$50,000, likely in fiscal 2018, to hire a consultant to conduct the analysis. This process will take approximately eight months: four months to procure a contractor through the request for proposal process and four months to complete the study.

However, if an entirely new study must be completed, TTF expenditures for MDOT increase by between \$1.5 million and \$2.0 million over fiscal 2018 and 2019, as completion of a new study will take up to two years. Under either scenario, the requirement that MDOT report to the General Assembly on study findings by July 1, 2017, is not feasible.

The bill also requires MDOT to (1) establish the Small Medical Cannabis Business Enterprise Program; (2) establish a process for reviewing and evaluating applicants seeking certification under the program by May 15, 2017 (including provisions for a special unit to expedite certifications during the initial 180 days of the program); (3) collect annual affidavits and any additional information to determine whether certified business entities continue to satisfy the eligibility requirements; and (4) modify the MBE directory. MDOT cannot absorb these responsibilities with existing resources and needs three additional staff; moreover, the bill requires a special unit to be established – at least for the first six months of the program. Thus, TTF expenditures increase by \$51,296 in fiscal 2017, which assumes the employees are hired expeditiously (on May 1, 2017) to attempt to meet the requirement for MDOT as the certification agency to establish a process for reviewing and evaluating applicants by May 15, 2017. This estimate reflects the cost of hiring one intake officer and two MBE officers to implement and maintain the Small Medical Cannabis Business

Enterprise Program. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

	<u>FY 2017</u>	<u>FY 2018</u>
New Positions	3	-
Salaries and Fringe Benefits	\$37,057	\$218,839
Operating Expenses	<u>14,239</u>	<u>1,875</u>
Total TTF Expenditures for MBE Program	\$51,296	\$220,714

Future year TTF expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses. To the extent that the demand for certification under the Small Medical Cannabis Business Enterprise Program is less robust than anticipated by MDOT, these employees may be able to be redirected to other duties within the Office of Minority Business Enterprise.

Additional Administrative Costs for the Commission

Special fund expenditures increase for the commission to pay salaries for the eight eligible commission members. Although the budgeted amount anticipated for this purpose is unknown, the provision was modeled after a similar provision for lottery and gaming commissioners, who are paid \$18,000 annually. Thus, the medical cannabis commission must likely pay eight of the commissioners at least \$18,000 annually. Assuming eight commissioners are in place by May 1, 2017 (including the current commissioners who hold over until June 1), special fund expenditures for the commission increase by \$24,000 in fiscal 2017 and by \$144,000 annually thereafter. Since the commissioners are not State employees, this estimate does not include any fringe or health care benefits. The bill decreases the commission membership by a net of seven members. Thus, the commission realizes minimal savings from a reduction in reimbursement and travel costs for these seven commission members. Any such impact has not been factored into this analysis.

The bill generally prohibits the commission from awarding Stage One pre-approval for any license (grower, dispensary, or processor) until the certification agency conducts a disparity study and the criteria for awarding such approval includes remedial measures, as necessary. Thus, special fund expenditures for the commission increase by *at least* \$400,000 in the fiscal year in which the commission issues any additional licenses (likely not before fiscal 2019) to hire a consultant to assist the commission in awarding additional licenses and establishing a new licensing process. The commission based this estimate on the costs to conduct the initial scoring of grower licenses through RESI. DLS notes that the bill requires the commission to award Stage One pre-approval for a dispensary license to an applicant that is a licensed grower (allowing for a licensed grower-dispensary facility as under current law); any such awards are done outside of the new scoring process.

Special fund expenditures also increase by an estimated \$250,000 in fiscal 2020 for the commission to hire a consultant to conduct the required study to determine the demand for medical cannabis by qualifying patients by December 1, 2020. Otherwise, the commission can adopt regulations and submit reports with existing budgeted resources.

Costs to Conduct Required Outreach

DLLR advises that current staff from DWDAL can partner with the commission to identify employment opportunities within the medical cannabis industry for job seekers, dislocated workers, and ex-offenders. However, since these employees are federally funded, and DLLR cannot use federal funds for activities regarding medical cannabis, general funds are needed to cover the portion of employees' salaries for time spent fulfilling the bill's requirements. Since the bill does not specify a time limit, it is assumed that these costs are ongoing. Thus, general fund expenditures for DLLR increase by \$23,263 in fiscal 2017 (assuming the partnership begins May 1, 2017), by \$138,884 in fiscal 2018, and by a minimum of \$147,615 annually thereafter.

Special fund expenditures for the commission increase, likely beginning at the end of fiscal 2017 and continuing into fiscal 2018, to conduct the required outreach, including (1) developing partnerships with the specified entities; (2) establishing and conducting training programs for employment in the medical cannabis industry; and (3) disseminating information required to reach large numbers of minority and women business owners and entrepreneurs. The commission estimates that costs to hire a consultant to assist with the required outreach are likely around \$100,000, based on current costs to hire a diversity consultant and the breadth of the required outreach. Thus, special fund expenditures for the commission to hire the consultant increase by an estimated \$16,667 in fiscal 2017 and \$83,333 in fiscal 2018. Some costs are likely maintained in the out-years, because the outreach must be ongoing, but it is unknown whether a consultant is still needed. To the extent that the commission chooses to issue grants to appropriate educational and business development organizations for training, as authorized under the bill, special fund expenditures further increase. However, the amount and timing of such grant funding is unknown and has not been factored into this analysis.

Administration of the Natalie M. LaPrade Medical Cannabis Compassionate Use Fund

Concurrent with program implementation, DHMH may need additional staff to reimburse licensed dispensaries for the cost of medical cannabis dispensed to eligible individuals under the program. Although there is no specific authorization to use either the new fund or the existing fund for administrative costs, this analysis assumes that special funds from one of the funds are used to cover any administrative costs for DHMH related to administering the new program; otherwise, general fund support is needed. The Comptroller's Office can administer the fund, as directed by DHMH, with existing

budgeted staff and resources. The Office of Legislative Audits can conduct the required audit with existing budgeted staff and resources.

Small Business Effect: The bill requires the commission to conduct extensive outreach and to provide specified assistance to encourage small minority and women-owned businesses to enter the medical cannabis industry. This likely results in more small businesses entering the industry than under current law.

Additional Comments: The bill does not materially affect the timeframe for making medical cannabis available to qualifying patients in Maryland. Despite the commission being reconstituted, this analysis assumes expeditious appointment of new members and limited disruption in the commission continuing to implement the State's medical cannabis program. As five members (as well as the executive director) of the commission must be appointed by the Governor with the advice and consent of the Senate (which likely occurs after the General Assembly has adjourned *Sine Die*), those appointees are assumed to serve in an acting capacity until required consent can be obtained. DLS advises, however, that some disruption is inevitable. Also, any delays in completing the disparity study and establishing a process to review and evaluate applicants for certification as small medical cannabis business enterprises do not affect Stage One pre-approvals for licenses already awarded; those business entities may proceed to final licensure.

Additional Information

Prior Introductions: None.

Cross File: SB 999 (Senator Conway) - Judicial Proceedings.

Information Source(s): Office of the Attorney General; Comptroller's Office; Department of Budget and Management; Department of Health and Mental Hygiene; Maryland Department of Transportation; Governor's Office of Minority Affairs; Department of Labor, Licensing, and Regulation; Comptroller's Office; Board of Public Works; Department Legislative Services (Office of Legislative Audits); Department of Legislative Services

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Exhibit F



STATE OF MARYLAND
DHMH

Maryland Department of Health and Mental Hygiene
The Natalie M. LaPrade Maryland Medical Cannabis Commission

Larry Hogan, Governor - Boyd K. Rutherford, Lt. Governor - Dennis R. Schrader, Secretary

March 29, 2017

The Honorable Thomas M. Middleton
Chairman
Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401

Re: Letter of Support with Amendments-Senate Bill 1197- Public Health - Maryland Medical Cannabis Commission - Membership, Licensing, and Studies

Dear Chairman Middleton and Committee Members:

The Natalie M. LaPrade Maryland Medical Cannabis Commission (MMCC) supports Senate Bill 1197 and offers the following amendments for the Committee's consideration during its deliberations.

Senate Bill 1197 represents a strong, inclusive policy solution which, if enacted, would implement a fair legislative compromise to issues raised during the 2017 legislative session. SB 1197 clearly defines several race-neutral measures to be used by the MMCC when actively seeking, to the extent permitted by State and federal law, racial, ethnic, and geographic diversity when licensing medical cannabis growers, processors, and dispensaries. Additionally, SB 1197 adds two representatives from a Minority Business Enterprise (MBE) to the MMCC's membership and requires the MMCC to strongly engage in outreach to small, minority-owned, and women-owned businesses.

While the MMCC firmly supports the addition of two MBE representatives to the Commission, it would ask the Committee to consider keeping the current requirements for one representative of the Maryland State's Attorneys' Association, one representative of law enforcement, and an attorney who is knowledgeable about medical cannabis laws in the United States. The expertise lent to the Commissioners by these three members has proven invaluable, and their removal will delay patient access. Should the Committee choose to accept SB 1197's proposed removal of these Commissioners, it asks that the effective date of this provision be amended to September 30, 2017.

The MMCC also believes that striking some of the conditional nominating language from HG §13-3303 could serve as a strong race-neutral measure and would result in an appointed commission that more accurately reflects the racial, ethnic, and gender diversity of the State.

4201 Patterson Avenue, Baltimore, MD 21215
Contact us at: dhmh.medicalcannabis@maryland.gov Telephone: (410) 764-5050
Web Site: <http://mmcc.maryland.gov/>

E 000844

The Honorable Thomas M. Middleton
Page Two

Additionally, the MMCC asks the Committee to consider requiring the Criminal Justice Information System (CJIS) Central Repository within the Department of Public Safety and Correctional Services (DPSCS) to provide a revised criminal history statement should additional information be reported following the initial criminal history records check. Currently, the MMCC must wait for a licensee to self-report an arrest or conviction that occurs after the date of licensure.

Lastly, the MMCC asks the Committee to add statutory language related to disciplinary actions the Commission might take against a licensee who falls into tax arrears with the State; has a company license suspended or revoked by another state; or who falsifies information provided to the Commission, a testing laboratory, a consumer, or to any other licensee.

For these reasons, the Natalie M. LaPrade Maryland Medical Cannabis Commission respectfully requests the Committee adopt the proposed amendments and grant Senate Bill 1197 a favorable as amended report. Should you have any questions or concerns, please feel free to contact the Commission.

Respectfully submitted,

Sarah M. Hoyt
Director of Government Affairs
Maryland Medical Cannabis Commission
443-615-2349

Exhibit G

From: Alfred F. Belcuore [mailto:Alfred.Belcuore@belcuorelaw.com]
Sent: Friday, May 26, 2017 2:38 PM
To: Michael Berman <mberman@rwllaw.com>
Subject: Medical Cannabis Cases

Mike,

To confirm what I just told you in response to your request, MCP is assimilating the decision in the AMM case and has not determined what, if any, action it may take.

Al Belcuore

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From: Michael Berman [mailto:mberman@rwllaw.com]
Sent: Friday, April 14, 2017 4:34 PM
To: Christopher C. Jeffries; Edward Weidenfeld; Heather B. Nelson (heather.nelson1@maryland.gov); Louis P. Malick; Philip M. Andrews; Robert D. McCray; Sheila R. Gibbs; Alfred F. Belcuore (alfred.belcuore@belcuorelaw.com); Bruce L. Marcus (bmarcus@marcusbonsib.com); Gary R. Jones; Danielle Vranian; Sydney M. Patterson; Byron Warnken; John Pica; Leah Barron; Brian Brown; 'Levy, Katherine'
Subject: COSA appeals

Enclosed please find copies of reply memoranda.

MICHAEL D. BERMAN
Rifkin Weiner Livingston, LLC
2002 Clipper Park Road, Suite 108

Baltimore, MD 21211
Cell Phone: 410-206-5049
www.rwllaw.com



PLEASE NOTE NEW EMAIL ADDRESS OF mberman@rwllaw.com

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Exhibit H-1



GREGORY HILTON
CLERK

Court of Special Appeals
Robert C. Murphy Courts of Appeal Building
Annapolis, Md. 21401-1699

(410) 260-1450
WASHINGTON AREA 1-888-200-7444

No. 00040, September Term, 2017
CROSS APPEAL FILED
MULTIPLE APPEAL FILED

Jane Doe et al.
vs.
Alternative Medicine Maryland LLC et al.

IMPORTANT
**This is how the case must
be titled on all briefs.**

The Record in the captioned appeal was received and docketed on 05/25/2017.

The brief of the APPELLANT is to be filed with the office of the Clerk on or before 07/05/2017.
(Rule 8-502(a)(1)).

The brief of the APPELLEE is to be filed with the office of the Clerk on or before 30 days after
filing of appellant's brief (Rule 8-502(a)(2)).

This appeal has been set for argument before this Court one of the following days:
February 01, 02, 05, 06, 07, 08, 09, 12, 2018.

IF, DUE TO A CURRENTLY SCHEDULED COURT APPEARANCE OR OTHER
EXTRAORDINARY CAUSE, YOU WILL BE UNABLE TO APPEAR ON ONE OR MORE OF
THESE DATES, YOU MUST INFORM THE CLERK WITHIN TEN DAYS AFTER THE DATE
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brief will be filed at least 30 days, and any reply brief, at least 10 days, before the scheduled
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NOTICE: Law firm name and address must be printed on brief and record extract.

May 25, 2017

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TT/VOICE

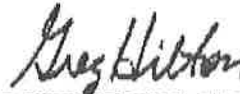
E 000850

No. 00040, September Term, 2017

Attorneys for Appellant: MICHAEL D. BERMAN, ESQUIRE
ALAN M. RIFKIN, ESQUIRE
ARNOLD M. WEINER, ESQUIRE

Attorneys for Appellee: BRIAN E. FROSH, ESQUIRE
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BRIAN S. BROWN, ESQUIRE
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ROBERT D. MCCRAY, ESQUIRE
HEATHER B. NELSON, ESQUIRE
SYDNEY M. PATTERSON, ESQUIRE
JOHN A. PICA JR, ESQUIRE
DANIELLE M. VRANIAN, ESQUIRE
BYRON B. WARNKEN, ESQUIRE
BYRON L. WARNKEN, ESQUIRE

GREGORY HILTON



CLERK OF THE COURT
OF SPECIAL APPEALS

Circuit Court Case #: 024C16005801R00

May 25, 2017

E 000851

NOTICE TO ALL COUNSEL

Your Name and Address and your law firm's name, must be printed on your brief and record extract.

**COMMERCIAL AND COMPUTER FONTS
APPROVED BY THE COURT OF SPECIAL APPEALS OF MARYLAND
UNDER MARYLAND RULE 8-112 (AS AMENDED JANUARY 1, 2016)**

The following fonts are approved by the Court of Appeals for use in briefs, petitions for writ of certiorari, and other papers prepared by commercial printers or computer printers. This list is provided for your guidance -- these fonts are suggested, not mandatory. Be sure to read Maryland Rules 8-112 and 8-504(a)(8) carefully for requirements as to type size, spacing, margins and the statement in the brief as to the typeface used.

Antique Olive	CG Times
Arial	Courier
Arial Rounded	Courier New
Book Antiqua	Footlight MT Light
Bookman Old Style	Letter Gothic
Britannic	MS LineDraw
Century Gothic	Times New Roman
Century Schoolbook	Universal

See also <http://mdcourts.gov/cosappeals/filingbriefs.html>

AMENDMENTS TO MARYLAND RULES
Effective January 1, 2016

Rule 8-503

(d) Principal Briefs of Parties...

Except as otherwise provided in section (e) of this Rule or with permission of the Court, the principal brief of an appellant or appellee shall not exceed 9,100 words in the Court of Special Appeals...

(g) Certification of Word Count and Compliance with Rule 8-112.

...A Certification of Word Count and Compliance with Rule 8-112 shall be signed by the individual making the certification and shall be substantially in the following form:

CERTIFICATION OF WORD COUNT AND COMPLIANCE
WITH RULE 8-112

1. This brief contains ____ words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This brief complies with the font, spacing, and type size requirements state in Rule 8-112.

Signature

Exhibit H-2



GREGORY HILTON
CLERK

Court of Special Appeals
Robert C. Murphy Courts of Appeal Building
Annapolis, Md. 21401-1699

(410) 260-1450
WASHINGTON AREA 1-888-200-7444

No. 00042, September Term, 2017
MULTIPLE APPEAL FILED

Jane Doe et al.
vs.
GTI Maryland LLC et al.

IMPORTANT
**This is how the case must
be titled on all briefs.**

The Record in the captioned appeal was received and docketed on 05/16/2017.

The brief of the APPELLANT is to be filed with the office of the Clerk on or before 06/26/2017.
(Rule 8-502(a)(1)).

The brief of the APPELLEE is to be filed with the office of the Clerk on or before 30 days after
filing of appellant's brief (Rule 8-502(a)(2)).

This appeal has been set for argument before this Court one of the following days:
February 01, 02, 05, 06, 07, 08, 09, 12, 2018.

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EXTRAORDINARY CAUSE, YOU WILL BE UNABLE TO APPEAR ON ONE OR MORE OF
THESE DATES, YOU MUST INFORM THE CLERK WITHIN TEN DAYS AFTER THE DATE
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brief will be filed at least 30 days, and any reply brief, at least 10 days, before the scheduled
argument or submission on brief (Rule 8-502(b)).

NOTICE: Law firm name and address must be printed on brief and record extract.

May 16, 2017

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E 000855

No. 00042, September Term, 2017

Attorneys for Appellant: MICHAEL D. BERMAN, ESQUIRE
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GARY R. JONES, ESQUIRE
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LOUIS P. MALICK, ESQUIRE
BRUCE L. MARCUS, ESQUIRE
ROBERT D. MCCRAY, ESQUIRE
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SYDNEY M. PATTERSON, ESQUIRE
JOHN PICA JR., ESQUIRE
DANIELLE M. VRANIAN, ESQUIRE
BYRON WARNKEN, ESQUIRE
EDWARD WEIDENFELD, ESQUIRE

GREGORY HILTON


CLERK OF THE COURT
OF SPECIAL APPEALS

Circuit Court Case #: 024C16005134R00

May 16, 2017

E 000856

AMENDMENTS TO MARYLAND RULES
Effective January 1, 2016

Rule 8-503

(d) Principal Briefs of Parties...

Except as otherwise provided in section (e) of this Rule or with permission of the Court, the principal brief of an appellant or appellee shall not exceed 9,100 words in the Court of Special Appeals...

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WITH RULE 8-112

1. This brief contains _____ words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This brief complies with the font, spacing, and type size requirements state in Rule 8-112.

Signature

NOTICE TO ALL COUNSEL

Your Name and Address and your law firm's name, must be printed on your brief and record extract.

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Bookman Old Style	Letter Gothic
Britannic	MS LineDraw
Century Gothic	Times New Roman
Century Schoolbook	Universal

See also <http://mdcourts.gov/cosappeals/filingbriefs.html>

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

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 ("Movants"), by the undersigned counsel, enclose for filing,

1. E-mail chain dated May 31, 2017;
2. Affidavits to (Exhibit A:26-A.51) to supplement Exhibit A to Movants' May 30th, 2017 filing.¹

RESPECTFULLY SUBMITTED,



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¹ The identification of individual patients has been redacted from their respective affidavits. Unredacted affidavits are available for inspection at the office of Movants' counsel.

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Counsel for Proposed Intervening Defendants

CERTIFICATE OF SERVICE

I HEREBY certify that on this 31st day of May, 2017, a copy of the foregoing was served,
by first class mail, postage prepaid, and via email, on:

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Robert D. McCray
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Attorneys for Proposed Intervenor, ForwardGro



Michael D. Berman

From: Michael Berman

Sent: Wednesday, May 31, 2017 10:30 AM

To: 'Alyson Parker-Kierzewski' <Alyson.Kierzewski@mdcourts.gov>

Cc: 'Brian Brown' <bbrown@brownbarron.com>; 'John Pica' <JPica@johnpica.com>; 'Heather Nelson -DHMH-' <heather.nelson1@maryland.gov>; 'heather.nelson@maryland.gov' <heather.nelson@maryland.gov>; Arnold Welner <awelner@rwillaw.com>; Alan M. Rifkin <arifkin@rwillaw.com>; 'Byron Warnken' <byron@warnkenlaw.com>; Barry Gogel <bgogel@rwillaw.com>; 'Kasdan, Ira' <IKasdan@KelleyDrye.com>; Wilson, Joseph D. <JWilson@KelleyDrye.com>; Stern, Bezalel <BStern@KelleyDrye.com>

Subject: RE: AMM v. MMCC - 6-2-17 Hearing Time Limits?

This email is submitted in response to the email chain initiated by AMM, below.

This firm filed various motions yesterday, including motions to dissolve, modify, intervene, and oppose equitable relief. At least one other firm filed a motion on behalf of ForwardGro, LLC, and we anticipate that others may submit additional filings today.

Without waiving our clients' motion to postpone the preliminary injunction hearing, we request that the Court not fix the times for argument and/or testimony on the preliminary injunction motion, as AMM requested, until after the Court has had the opportunity to review the recent motions.

We also request that the Court, upon receipt of all the filings, continue the preliminary injunction hearing, and direct the parties to appear for a scheduling conference on June 2, 2017, together with a hearing on the motion to dissolve or modify the TRO.

In the alternative, and without waiving our prior objections, we anticipate that at least three separate sets of counsel, in addition to the Commission, will ask to address the Court in opposition to AMM's request for a preliminary injunction. We do not speak for any of the others. On behalf of the clients for whom we have filed motions, we request thirty minutes of argument before any witnesses are called, and request permission and sufficient time to address the TRO dissolution and intervention issues. We also approximate that, if the Court proceeds to an evidentiary hearing, the parties will need several days to present evidence.

Respectfully,

MICHAEL D. BERMAN

Rifkin Welner Livingston, LLC

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Baltimore, MD 21211

Cell Phone: 410-206-5049

www.rwillaw.com



PLEASE NOTE NEW EMAIL ADDRESS OF mberman@rwlaw.com

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From: Michael Berman
Sent: Tuesday, May 30, 2017 9:45 AM
To: 'Byron Warnken' <byron@warnkenlaw.com>; Alyson Parker-Kierzewski <Alyson.Kierzewski@mdcourts.gov>
Cc: Brian Brown <bbrown@brownbarron.com>; John Pica <JPica@johnpica.com>; Heather Nelson -DHMH- <heather.nelson1@maryland.gov>; heather.nelson@maryland.gov; Arnold Weiner <aweiner@rwlaw.com>; Alan M. Rifkin <arifkin@rwlaw.com>
Subject: RE: AMM v. MMCC - 6-2-17 Hearing Time Limits?

Before the Court responds regarding time limits, we request that the Court review the motions that we intend to file later today.

Respectfully,

MICHAEL D. BERMAN
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Baltimore, MD 21211
Cell Phone: 410-206-5049
www.rwlaw.com



PLEASE NOTE NEW EMAIL ADDRESS OF mberman@rwlaw.com

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Exhibit A.26

ALTERNATIVE MEDICINE 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-16-005801

DECLARATION OF Redacted

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, Redacted, suffer from PTSD resulting from years of Fire and Rescue Service and the handling of the dead and dying.

3. I suffer from nightmares and sleeplessness. A treating physician has stated that use of medical cannabis will likely alleviate these symptoms.

4. Each day that goes by without access to medical cannabis increase the suffering that I endure due to my prior service to our community in saving many lives and property.

5. I need the Medicine to be able to function and work, which I cannot do currently. Any delay in the availability of the medicine will risk causing me "irreparable harm".

6. I do not want to disclose my medical condition or treatment to the public.

I strongly assert the right of privacy in this regard.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Redacted

May 30th, 2017
Executed in Maryland

Exhibit A.27

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF

Redacted

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 **Redacted** suffer from chronic back pain. I am 42 years of age and already had 3 back surgeries. I have also been diagnosed with degenerative disc disease. I also have a severe disk bulge in my neck. My back pain is an everyday occurrence. The use on medical marijuana not only relieves my pain in a substantial way, but it allows me to stop the use of opioid medicines which in themselves leads to other medical conditions such as liver damage.

3. Each day I go without the use of medical marijuana makes life very difficult to function when it comes to normal everyday activities with such simple things as putting socks and shoes on. Every single day is filled with pain and discomfort with some days being so bad that I feel I can't even leave the house.

4. It is imperative that there are no more delays on the access to medical marijuana. I have already waited too long. The pain is so bad sometimes it almost feels like I will never get relief as long as I live in Maryland. I have actually contemplated moving out of state to a state that has access to medical marijuana, however, my job and family live here so I can't do that.

I **Redacted** do not want any of my medical information, either my conditions or treatment used for public use or disclosed in any way to the public. All of my medical information must be kept in complete confidence.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Redacted

May 29, 2017
Executed in Maryland

Exhibit A.28

ALTERNATIVE MEDICINE 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-16-005801

DECLARATION OF Redacted

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, **Redacted**, suffer from Chronic Pain.

3. DESCRIBE YOUR SYMPTOMS/COMPLICATIONS. (I suffer myriad types of pain, mostly in the neck, back, and pelvis regions, all relating to a traffic accident I had twelve years ago. Since then I've been through numerous treatments and therapies, with middling success. Even the most successful treatment has not completely relieved my pain. A treating physician has stated that use of medical cannabis will likely alleviate these symptoms.)

4. STATE WHAT A DAY IS LIKE TO GO WITHOUT ACCESS TO MEDICINE. When enduring a particularly painful spell—sometimes so acute that I can't get out of bed—my natural inclination is to take powerful opioids prescribed by my doctor, but those cause such other horrible side effects that I'm loathe to use them. So instead I just suffer.

5. I need this medicine immediately. I'm really hoping there's not another delay in when this medicine will be available. I'm trying everything I can to avoid opioids, but if there's

another delay I may not have any choice but to endure the side effects like constipation and addiction.

6. I do not want to disclose my or my childrens' medical condition or treatment to the public. I strongly assert the right of privacy in this regard.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Redacted

May 30, 2017 //
Executed in Maryland

Exhibit A.29

ALTERNATIVE MEDICINE 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-16-005801

DECLARATION

Redacted

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, **Redacted** Suffer from Chronic Pain.

3. I suffer from chronic pain in my lower back and left foot. I often have troubles getting out of bed in the morning, because the pain is to great. A treating physician has stated that use of medical cannabis will likely alleviate these symptoms.)

4. Each day that goes by without access to medical cannabis increase the suffering that I endure from this pain.

5. I, **Redacted** , NEED THE MEDICINE IMMEDIATELY. MY HEALTH AND WELFARE DEPEND ON IT, AND ANY DELAY IN THE AVAILABILITY OF THE MEDICINE COULD RISK IRREPARABLE HARM TO ME.

6. I do not want to disclose my medical condition or treatment to the public. I strongly assert the right of privacy in this regard.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Redacted

May 30, 2017 /
Executed in Maryland

Exhibit A.30

ALTERNATIVE MEDICINE 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-16-005801

DECLARATION OF Redacted

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, Redacted, am one of the parents of Redacted, who suffers from refractory epilepsy.

3. Redacted suffers from refractory epilepsy, meaning the existing drugs do not stop the seizures. He has frequent tonic clonic seizures that take days to recover from, meaning he cannot hold a job or return to college. According to cannabis-literate doctors, Red needs access to THC and high-linalool THCA to help control his seizures.

4. Each day that his access to whole-plant cannabis is delayed is a delay in his ability to resume his life, his college career, and eventually a job.

5. The delay means more seizures, and each seizure affects his brain negatively. The delay means he is trapped at home recovering from constant seizures with no chance at a productive life.

6. Redacted does not want to disclose his medical condition or treatment to the public. As one of his parents, I strongly assert their right of privacy in this regard.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

NAME

Redacted

Redacted

May 29, 2017
Executed in Maryland

Exhibit A.31

ALTERNATIVE MEDICINE
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-16-005801

AFFIDAVIT OF Redacted

I, **Redacted**, 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, **Redacted**, suffer from <Celiac Disease> (an Auto immune disease requiring strict Gluten free diet).

3. The most common signs for adults are diarrhea, fatigue and weight loss. Adults may also experience bloating and gas, abdominal pain, nausea, constipation, and vomiting, headaches, depression/anxiety, brain fog, and joint pain. A treating physician has stated that for conditions such as mine, use of medical cannabis will help alleviate my symptoms, at times when gluten has accidentally been ingested (cross contamination is a huge problem effecting numerous patients even on strict diets).

4. STATE WHAT A DAY IS LIKE TO GO WITHOUT ACCESS TO MEDICINE. " Accidental glutening causes many hard to naturally cope with medical side effects, including nausea, swelling /inflammation in my intestinal track and small bowel (vomiting, diarrhea, constipation). Gluten is hard to avoid as it is a tiny protein but is in so many products with poor or not proper enough labels. Not only does it cause stomach symptoms but joint pain, fatigue, mental ailments, and numerous major body issues! Naturally treating my sometimes unavoidable symptoms without tons of over the counter medications that cause additional side effects (medical cannabis for example) allows me to cut back on sick days, pain and remain functional even when glutened.

5. I NEED THIS MEDICINE (Medical Cannabis) IMMEDIATELY. MY HEALTH, STABILITY, AND WELFARE DEPEND ON IT, ANY DELAY IN THE AVAILABILITY OF THE MEDICINE WILL RISK CAUSING ME "IRREPARABLE HARM."

Redacted

6. I **Redacted** do not want to disclose my medical condition or treatment to the public, But need my voice/story heard, I strongly assert my right of privacy in this regard."

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Redacted

✓ May __28th __, 2017
Executed in Maryland

<https://mail.google.com/mail/u/0/?ui=2&ik=5a7f174a0a&view=pt&msg=15c5138af26b55...> 5/30/2017

E 000881

Exhibit A.32

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF ADVANCED ALTERNATIVE THERAPIES, LLC

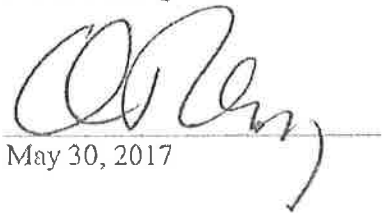
I, the undersigned, declare or affirm as follows:

1. I have personal knowledge of the facts contained herein. I am over 18 years of age.
I am competent to testify to the facts contained herein.
2. ADVANCED ALTERNATIVE THERAPIES, LLC is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for Distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.
3. On December 9, 2016, ADVANCED ALTERNATIVE THERAPIES, LLC was approved by the Maryland Medical Cannabis Commission ("MMCC") for a Distribution license, after a rigorous and costly application process.
4. ADVANCED ALTERNATIVE THERAPIES, LLC is now in the process of completing the Stage 2 process. ADVANCED ALTERNATIVE THERAPIES, LLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On December 10, 2016, ADVANCED ALTERNATIVE THERAPIES, LLC began taking steps to become operational.
6. ADVANCED ALTERNATIVE THERAPIES, LLC have now completed the following:
 - secured a building at 2029 West St. in Annapolis, MD
 - hired an architect, engineer, multiple attorneys and consultants
 - applied for a Special Exception
 - had a hearing and was approved for the Zoning Special Exception
 - designed and created building permit and construction documents
 - hired a logo and website designer
 - hired an Accounting firm to oversee Stage 2 licensing
7. Any challenge to the licensing process creates substantial uncertainty for ADVANCED ALTERNATIVE THERAPIES, LLC.
8. I am an owner and partner of ADVANCED ALTERNATIVE THERAPIES, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

David Podrog, Partner



May 30, 2017

Exhibit A.33

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF AmediCanna Dispensary LLC

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. AmediCanna Dispensary LLC is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. In December 2016, AmediCanna Dispensary LLC was approved by the Maryland Medical Cannabis Commission ("MMCC") for a distribution license, after a rigorous and very costly application process.

4. AmediCanna Dispensary LLC is now working on the Stage 2 process. AmediCanna Dispensary LLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. Any challenge to the licensing process creates substantial uncertainty for AmediCanna Dispensary LLC.

6. I am owner and managing member of AmediCanna Dispensary LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Manish H. Shah



May 30, 2017

Executed in Maryland

Exhibit A.34

ALTERNATIVE MARYLAND, LLC, <i>et al.</i> , Plaintiff, v. NATALIE M. LAPRADE MARYLAND MEDICAL CANNABIS, COMM'N., <i>et al.</i> , Defendants.	MEDICINE	IN THE CIRCUIT COURT FOR BALTIMORE CITY Case No. 24-C-16-005801
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AFFIDAVIT OF BLOOMWORKS WELLNESS

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. Bloomworks Wellness is a Maryland Limited Liability Company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for dispensing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.
3. On December 10, 2016, Bloomworks Wellness was approved by the Maryland Medical Cannabis Commission ("MMCC") for a dispensary license, after a rigorous and costly application process.
4. Bloomworks Wellness is now concluding the Stage 2 process. Bloomworks Wellness proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

- 5 On December, 2016, Bloomworks Wellness began taking steps to become operational.
- 6 Bloomworks Wellness stands to lose in excess of \$400,000 in invested capital in this and related businesses. Additionally, Bloomworks Wellness has entered into contracts with multiple investors and vendors that assume a limited number of licenses. If additionally licenses are awarded then irreparable harm will be done with said investors and vendors. Subsequently, the creation of 3-5 full and part-time jobs will be eliminated.
- 7 Any challenge to the licensing process creates substantial uncertainty for Bloomworks Wellness.
- 8 I am an owner of Bloomworks Wellness, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Randall Zeh



May 30, 2017

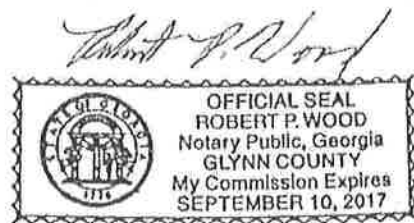


Exhibit A.35

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF Blue Mountain Care LLC

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. Blue Mountain Care LLC is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 9, 2016, Blue Mountain Care LLC was approved by the Maryland Medical Cannabis Commission ("MMCC") for a distribution license, after a rigorous and costly application process.

4. Blue Mountain Care LLC has invested a lot of time and money to get to the current state. We have worked hard to find and purchase real estate property for our dispensary and are in the process of finalizing our phase two Application process. We plan on being open by the end of the year. This program has been delayed numerous times and now, the industry and patients cannot wait any longer!

5. Any challenge to the licensing process creates substantial uncertainty for Blue Mountain Care LLC.

6. I am owner and managing member of Blue Mountain Care LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Kalpesh B Shah



May 30, 2017

Executed in Maryland

Exhibit A.36

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF Chesacanna Inc.

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. Chesacanna Inc. is a Maryland corporation formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 13, 2016, Chesacanna Inc. was approved by the Maryland Medical Cannabis Commission ("MMCC") for a dispensary license, after a long, rigorous, and costly application process.

4. Chesacanna Inc. is now concluding the Stage 2 process. Chesacanna Inc. proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.


5. On December 13, 2016, Chesacanna Inc. began taking steps to become operational.

6. To date CHESACANNA INC. has a total expense of \$168,840.00 to get to the stage two process. Chesacanna Inc. has taken steps to secure an approved location and has entered into a ten-year agreement at the annual rate of \$86,400.00 plus triple net charges and utilities with the property owner. Furthermore Chesacanna Inc. has signed a contract for construction purposes and has started the costly build out process in order to meet the dead line established by the Maryland Medical Cannabis Commission. This contract required that a percentage (\$37,000.00) of the total cost (\$372,000.00) be paid up front. Employees to be hired have given notice to present employers that they will be leaving at their given date. Due to past delays Chesacanna Inc. has had to find a new location as well as new investors in order to proceed with our business plan. Any delays could possibly have similar results. Any challenge to the licensing process creates substantial uncertainty for Chesacanna Inc.

7. I am owner and managing member of Chesacanna Inc.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Mark A Spataro



May 28, 2017

Executed in Maryland

Exhibit A.37

ALTERNATIVE MEDICINE 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-16-005801

**AFFIDAVIT OF HAROLYN CARDOZO, AUTHORIZED REPRESENTATIVE OF
CHESAPEAKE ALTERNATIVES, LLC**

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. Chesapeake Alternatives, LLC ("Chesapeake") is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission ("MMCC") for processing and distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On August 15, 2016, Chesapeake was pre-approved by MMCC for a processing license, after a rigorous and costly application process.

4. On December 9, 2016, Chesapeake was pre-approved by MMCC for a dispensary license, after a rigorous and costly application process.

5. Immediately after the processing preapproval was granted in August of 2016, Chesapeake began efforts to become operational as a processor by August 14, 2017.

6. Immediately after the dispensary preapproval was granted in December of 2016, Chesapeake began efforts to become operational as a dispensary by December 8, 2017.

7. Chesapeake and its related parties are working expeditiously to complete the Stage 2 process. Chesapeake proffers that it believes in good faith that it will timely meet all requirements for Stage 2 approval and licensure.

8. Chesapeake's commonly owned affiliate RE Services 2016, LLC, has obtained a long-term lease on space suitable for Chesapeake's processing facility, has incurred substantial legal and architectural fees and has entered into a contract for buildout of the leased space into a first class medical cannabis processing facility in compliance with MMCC regulations. In addition, Chesapeake has executed a contract to purchase a custom-built CO₂ processing machine.

9. The expenses and commitments described above, incurred in good faith reliance on MMCC's process, as well as anticipated equipment purchases total more than \$1,500,000.

10. Any challenge, restraint or injunction of the licensing process creates substantial hardship and uncertainty for Chesapeake, its personnel and its affiliates, and will disrupt building and hiring plans.

11. I am an owner of Chesapeake through a holding company.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

HAROLYN CARDOZO


May 29, 2017

Executed in Nassau, Bahamas

Exhibit A.38

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF Lauren Simpson

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. G&J Pharmaceuticals is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 16th, 2016, G&J Pharmaceuticals was approved by the Maryland Medical Cannabis Commission ("MMCC") for a distribution license, after a rigorous and costly application process.

4. G&J Pharmaceuticals is now concluding the Stage 2 process. G&J Pharmaceuticals proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On December 17th, 2016, G&J Pharmaceuticals began taking steps to become operational.

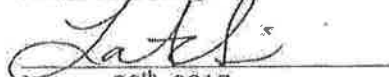
6. G&J Pharmaceuticals has engaged consultants for opening the dispensary; found a location and is signing a lease for the dispensary; has hired a Clinical Director; begun an extensive marketing campaign beginning with the creation of a website; partnered with a highly rated medical dispensary in Lansing, MI for branding and best practices; paid for training in Colorado and web based for the Operations Manager; among other various tasks and expenses involved in starting a new business.

7. Any challenge to the licensing process creates substantial uncertainty for G&J Pharmaceuticals.

8. I am owner and managing member of G&J Pharmaceuticals.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Lauren A. Simpson



May 30th, 2017

Executed in Maryland

Exhibit A.39

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

: IN THE CIRCUIT COURT FOR
: BALTIMORE CITY
: CASE NO. 24-C-16-005801

v.

NATALIE M. LAPRADE MARYALND
MEDICAL CANNABIS COMM'N, et. al.,
Defendants.

:
:
:
:
:
:
:

AFFIDAVIT OF KEVIN I. GOLDBERG, CO-FOUNDER OF GREEN LEAF MEDICAL, LLC

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 am a Founding Member of Green Leaf Medical, LLC (hereinafter "Green Leaf") and am a licensed attorney in the State of Maryland.
3. In August 2016 Green Leaf received the #1 ranked Cultivator Application in the State of Maryland; and received one of the 15 pre-approval's to cultivate medical cannabis in Maryland. Since that time Green Leaf has invested millions of dollars in its facility to cultivate medical cannabis.
4. I have served on Green Leaf's Board of Managers since its inception and have worked closely with the CEO to assist Green Leaf in applying for and obtaining one of the 15 pre-approvals to cultivate medical cannabis in Maryland.
5. Prior to applying for our license with the Medical Cannabis Commission, I reviewed the applicable law including Health General 13-306 which states that "The Commission shall: 1. Actively seek to achieve racial, ethnic, and geographic diversity when licensing medical cannabis growers."
6. Based on my review of the applicable law and regulations, including but not limited to Health General § 13-306, Green Leaf made a commitment to diversity from the outset. We made a concerted effort to recruit a diverse group of investors and Advisory Board Members including African Americans and Women.

7. For example, Green Leaf reached out to Mr. Frank Boston, a well-respected African American registered lobbyist in Maryland, and recruited Mr. Boston to invest in Green Leaf as a Founding Member at a heavily discounted rate. Mr. Boston is currently an equity partner at Green Leaf, serves as Green Leaf's paid lobbyist in Annapolis, and he is also on Green Leaf's Board of Managers.
8. Green Leaf's continued commitment to diversity is demonstrated by the fact that Green Leaf hired Mr. Damon Hughes serves as a compensated individual on Green Leaf's Board of Advisors. Mr. Hughes has over 15 years experience as a contract, compliance and inclusion professional. From 2003-2016 he worked for Baltimore County as the Minority Business Enterprise Officer. He has also worked as the Supplier Diversity and Inclusion Manager for Johns Hopkins Health System where his responsibilities included expanding MBE participation and locating non-local MBE's to hire locally. In exchange for his services he received equity in Green Leaf Medical, and on-going hourly fees. The Contract between Mr. Hughes and Green Leaf is attached hereto and incorporated by reference.
9. Another example of Green Leaf's commitment to diversity is that Green Leaf's electrician for the build-out of its 44,500 square foot facility in Frederick is Tissa Enterprises, Inc. (hereinafter TEI) TEI is a certified Minority Business Enterprise and Woman Business Enterprise (see <http://www.teiconst.com/about-us/certifications-licenses/>). TEI has already done hundreds of thousands of dollars of work on Green Leaf's build out project, and Green Leaf anticipates spending approximately \$1 Million Dollars with TEI by the time the project is complete.
10. Twenty Nine Percent (29%) of Green Leaf's investors are African American and Twenty Six Percent (26%) of Green Leaf's investors are women.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

GREEN LEAF MEDICAL, LLC
By: 
Kevin L. Goldberg
Co-Founder of Green Leaf Medical, LLC

May 31, 2017
Executed in Maryland.

January 19th, 2017
Damon Hughes

Dear Mr. Hughes:

This agreement (the "Agreement") sets forth the terms and conditions whereby you agree to serve on the Green Leaf Medical, PA LLC and Green Leaf Medical, LLC, collectively "GLM", Board of Advisors and provide certain services as an independent contractor/consultant to GLM (hereinafter "The Company").

1. SERVICES.

1.1 The Company hereby engages you, and you hereby accept such engagement, as an independent contractor to serve on the GLM Board of Advisors, and to provide certain services to The Company on the terms and conditions set forth in this Agreement.

1.2 In exchange for compensation as set forth in Paragraph 3 below, you agree to serve on The Company's Board of Advisors and to provide consulting services to The Company which will include the creation of our minority diversity and inclusion program.

1.3 It is understood that The Company may publicize the fact that you are serving on our Board of Advisors and/or use your likeness in its social media (including, but not limited to Facebook, on its Website, and in other marketing materials). All press releases will be sent to Mr. Hughes for approval prior to being released.

2. TERM.

2.1 The term of this Agreement shall commence as of the date set forth above and shall continue for a period of twelve (24) months. Any extension of the term will be subject to mutual written agreement between the parties.

3. COMPENSATION

3.1 As full compensation for the Services and the rights granted to the Company in this Agreement, the Company shall pay you (Mr. Hughes) a fixed fee of \$450.00, payable within 14 days of the execution of this Agreement. In addition, The Company will grant you (Mr. Hughes) 1,115 non-voting participation units of Green Leaf Medical, LLC stock.

3.2 In addition to the compensation listed in 3.1 Green Leaf Medical agrees to pay you (Mr. Hughes) \$150 per hour for up to 5 hours per month for diversity, inclusion and workforce development efforts for our Pennsylvania operations should Green Leaf Medical receive a license to cultivate and process Medical Cannabis in Pennsylvania and in Maryland as needed.

4. RELATIONSHIP OF THE PARTIES.

4.1 You are an independent contractor of the Company, and this Agreement shall not be construed to create any association, partnership, joint venture, employee or agency relationship between you and the Company for any purpose. You have no authority (and shall not hold yourself out as having authority) to bind the Company and you shall not make any agreements or representations on the Company's behalf without the Company's prior consent.

4.2 You will not be eligible to participate in any vacation, group medical or life insurance, disability, profit sharing or retirement benefits or any other fringe benefits or benefit plans offered by the Company to its employees, and the Company will not be responsible for withholding or paying any income, payroll, Social Security or other federal, state or local taxes, making any insurance contributions, including unemployment or disability, or obtaining worker's compensation insurance on your behalf.

4.3 The Company shall not control the manner or means by which you perform the Services, including but not limited to the time and place you perform the Services.

5. CONFIDENTIALITY.

5.1 You acknowledge that you will have access to information that is treated as confidential and proprietary by the Company, including, without limitation, the existence and terms of this Agreement, business plans, Diversity Plans, Private Placement Memorandum(s), trade secrets, technology, and information pertaining to business operations and strategies, customers, pricing, marketing, finances, sourcing, personnel, hiring/contracting strategy and/or operations of the Company, its affiliates or their contractors or customers, in each case whether spoken, written, printed, electronic or in any other form or medium (collectively, the "Confidential Information"). Any Confidential Information that you develop in connection with the Services, shall be subject to the terms and conditions of this clause. You agree to treat all Confidential Information as strictly confidential, not to disclose Confidential Information or permit it to be disclosed, in whole or part, to any third party (including but not limited to competitors of The Company) without the prior written consent of the Company in each instance, and not to use any Confidential Information for any purpose except as required in the performance of the Services. You shall notify the Company immediately in the event you become aware of any loss or disclosure of any Confidential Information. This clause shall survive the termination of this Agreement.

5.2 Confidential Information shall not include information that: (a) is or becomes generally available to the public other than through your breach of this Agreement; or (b) is communicated to you by a third party that had no confidentiality obligations with respect to such information.

5.3 Nothing herein shall be construed to prevent disclosure of Confidential Information as may be required by applicable law or regulation, or pursuant to the valid order of a court of competent jurisdiction or an authorized government agency, provided that the disclosure does not exceed the extent of disclosure required by such law, regulation or order. You agree to provide written notice of any such order to an authorized officer of the Company within three (3) days of receiving such order, but in any event sufficiently in advance of making any disclosure to permit the Company to contest the order or seek confidentiality protections, as determined in the Company's sole discretion.

6. Exclusivity of Services:

6.1 During the term of this Agreement you agree not to serve on the Board of Directors, Advisory Board, or in any other capacity with any cannabis business in the State of Maryland or the State of Pennsylvania, other than Green Leaf Medical, LLC or Green Leaf Medical PA, LLC without the prior written consent of The Company. You also agree not to provide consulting services to any other cannabis company in the State of Maryland or the State of Pennsylvania, during the term of this agreement.

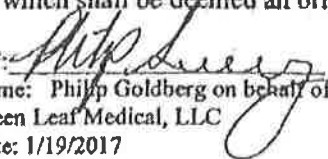
6.2 OTHER BUSINESS ACTIVITIES. You may be engaged or employed in any other business, trade, profession or other activity; provided however, that during the term of this Agreement, and for 30 days after the term of this agreement, you will not serve on the Board of Advisors or as a Consultant to any other Cannabis Business in the State of Maryland or the State of Pennsylvania.

7.0 GOVERNING LAW AND SEVERABILITY

7.1 This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland without giving effect to any choice or conflict of law provision. Each party irrevocably submits to the exclusive jurisdiction and venue of the federal and state courts located in Maryland in any legal suit, action or proceeding arising out of or based upon this Agreement or the Services provided hereunder.

7.2 If any term or provision of this Agreement is invalid, illegal or unenforceable in any jurisdiction, such invalidity, illegality or unenforceability shall not affect any other term or provision of this Agreement or invalidate or render unenforceable such term or provision in any other jurisdiction.

7.3 This Agreement may be executed in multiple counterparts and by facsimile signature, each of which shall be deemed an original and all of which together shall constitute one instrument.

BY: 
Name: Philip Goldberg on behalf of
Green Leaf Medical, LLC
Date: 1/19/2017

ACCEPTED AND AGREED:


BY: 
Name: Damon Hughes
Title: Director, Supplier Diversity and Workforce Development
Date: January 26, 2017

Exhibit A.40

ALTERNATIVE MEDICINE 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-16-005801

DECLARATION OF GROWING VENTURES, LLC, D/B/A GREENHOUSE WELLNESS

I, the undersigned, declare or affirm as follows:

1. I, Gina Dubbe', 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 am an owner and the Managing Member of Growing Ventures, LLC, d/b/a Greenhouse Wellness ("Growing Ventures").

3. Growing Ventures is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission (the "Commission"), and then for dispensing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

4. Growing Ventures (which is the assignee of an application I filed in my own name) understood that the rules and regulations of the competitive procurement were that awards were to be made by a blind selection process and that the selection criteria were not to be based on any ethnicity or gender, but rather were to be based on capability and dispersion in geographic regions; as this representation was made repeatedly by the Commission on its website and through its other written materials.

5. Any potential award by the Commission of a license to entities that were not in the competitive range will unduly discriminate against the dispensary awardees that were in the competitive range, including Growing Ventures.

6. Any concerns with the evaluation criteria, could have (and should have) been made in the comment period, prior to a competitive procurement.

7. I, as the sole owner of a woman-owned business, recognized that there would be no set-asides as part of the Commission's selection process and accepted that situation when I submitted my application; by changing the rules now, the court will effectively discount my risk, performance and willingness to play by clearly stated rules and give other applicants a preference.

8. On December 9, 2016, the Commission issued a Stage 1 pre-approval of my application for a distribution license, after a rigorous and costly application process.

9. Beginning in January 2017, Growing Ventures began taking steps to become operational.

10. Growing Ventures is now concluding the Stage 2 approval process, having submitted the Stage 2 application in May 2017; Growing Ventures dispersed a check for \$40,000 for the Stage 2 approval process and proffers that it believes in good faith that it will timely meet all requirements for Stage 2 approval and licensure.

11. To date, Growing Ventures has spent more than \$250,000 in pursuit of its contemplated Stage 2 approval.

12. Growing Ventures is taking all steps to become operational including finalization of a seven year lease, which will result in a long term personal financial commitment of over \$500,000.

13. Growing Ventures has hired consultants and experts and has a monthly burn rate of \$40,000 to become operational within the express timeline established by the Commission.

14. Growing Ventures has committed significant funds of over \$100,000 to develop specialized training, operational manuals and procedures and implement accounting systems to comply with all regulations.

15. Growing Ventures may lose significant monetary investment of over \$1.5M, due to investors stepping away from a litigious industry.

16. Growing Ventures may lose currently committed employees, mainly working mothers and retired nurses due to the uncertainty of employment due to delays in the process.

17. As a woman business owner, and the mother of two biracial children, my company will suffer from any delay in the implementation of a medical cannabis program in Maryland. Any challenge to the licensing process creates substantial uncertainty for Growing Ventures.

18. Numerous patients with serious medical issues are awaiting medical cannabis from Growing Ventures. The medical conditions of these patients are serious and may deteriorate over an untimely delay in dispensation of medical cannabis.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

GROWING VENTURES, LLC D/B/A GREENHOUSE WELLNESS

By:



Gina Dubbe

Managing Member
May 29, 2017
Executed in Maryland

Exhibit A.41

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF H&G Maryland LLC

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. H&G Maryland LLC is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing] medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 9, 2016, H&G Maryland LLC was approved by the Maryland Medical Cannabis Commission ("MMCC") for a distribution license, after a rigorous and costly application process.

4. H&G Maryland LLC is now concluding the Stage 2 process. H&G Maryland LLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. Beginning December 10 2016, H&G Maryland began taking steps to become operational.

6. The Company has spent hundreds of hours and has put nearly \$2 million dollars at risk to provide medical marijuana to patients in the region. Along with other licensees, we have already had to overcome delays well beyond the State's original timeline. These delays are not only expensive, but they cause an unpredictability that is very difficult to overcome from a planning, staffing, construction and management standpoint. Should the State further delay our ability to open our business, we expect to lose approximately \$55,000 per month. Just one month of delay begins to put the company in a financial burden that would become difficult to overcome. This uncertainty also puts our ability to manage personnel, marketing, inventory at tremendous risk.

7. Any challenge to the licensing process creates substantial uncertainty for H&G Maryland LLC.

8. I am owner and managing member of H&G Maryland LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Jeffrey Jacobson



May 30, 2017

Executed in Maryland

Exhibit A.42

5/30/17ALTERNATIVE MEDICINE
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-16-005801

AFFIDAVIT OF Kind Therapeutics USA LLC

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. **Kind Therapeutics USA LLC** is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for cultivating, processing and distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On August 15, 2016, Kind Therapeutics USA, LLC was pre-approved by the Maryland Medical Cannabis Commission ("MMCC") for a Grower license and Processor license, after a rigorous and costly application process that began in late 2015. On December 9, 2016 Kind Therapeutics USA, LLC was awarded licensure pre-approval by the MMCC for a Dispensary license following a rigorous review of 811 applications submitted by organizations throughout Maryland.

4. **Kind Therapeutics USA LLC** submitted the required Supplemental Grower License Application and Supplemental Processor Application to the MMCC on October 24,

2016. On January 23, 2017, the organization submitted the required Supplemental Dispensary License Application to the MMCC.

Kind Therapeutics USA LLC proffers that it believes in good faith that it will timely meet, all requirements for Supplemental License Application review as a Grower, Processor, and Dispensary licensed by the MMCC.

5. On January 24, 2017 Kind Therapeutics USA LLC began taking steps to become operational.

6. Kind Therapeutics USA LLC is in the process of developing and building its Cultivation and Production facilities in Hagerstown, Maryland. Millions of dollars have been spent and more will be spent to finish this 100,000-square foot state of the art facility. The organization has over 40 people working diligently on this project. Our damages if this Honorable Court impairs the MMCC Program will be millions of dollars. We have invested our time and money in this program. We have followed all the rules and been successful in an open and fair competition. Additionally, Kind Therapeutics USA, LLC is owned by three women who have worked hard at great risk, and fulfill very important standards for creating ownership opportunities for women and individuals from minority populations. Any challenge to the licensing process creates substantial uncertainty for Kind Therapeutics USA LLC

7. I am an owner, managing member and CEO of Kind Therapeutics USA LLC

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Susan Zimmerman, MD

Susan Zimmerman MD 5/30/17

May 30, 2017
Executed in Maryland

Exhibit A.43

ALTERNATIVE MEDICINE 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-16-005801

**AFFIDAVIT OF SHARRON SAMPLE, PRESIDENT AND CEO, MARYLAND
EARTHWORKS, INC.**

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. Maryland Earthworks, Inc. is an S corporation formed for the purpose of seeking licensure to grow, process, and dispense, medical cannabis for eligible patients through channels established and approved by the laws of Maryland. My sincere hope as we assembled a team of ethically sound, technical experts, to pursue this opportunity, was that an average person, such as myself, might receive an opportunity.

I will be brief with my personal story that is relevant to this case. I am a native of Maryland, raised among a family of 7, supported by my mother, a homemaker, and my father, a union carpenter. Current science findings recently converted me from someone totally against cannabis to someone who understands its importance in treating patients.

I went to work at NASA, at 17, and through much hard work, on-the-job training, and a few post-high school classes, advanced to a fairly senior level position in NASA as Chief Information Officer for Earth Science. I raised two boys, mostly as a single parent, and enjoy a

modest life style in Prince Georges County. I take social justice issues seriously, and have participated in supporting activities.

3. On December 9, 2016, Maryland Earthworks, was approved by the Maryland Medical Cannabis Commission ("MMCC") for a dispensary license, after a rigorous and costly application process. At this juncture, we have invested \$200,000 over the past 3 years just to get to this stage. We do not have "deep pockets" and have exhausted personal funds to be able to pursue this opportunity. I, too, was disappointed to have been unsuccessful in pursuit of a grow license. In spite of that disappointment, I acknowledge the competitiveness of this process and can see that the growers selected are extremely well qualified to provide this essential medicine to Maryland residents.
4. Maryland Earthworks is now in the midst of completing the stage two process for its Dispensary, with, likely, just enough funding to prepare our facility, and open. Maryland Earthworks is positioned to timely meet, all requirements for Stage 2 approval and licensure. Our business plan and staffing are exceptional and have the drive, technical abilities, and ethics to make this a successful business.
5. On December 21, 2016, we started working toward opening a dispensary. Maryland Earthworks developed briefings, strategies, and presented to numerous investment groups. It was particularly difficult for a small startup. We have negotiated and are about to sign an agreement for \$500K. We are leasing a building at \$41K annually -- modest by many accounts--but extremely difficult for an average citizen who has already invested \$200K. We are accumulating fees for legal advice, accounting advice, architectural and planning advice, building permits and the like. We will not be able to simply stop working toward dispensary opening should there be a delay. We will have

to keep working to be successful at whatever point we may be able to proceed to stage two of our licensure. I may lose key employees without being able to pay them a fair salary.

6. Should an injunction introduce a lengthy delay in product availability, we may be unable to sustain the expense of maintaining a facility and minimal staff, without income. Interrupting or changing the competition that has gone before this, at great expense, personal sacrifice, and enormous hard work would be a travesty. In some way each and every one of the selectees, including current successful minority and women owners and participants, will be impacted negatively—through greater expense or possibly complete failure. Hundreds of millions of dollars invested thus far will be at risk.

The medical benefit to Maryland residents cannot be quantified easily. Since we started this process, I personally, am aware of 3 friends with Parkinson's. Their disease progresses substantially and continuously without even the option to try cannabis. I have two friends and two friends of family members who have passed from cancer. A friend with central tremor has no access to this medicine, which may be far more helpful than traditional drugs. A friend suffers from chron's disease and has begun a treatment with horrific side effects, including the potential shortening of her life. Cannabis may have helped and kept her from having to begin remicade treatments. Current research indicates cancer cells may have been killed by the use of cannabis, and that each of the conditions mentioned above may be helped by the product. This is not a product only used to dull pain and allow people to get high, though it is highly effective in pain management and far less harmful than opioids. Its medical uses continue with new discoveries everyday.

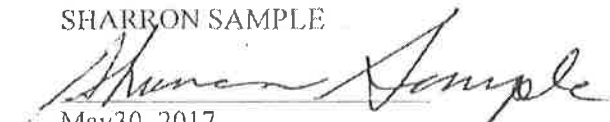
Delays will potentially cause loss of lives and livelihoods.

7. Any challenge to the licensing process creates substantial uncertainty for Maryland Earthworks and its team members. I have worked with substantial procurements during my previous career with NASA. I have the utmost respect for the process administered by the Maryland Medical Cannabis Commission. It was extremely competitive, and required comprehensive knowledge of cannabis, its production, and carrying out the very complex State Laws to provide critically needed medicine to patients. In addition to putting together the expert skills and abilities, the company had to be able to convey this technical expertise and knowledge in an exceptional way. I have, as part of my former career, seen many exceptional companies provide outstanding proposals, and very difficult selections made from among highly renowned companies for NASA opportunities. In comparison, I am highly impressed by Maryland's process. I didn't like how long it took to implement, but believe sincerely, that the MMCC worked very hard to be inclusive and fair to all. Fees to apply were lowered substantially, and individuals, as well as companies were invited to apply. The double-blind system was implemented to ensure applications were reviewed strictly on merit.

8. I am the owner, President, and CEO of Maryland Earthworks..

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

SHARRON SAMPLE



May 30, 2017

Executed in Maryland

Exhibit A.44

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF MARYLAND WELLNESS ACCESS LLC

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. MARYLAND WELLNESS ACCESS LLC is a Maryland Limited Liability Company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for dispensing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.
3. On December 9, 2016, MARYLAND WELLNESS ACCESS LLC was approved by the Maryland Medical Cannabis Commission ("MMCC") for a dispensary license, after a rigorous and costly application process.
4. MARYLAND WELLNESS ACCESS LLC is now concluding the Stage 2 process. MARYLAND WELLNESS ACCESS LLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.
5. On December 10, 2016, MARYLAND WELLNESS ACCESS LLC began taking steps to become operational.

6. MARYLAND WELLNESS ACCESS LLC (MWA) has been working tirelessly to satisfy the State's requirements and meet its projected opening date in September 2017. To date, MWA has raised in excess of \$1 million from 17 individual investors and lenders. After 6 months of searching for a suitable dispensary location and seeking zoning approval from Howard County, MWA has finally secured a 5-year lease agreement in District 13. Hundreds of thousands of dollars have been committed to the design and construction of the facility, which is currently underway. MWA has already lost some key members of the original management team due to lengthy delays in the State's approval process. At the same time, several employees have recently resigned from their former jobs to begin working full time at MWA. Further delays will have devastating effects on the company as current and future investors will begin to pull their capital and the company will be left unable to meet its financial obligations to its landlord, attorneys, engineers, contractors, employees, investors, and lenders. Most importantly, further delays will continue to keep much needed medicine out of the hands of the thousands of potential patients whom MWA is prepared to serve.

7. Any challenge to the licensing process creates substantial uncertainty for MARYLAND WELLNESS ACCESS LLC.

8. I am owner and managing member of MARYLAND WELLNESS ACCESS LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

BLAIZE CONNELLY-DUGGAN



May 30, 2017

Executed in Maryland

Exhibit A.45

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF PEAKE ReLEAF LLC

I, the undersigned, declare or affirm as follows:

1. I have personal knowledge of the facts contained herein. I am competent to testify to the facts contained herein.

2. Peake ReLeaf LLC is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing through a licensed dispensary medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 9, 2016, Peake ReLeaf LLC was approved by the Maryland Medical Cannabis Commission ("MMCC") for a dispensary license, after a rigorous and costly application process.

4. Peake ReLeaf LLC is now working through the Stage 2 licensing process. Peake ReLeaf LLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

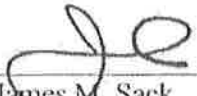
5. On January 1, 2017, Peake ReLeaf LLC began taking steps to become operational.

6. Peake ReLeaf LLC has leased space, hired three full-time employees, engaged counsel and is otherwise moving forward aggressively. The costs for the effort exceed \$35,000 per month.

7. Any challenge to the licensing process creates substantial uncertainty for Peake ReLeaf LLC.

8. I am a Member and Chairman of Peake ReLeaf LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing Affidavit are true.



James M. Sack
Chairman, Peake ReLeaf LLC
May 30, 2017

Exhibit A.46

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF LYNDSLEY ODACHOWSKI

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. POSITIVE ENERGY, LLC is a Maryland limited Liability Company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.
3. On December 9, 2016, POSITIVE ENERGY, LLC was approved by the Maryland Medical Cannabis Commission ("MMCC") for a distribution license, after a rigorous and costly application process.
4. POSITIVE ENERGY, LLC is now concluding the Stage 2 process. POSITIVE ENERGY, LLC proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.
5. After the Business Information Session on December 21, 2016, POSITIVE ENERGY, LLC began taking steps to become operational.

6. We immediately began working on our standard operating procedures and hired a land planner to find us the zoning approval necessary for our dispensary location. We secured additional adjoining property to ensure both patients and employees have adequate parking. Our lease is \$4,000 per month and begins in July, which is when we plan to begin our build out.

I am fearful that adding any further delays to the Maryland Medical Cannabis program will cause extreme detriment not only to all patients in need of this medicine, but also to my company's ability to provide them the products and service they deserve because of the expenses that will accumulate over 9-12 months of waiting for the program to resume.

We have orally confirmed employment of our Inventory Control Specialist and Clinical Director, both of whom plan to begin work in September/October. Any more delays could cause us to lose these incremental members of our team.

I am the General Manager and an owner of Positive Energy. I believe in this program and the good it will do for patients, but I worry about waiting any longer for this to be a reality. Financially, I cannot afford to wait another 6-12 months. I have already allocated a large amount of my time to learn about the industry and cannabis as a medicine, attend conferences, as well as work on Stage 2 of our application. All of this has been without compensation, but with the firm belief that we would be open fall/winter 2017.

I am deeply concerned for the wellbeing of the patients—including my grandparents who are the reason I decided to join the industry. My grandfather has been battling Parkinson's disease for 30 years and is in the final stages of the disease. I am confident that his quality of life will improve with medical cannabis, especially with a strain with a higher THC to CBD ratio. My grandmother suffers from chronic pain caused by severe arthritis in both of her legs. I am

confident a topical salve with a 1:1 ratio would improve her quality of life because it would help pacify the incessant pain that consumes her mind and hinders her life.

Any challenge to the licensing process creates substantial uncertainty for POSITIVE ENERGY, LLC.

I am an owner and managing member of POSITIVE ENERGY, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

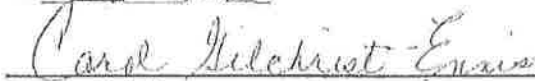
Lyndsey R. Odachowski



May 30, 2017

Executed in Maryland

Sworn to and subscribed
before me this 30th day
of May, 2017.



Notary Public



Exhibit A.47

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF PREMIUM MEDICINE OF MARYLAND, LLC

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 Colorado. I am competent to testify to the facts contained herein.

2. Premium Medicine of Maryland, LLC (“Premium”) is a Maryland limited liability company formed for the purpose of seeking a license from the Maryland Medical Cannabis Commission, and for distributing medical cannabis for eligible patients through the medical cannabis program established under the laws of Maryland.

3. On December 9th, 2016, Premium was pre-approved by the Maryland Medical Cannabis Commission (“MMCC”) to pursue a dispensary license, after a rigorous and costly application process.

4. Premium is now concluding the Stage 2 process. Premium proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On December 21st, 2016, after the Organization Briefing with the MMCC in Ellicott City, Maryland, Premium began taking steps to become operational.



E 000937

6. In an effort to become operational, Premium, its investors and its partners have committed over \$400,000 in resources to date. These costs include the securing of property, consulting, professional service, and legal fees land use/zoning approvals, and other required steps to obtain Stage 2 approval. Additionally, Premium has already engaged professional firms to assist with the engineering, architecture and build-out of its retail location.

If the MMCC is enjoined from issuing Stage 2 license approvals, there could be delays that would cause significant and irreparable harm to Premium's business. Without the ability to become operational, Premium will burn its cash reserves at a rate of over \$15,000 a month on real estate and other necessary operational costs.

On the human resources side, Premium has committed resources to recruiting uniquely skilled employees. Premium expects to provide jobs for as many as fifteen Maryland state citizens that are all at risk if there are substantial delays in the licensing timeline.

Critically and importantly, there is a human impact which would result from delays to the program. Maryland patients have been asking for medical cannabis to treat symptoms including seizures, chronic pain, PTSD, glaucoma, wasting syndrome and severe nausea. These patients would be further delayed in receiving the benefits of cannabis treatments and which would prolong their suffering.

7. Any challenge to the licensing process and changes in the MMCC-proffered timeline will create substantial financial losses for Premium and delays for the thousands of licensed Maryland medical cannabis patients.

8. I am owner and managing member of Premium.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Lucas Ramirez
Co-Founder and Managing Partner
Premium Medicine of Maryland LLC



May 30, 2017
Executed in Colorado

Exhibit A.48

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF PURE HANA SYNERGY

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 Pennsylvania. I am competent to testify to the facts contained herein.

2. PURE HANA SYNERGY is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On DECEMBER 9, 2016, PURE HANA SYNERGY was approved by the Maryland Medical Cannabis Commission ("MMCC") for a distribution license, after a rigorous and costly application process.

4. PURE HANA SYNERGY proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

5. On JANUARY 5, 2016, PURE HANA SYNERGY began taking steps to become operational.

6. DESCRIBE STEPS TAKEN AND PREJUDICE THAT WILL RESULT IF ENJOINED, e.g., INVESTMENT LOST, "BURN RATE" OF FUNDS PER MONTH, EMPLOYEES WILL BE DISRUPTED, etc.

- \$4,800 JCR real estate fees
- \$48,000 \$4,000/month - Rent for 3205 Fort Meade Road/PHS Dispensary Site. A delay of 12 months would result in \$48,000/yr. of rent incurred while the no product is available to be sold.
- \$2,880 Lease Commisssions, 6% of annual lease
- \$5,760 Land lease, 6% of full lease term
- \$48,000 \$4,000/month in PHLLC staff costs. A delay of 12 months would result in \$48,000/yr. of employee overhead incurred during the 12-month delay
- \$500 PHS Website maintenance costs, Annual
- \$109,940 Subtotal

7. Any challenge to the licensing process creates substantial uncertainty for PURE HANA SYNERGY.

8. I am owner and managing member of PURE HANA SYNERGY.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

EDWARD J DUFF



May 29, 2017

Executed in Maryland

Exhibit A.49

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF SOUTHERN MARYLAND RELIEF LLC

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. Southern Maryland Relief is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission, and then for distributing medical cannabis for eligible patients through channels established and approved by the laws of Maryland.

3. On December 9, 2016, Southern Maryland Relief was approved by the Maryland Medical Cannabis Commission ("MMCC") for a dispensary license, after a rigorous and costly application process.

4. Southern Maryland Relief is now concluding the Stage 2 process. Southern Maryland Relief proffers that it believes in good faith that it will timely meet, all requirements for Stage 2 approval and licensure.

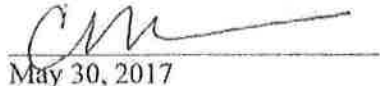
5. On December 10, 2016, Southern Maryland Relief began taking steps to become operational.

6. Any challenge to the licensing process creates substantial uncertainty for Southern Maryland Relief and its arduous efforts to become operational this Fall. Our company has already spent thousands of dollars to become operational. Approximately 10 employees and even more private contractors will be impacted by this delay. Many of our efforts will be profoundly impacted if we are not allowed to continue our progress. We receive numerous calls each week from patients asking about our progress and when they can get their medicine.

7. I am owner and managing member of Southern Maryland Relief LLC

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Charles Mattingly



May 30, 2017

Executed in Maryland

Exhibit A.50

ALTERNATIVE MEDICINE 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-16-005801

DECLARATION OF Green Health Docs, LLC

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. I am competent to testify to the facts contained herein.

2. Green Health Docs, LLC is a Maryland limited liability company formed for the purpose of certifying patients for the Maryland Medical Cannabis through channels established and approved by the laws of Maryland.

3. On [Feb 20], 2016, Green Health Docs opened to better serve patients in the Maryland area.

4. Delaying the opening of dispensaries where our patients can get access to this medicine is unfair and immoral to these suffering patients. We urge you to reconsider this action as it negatively impacts THOUSANDS of suffering patients.

5. Any challenge to the licensing process creates substantial uncertainty for all of our patients.

6. I am owner and managing member of Green Health Docs, LLC.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

NAME

Anand Dugar, MD



May 29, 2017

Executed in Maryland

Exhibit A.51

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

Plaintiff,

CIRCUIT COURT

FOR BALTIMORE CITY

v.

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

Case No.
24-C-16-005801

Defendants.

AFFIDAVIT OF Dawn-Marie Merrill LPN,SDC,QA

I, Dawn-Marie Merrill, 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, Dawn-Marie Merrill, have been treating patients for 20 years who suffer from devastating and debilitating illnesses including cancer, end of life, hospice and palliative care.
3. The most common symptoms for my patients are pain, muscle spasms, nausea, cachexia, wasting and anorexia. As a nurse, I hereby state that for conditions such as these, use of medical cannabis will help alleviate these symptoms and help in treatment of their conditions.
4. On a day to day basis , as nurses, we are bound by conventional medications and treatments that one after another, need additional medications and treatments due to the cascade of frequent side effects or failure of these modalities to alleviate pain and suffering. Medical cannabis, offers a natural, non toxic, remedy, and has been shown to relieve these symptoms with minimal to NO side effects. The National Cancer Institute has published findings that cannabinoids are helpful to patients enduring chemotherapy. The American Medical Association, the American Nurses Association ALL have endorsed the need to make cannabis available for medical use.
5. MY PATIENTS NEED MEDICAL CANNABIS IMMEDIATELY!!! THEIR HEALTH, STABILITY, AND WELFARE DEPEND ON IT. ANY FURTHER DELAY IN THE AVAILABILITY OF CANNABIS MEDICINE

WILL RISK CAUSING THEM "IRREPARABLE HARM." Patients in Maryland have been MORE than patient in waiting for safe access to this plant and it's healing properties. As a nurse, i see the ravages of disease processes daily inflicted upon the patients I have vowed to serve. The very least we can do, as medical professionals, is give our patients a CHOICE in control over their own healthcare decisions.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Dawn Marie Merrill LPN, SDC, QA, CCC

Dawn-Marie Merrill LPN, SDC, QA, CCC
May 28th, 2017
Executed in Maryland

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
*
*
*

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
*
*
*

* * * * *

RENEWED MOTION TO CONSOLIDATE

Proposed Intervening Defendant, 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 Renewed Motion to Consolidate, and in support thereof, states as follows:

1. Holistic hereby adopts and incorporates by reference the arguments in its original Motion to Specially Assign, Consolidate, and Dismiss as well as the arguments in the Motion to Specially Assign, Consolidate, and Dismiss initially filed by Proposed Intervening Defendants Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation, LLC, ForwardGrow, LLC, Doctors Orders Maryland, LLC, and SunMed Growers, LLC, attached hereto as **Exhibit 1**.

2. Additionally, 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 foregoing reasons set forth and incorporated here, intervening Defendant, Holistic Industries, LLC, respectfully requests that this Court consolidate these two actions.

REQUEST FOR A HEARING

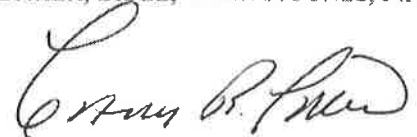
Proposed Intervenor, Holistic Industries, LLC, requests a hearing on this Renewed Motion to Consolidate.

Respectfully submitted,

MARCUSBONSIB, LLC

BAXTER, BAKER, SIDLE, CONN & JONES, P.A.





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dmv@bbsclaw.com

Counsel for Proposed Intervening Defendant, Holistic Industries, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2017, a copy of the foregoing Renewed Motion to Consolidate was sent by first-class mail, postage prepaid, to:

Attorneys for Plaintiff Alternative Medicine Maryland, LLC:

Brian S. Brown
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John A. Pica, Jr.
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Annapolis, MD 21401

Attorneys for Defendants:

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Robert.mccray@maryland.gov

*Attorneys for Proposed Intervening Defendants, Jane & John Doe,
the Coalition for Patient Medicinal Access, LLC, Curio Cultivation, LLC,
ForwardGro LLC, Doctors Orders Maryland, LLC, & SunMed Growers, LLC:*

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Attorneys for Plaintiff GTI, Maryland, LLC:

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Of Counsel:
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Washington, D.C. 20006
edward@weidenfeldlaw.com



Gary R. Jones

Exhibit Omitted

[See Docket 85/0]

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 CONTINUE JUNE 2, 2017 HEARING

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 Continue the June 2, 2017 hearing, and in support thereof, states as follows:

1. On May 25, 2017, this Court issued an Order granting Plaintiff’s Emergency Motion for Temporary Restraining Order (“TRO”) and set a hearing for June 2, 2017 at 10:00 a.m. for the preliminary injunction.
2. Should the preliminary injunction be granted, it will enjoin Holistic, and all other pre-approval awardees from obtaining Stage 2 approval for which Holistic has invested substantial time and funds to achieve.
3. For the reasons fully articulated in Holistic’s Renewed Motion to Intervene, Emergency Motion to Dissolve Temporary Restraining Order and Opposition to Motion for Preliminary Injunction, Motion to Consolidate, and Motion to Shorten Time, all of which are incorporated by reference as if fully set forth herein, Holistic will be prejudiced substantially without adequate time to prepare.

4. For the reasons fully articulated in Holistic's Renewed Motion to Intervene, Emergency Motion to Dissolve Temporary Restraining Order and Opposition to Motion for Preliminary Injunction, Motion to Consolidate, and Motion to Shorten Time, Holistic has a direct and vested interest in this proceeding which is not adequately represented by any other party.

5. Holistic is prejudiced in presenting and protecting those interests on such short notice.

6. Moreover, Holistic hereby adopts and incorporates by reference the arguments in the Motion to Continue June 2, 2017 Hearing filed by Proposed Intervening Defendants Jane and John Doe, the Coalition for Patient Medicinal Access, LLC, Curio Cultivation, LLC, ForwardGrow, LLC, Doctors Orders Maryland, LLC, and SunMed Growers, LLC, attached hereto as **Exhibit 1**.

WHEREFORE, for the foregoing reasons, Holistic Industries, LLC respectfully requests that this Court Grant its Motion and postpone the June 2, 2017 hearing.

REQUEST FOR A HEARING

Proposed Intervenor, Holistic Industries, LLC, requests a hearing on this Motion for Continuance of June 2, 2017 Hearing.

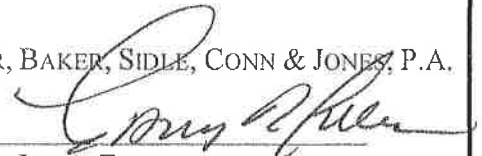
Respectfully submitted,

MARCUSBONSIB, LLC



Bruce L. Marcus, Esq.
Sydney M. Patterson, Esq.
6411 Ivy Lane, Suite 116
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(410) 230-3801 (fax)
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dmv@bbsclaw.com

Counsel for Proposed Intervening Defendant, Holistic Industries, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2017, a copy of the foregoing Motion to Continue June 2nd Hearing was sent by first-class mail, postage prepaid, to:

Attorneys for Plaintiff Alternative Medicine Maryland, LLC:

Brian S. Brown
BROWN & BARRON, LLC
7 St. Paul, Street, Suite 800
Baltimore, Maryland 21202
bbrown@brownbarron.com

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Byron B. Warnken
WARNKEN, LLC
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John A. Pica, Jr.
JOHN PICA AND ASSOCIATES, LLC
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Annapolis, MD 21401

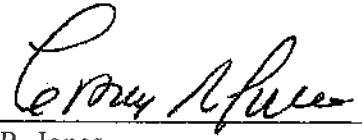
Attorneys for Defendants:

Heather B. Nelson
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Baltimore, Maryland 21201
Heather.nelsonl@maryland.gov
Robert.mccray@maryland.gov

***Attorneys for Proposed Intervening Defendants, Jane & John Doe,
the Coalition for Patient Medicinal Access, LLC, Curio Cultivation, LLC,
ForwardGro LLC, Doctors Orders Maryland, LLC, & SunMed Growers, LLC:***

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Annapolis, Maryland 21401
ARifkin@rwlls.com



Gary R. Jones

4834-2413-2681, v. 1

Exhibit 1

Omitted

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**
*

* * * * *

**EMERGENCY MOTION TO
DISSOLVE OR MODIFY TEMPORARY RESTRAINING ORDER
AND OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

Proposed intervening Defendant, 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 Emergency Motion to Dissolve or Modify the Temporary Restraining Order and Opposition to Preliminary Injunction, pursuant to Maryland Rule 15-504, and in support thereof states as follows:

RELEVANT BACKGROUND

1. On October 31, 2016, a 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, seeking a declaratory judgment and injunctive relief.

2. 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.

3. On January 25, 2017, Holistic filed a Motion to Intervene (DE 38/0) in the above-captioned matter on the grounds that, as a Stage 1 awardee, Holistic has a direct property interest in this action and its property rights will be impaired and impeded if not permitted to intervene in this action in which AMM seeks to invalidate Stage 1 awards and enjoin the MMCC from awarding Stage 2 awards.

4. On February 21, 2017, at a hearing on a motion to intervene filed by additional proposed intervening defendants,¹ the Court denied on the record Holistic's motion to intervene without allowing Holistic an opportunity to be heard.

5. The Court's Order denying the Holistic's motion to intervene was entered on February 23, 2017 (DE 38/2).

6. On March 16, 2017, Holistic noted an appeal from the Court's Order denying Holistic's motion to intervene (DE 48/0).

7. On May 15, 2017, during the pendency of Holistic's appeal, AMM filed an Emergency Motion for Temporary Restraining Order ("Motion for TRO") (DE 72).

8. Following a hearing on May 25, 2017, this Court granted AMM's Motion for TRO "restraining and enjoining" the MMCC from "authorizing, granting 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." The hearing on the propriety of the Preliminary Injunction was scheduled for June 2, 2017 at 10:00 a.m.

LEGAL STANDARD

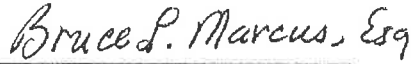
Temporary restraining orders are governed by Maryland Rule 15-504(a), which provides:

¹ A motion to intervene was filed on the collective 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.

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

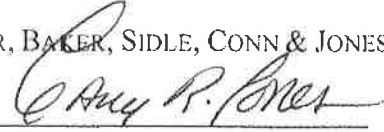
Respectfully submitted,

MARCUSBONSIB, LLC



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BAXTER, BAKER, SIDLE, CONN & JONES, P.A.



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Danielle M. Vranian, Esq.
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(410) 230-3801 (fax)
grj@bbsclaw.com
dmv@bbsclaw.com

Counsel for Proposed Intervening Defendant, Holistic Industries, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2017, a copy of the foregoing Emergency Motion to Dissolve or Modify Temporary Restraining Order and Opposition to Motion for Preliminary Injunction was sent by first-class mail, postage prepaid, to:

Attorneys for Plaintiff Alternative Medicine Maryland, LLC:

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Baltimore, Maryland 21202
bbrown@brownbarron.com

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Byron B. Warnken
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Baltimore, MD 21208
byron@warnkenlaw.com

John A. Pica, Jr.
JOHN PICA AND ASSOCIATES, LLC
14 State Circle
Annapolis, MD 21401

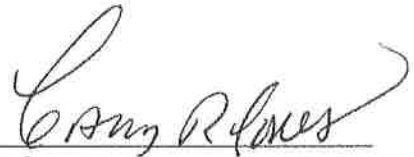
Attorneys for Defendants:

Heather B. Nelson
Robert D. McCray
OFFICE OF THE ATTORNEY GENERAL
300 West Preston Street, Suite 302
Baltimore, Maryland 21201
Heather.nelson1@maryland.gov
Robert.mccray@maryland.gov

*Attorneys for Proposed Intervening Defendants, Jane & John Doe,
the Coalition for Patient Medicinal Access, LLC, Curio Cultivation, LLC,
ForwardGro LLC, Doctors Orders Maryland, LLC, & SunMed Growers, LLC:*

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Michael D. Berman
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Alan M. Rifkin
225 Duke of Gloucester Street
Annapolis, Maryland 21401
ARifkin@rwlls.com



Gary R. Jones

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
*
*

* * * * *

**ORDER GRANTING MOTION TO DISSOLVE OR MODIFY
TEMPORARY RESTRAINING ORDER**

UPON CONSIDERATION of Proposed Intervenor, Holistic Industries, LLC's
Emergency Motion to Dissolve or Modify the Temporary Restraining Order, it is this _____
day of _____, 2017, by the Circuit Court for Baltimore City, hereby

ORDERED, that the Emergency Motion to Dissolve or Modify the Temporary
Restraining Order be, and hereby is, GRANTED; and it is further

ORDERED, that the temporary restraining order entered on May 25, 2017, be, and
hereby is, DISSOLVED [unless and until Alternative Medicine Maryland, LLC, posts a bond in
the amount of \$ _____, the Court having found on the record before it that said
company has sufficient financial resources to do so]; and it is further

ORDERED, that this order is without prejudice to any person to request a greater or
lesser bond in the amount that preliminary injunction issues, no ruling on such issue being
contained herein.

JUDGE, Circuit Court for Baltimore City

EXHIBIT 1

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

* * * * *

AFFIDAVIT OF JOSH GENDERSON

I, JOSH GENDERSON, declare and affirm as follows:

1. I have personal knowledge of the facts contained herein. I am over 18 years of age and. I am competent to testify to the facts contained herein. I am the Chief Executive Officer of Holistic Industries, LLC and a resident of the District of Columbia.

2. Holistic Industries, LLC (“Holistic”) is a Maryland limited liability company formed for, among other things, the purpose of seeking medical cannabis licenses from the Maryland Medical Cannabis Commission (“MMCC”), and then for cultivating, processing and dispensing medical cannabis to eligible patients through channels established and approved by the laws of Maryland.

3. After an in-depth, comprehensive, costly and thorough application process developed and overseen by the MMCC, on August 15, 2016, consistent with its statutory mandate, the MMCC identified the 15 applicants who it concluded should be granted pre-approval of medical cannabis grower licenses. Under the regulations promulgated by the MMCC, the Commission reserved the right to rescind pre-approval of any medical cannabis grower license where the grower is not operational within 1 year of the pre-approval.

4. Further, under the regulations promulgated by the MMCC, the Commission was required to consider a list of factors supporting the application for a medical cannabis grower license, including, but not limited to: operational factors; safety and security factors; commercial horticultural and agricultural factors; production control factors; business and economic factors; demonstrated Maryland residency among owners and investors; and the planned geographic location of potential growers to insure geographic diversity.

5. After the MMCC issued the pre-approval for grower licenses, each of the 15 companies are required to: 1) demonstrate financial capacity to launch operations and submit to financial due diligence in support thereof; 2) pay the Stage 2 application and annual licensing fees; 3) provide confirmation that each licensee had secured control over the proposed cultivation location; 3) demonstrate the proposed premises comply with all zoning and planning requirements; 4) together with such other operational characteristics and qualifications as may be necessary to conclusively demonstrate that the licensee can be operational within the proscribed period.

6. Holistic is concerned that under the current regulations, COMAR 10.62.08.06.E, if Holistic is not operational by August 15, 2017, MMCC may rescind pre-approval, as any injunction or TRO will not affect or extend this deadline set forth in the Commission's regulations.

7. Immediately after pre-approval on August 15, 2016, Holistic began taking steps to become operational on or before August 15, 2017, per COMAR 10.62.08.06E, which provides that MMCC may rescind pre-approval "if the grower is not operational within 1 year of pre-approval." In connection therewith, prior to August 29, 2016, Holistic paid the Stage Two application fee in the amount of \$4,000 and the annual licensing fee in the amount of

\$125,000 upon notice by the Commission of the August 29, 2016 due date for payment of such fees.

8. I have extensive experience in the growing, cultivation and processing of cannabinoids and related products. Given my years of experience overseeing and managing medical marijuana manufacturing facilities in the District of Columbia, I can attest to the significant expenses associated in securing a technologically advanced, state-of-the-art hydroponic medical cannabis cultivation and manufacturing facility. Specifically, ordering and securing the fixtures and equipment necessary to produce the array of cannabis products to be offered by Holistic is well over 8 months. Licensees, like Holistic, enter into contracts with suppliers and manufacturers of highly specialized equipment and are required to place large deposits in order to insure fabrication or fulfillment of the contracts for the various items of equipment. To date, Holistic has committed to the purchase and acquisition of fixtures and equipment for its manufacturing facility in excess of \$1,500,000, separate and apart from the tenant improvements identified in Paragraph 6, above.

9. Holistic has entered into a commercial lease agreement for its cultivation facility in central Prince George's County at significant cost, expense and liability. The Holistic cultivation facility will be comprised of approximately 72,495 square feet of tenantable space for which Holistic has posted a security deposit and is currently liable to its landlord for an initial annual base rent in excess of \$1,000,000 plus the real property taxes and insurance.. Under the lease, on or prior to August 15, 2017, Holistic is to complete its tenant improvements at a cost in excess of \$4,000,000 as well as obtain its medical cannabis grower license from the MMCC.

10. The Holistic operational plan contemplates employment of 21 fulltime equivalent positions with an estimated annual payroll in excess of \$1,500,000.00 and 15 part-time positions with compensation estimated to be in excess of \$500,000.00 annually.

11. In order to finance the up-front costs associated with securing a business location, installing tenant improvements, sourcing and purchasing specialized equipment and submitting the requisite applications and financial data, Holistic has incurred debt totaling almost \$9,000,000.00, exclusive of lease obligations, and is liable for payment of accrued interest to its debtholders.

12. At the time that Holistic obtains its Use and Occupancy permit from the Prince George's County Government, it is estimated that the new cultivation facility will bear a substantial real estate and personal property obligation payable to the State of Maryland and the Prince George's County Government. It is anticipated that the state and county will derive well in excess of \$100,000.00 per year in additional tax revenue at the time that the Holistic facility becomes operational.

13. In addition to the economic impact suffered directly by Holistic as a result of the entry of a temporary restraining order or injunction, patients and consumers of cannabinoids will be deprived of at least 17 different products designed and intended to ameliorate the ravaging effects of debilitating medical conditions and pain associated with a host of maladies and life threatening diseases.

14. The granting of a TRO or injunctive relief enjoining operations will cause Holistic to sustain losses of approximately \$500,000.00 per month in addition to its significant initial capital multi-million dollar outlay to build its manufacturing facility in order to be ready for commencement of operations prior to August 15, 2017.

15. As described above, the granting of a TRO or injunctive relief will result in immediate and substantial harm to Holistic, including, potential impacts to credit facilities and loss of employment to its workforce.

I solemnly swear and affirm that the foregoing is true and correct to the best of my knowledge, information and belief.

HOLISTIC INDUSTRIES, LLC



By: Josh Genderson
Chief Executive Officer

5/30/17
DATE

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 STAY PENDING OUTCOME OF RELATED APPEAL

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, pursuant to Maryland Rule 2-632, hereby files this Motion to Stay Pending Outcome of Related Appeal ,and in support thereof, states as follows:

1. On March 16, 2017, Holistic Industries, LLC (“Holistic”) noted an interlocutory appeal (DE 48/0) from this Court’s Order entered February 23, 2017 (DE 38/2) denying Holistic’s Motion to Intervene in this action.
2. Additional proposed intervening defendants have also noted an interlocutory appeal from the Court’s denial of their motion to intervene in this matter (DE 47/0).
3. The interlocutory appeals by all proposed intervening defendants are currently pending in the Court of Special Appeals. Scheduling orders have been issued and oral argument has been scheduled for February 2018. See Exhibit A, attached hereto.
4. Subsequently, on May 8, 2017, an additional interlocutory appeal from a discovery order was noted by Defendant, Natalie M. LaPrade Maryland Medical Cannabis Commission (“Commission” or “MMCC”) (DE 67/0), which is also presently pending in the Court of Special Appeals.

5. That despite the multiple issues currently pending on appeal in this case, the Court, on May 25, 2017, issued an Order granting Plaintiff's Emergency Motion for Temporary Restraining Order ("TRO"), and set a further hearing on the propriety of granting a preliminary injunction on June 2, 2017..

6. The grant of a stay in this case is necessary to prevent further action that would frustrate the appellate court's consideration of the issues on appeal and further prejudice to Holistic and the other parties denied intervention in this matter who are unable to be heard as to the propriety of granting a preliminary injunction that will have a direct and substantial detrimental effect on their interests. *See* Affidavit of Josh Genderson, attached as Exhibit 1 to Holistic's Motion to Dissolve or Modify Temporary Restraining Order and Opposition to Motion for Preliminary Injunction, incorporated by reference herein.

7. That absent a stay of these proceedings, the ongoing discovery process is likely to "frustrate the actions of [the] appellate court" and "affect the subject matter of the appeal" noted by the Commission from the court's discovery order. *In re Joseph N.*, 407 Md. 278, 302 (2009) (quoting *In re Emileigh F.*, 355 Md. 198, 202-03 (1999)).

8. This Court is authorized to "stay the operation or enforcement of an interlocutory order on whatever conditions the court considers proper for the security of the adverse party. Md. Rule 2-632(a).

9. Because "a trial court may not act to frustrate the actions of an appellate court" after an appeal is filed, and is "prohibited" from taking any action that would "affect the subject matter of the appeal" an immediate stay of the proceedings in this Circuit Court action is both necessary and proper under the circumstances. *In re Joseph N.*, 407 Md. at 302 (quoting *In re Emileigh F.*, 355 Md. at 202-03).

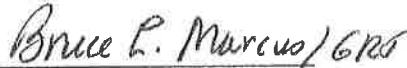
WHEREFORE, for the foregoing reasons, Holistic Industries, LLC, respectfully requests that this Court stay the proceedings pending the outcome of the appeal before the Court of Special Appeals.

REQUEST FOR A HEARING

Proposed Intervenor, Holistic Industries, LLC, requests a hearing on this Motion.

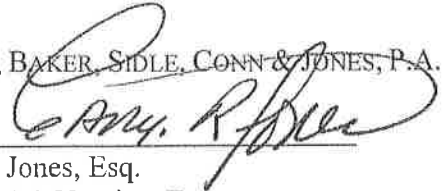
Respectfully submitted,

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dmv@bbsclaw.com

Counsel for Proposed Intervening Defendant, Holistic Industries, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2017, a copy of the foregoing Motion to Stay Pending Outcome of Related Appeal was sent by first-class mail, postage prepaid, to:

Attorneys for Plaintiff Alternative Medicine Maryland, LLC:

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*Attorneys for Proposed Intervening Defendants, Jane & John Doe,
the Coalition for Patient Medicinal Access, LLC, Curio Cultivation, LLC,
ForwardGro LLC, Doctors Orders Maryland, LLC, & SunMed Growers, LLC:*

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Gary R. Jones

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**
*

* * * * *

ORDER

UPON CONSIDERATION of Holistic Industries, LLC’s Motion to Stay Pending Outcome of Related Appeal (“Motion to Stay”), it is this _____ day of _____, 2017, by the Circuit Court for Baltimore City, Maryland, hereby

ORDERED, that Holistic Industries, LLC’s Motion to Stay, be and hereby is, GRANTED; and it is further

ORDERED, that all proceedings in the above-captioned matter be, and hereby are, STAYED pending further review by the Court of Special Appeals.

JUDGE

Exhibit A



GREGORY HILTON
CLERK

Court of Special Appeals
Robert C. Murphy Courts of Appeal Building
Annapolis, Md. 21401-1699

(410) 260-1450
WASHINGTON AREA 1-888-200-7444

No. 00040, September Term, 2017
CROSS APPEAL FILED
MULTIPLE APPEAL FILED

Jane Doe et al.
vs.
Alternative Medicine Maryland LLC et al.

IMPORTANT

**This is how the case must
be titled on all briefs.**

The Record in the captioned appeal was received and docketed on 05/25/2017.

The brief of the APPELLANT is to be filed with the office of the Clerk on or before 07/05/2017.
(Rule 8-502(a)(1)).

The brief of the APPELLEE is to be filed with the office of the Clerk on or before 30 days after
filing of appellant's brief (Rule 8-502(a)(2)).

This appeal has been set for argument before this Court one of the following days:
February 01, 02, 05, 06, 07, 08, 09, 12, 2018.

IF, DUE TO A CURRENTLY SCHEDULED COURT APPEARANCE OR OTHER
EXTRAORDINARY CAUSE, YOU WILL BE UNABLE TO APPEAR ON ONE OR MORE OF
THESE DATES, YOU MUST INFORM THE CLERK WITHIN TEN DAYS AFTER THE DATE
OF THIS NOTICE. OTHERWISE, THE DATE SELECTED FOR ARGUMENT WILL NOT BE
CHANGED.

Stipulations for extensions of time within which to file briefs will only be accepted if the appellee's
brief will be filed at least 30 days, and any reply brief, at least 10 days, before the scheduled
argument or submission on brief (Rule 8-502(b)).

NOTICE: Law firm name and address must be printed on brief and record extract.

May 25, 2017

Maryland Relay Service
1-800-735-2258
TT/VOICE

E 000981

No. 00040, September Term, 2017

Attorneys for Appellant: MICHAEL D. BERMAN, ESQUIRE
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ARNOLD M. WEINER, ESQUIRE

Attorneys for Appellee: BRIAN E. FROSH, ESQUIRE
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DANIELLE M. VRANIAN, ESQUIRE
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GREGORY HILTON



CLERK OF THE COURT
OF SPECIAL APPEALS

Circuit Court Case #: 024C16005801R00

May 25, 2017

E 000982

NOTICE TO ALL COUNSEL

Your Name and Address and your law firm's name, must be printed on your brief and record extract.

COMMERCIAL AND COMPUTER FONTS APPROVED BY THE COURT OF SPECIAL APPEALS OF MARYLAND UNDER MARYLAND RULE 8-112 (AS AMENDED JANUARY 1, 2016)

The following fonts are approved by the Court of Appeals for use in briefs, petitions for writ of certiorari, and other papers prepared by commercial printers or computer printers. This list is provided for your guidance -- these fonts are suggested, not mandatory. Be sure to read Maryland Rules 8-112 and 8-504(a)(8) carefully for requirements as to type size, spacing, margins and the statement in the brief as to the typeface used.

Antique Olive	CG Times
Arial	Courier
Arial Rounded	Courier New
Book Antiqua	Footlight MT Light
Bookman Old Style	Letter Gothic
Britannic	MS LineDraw
Century Gothic	Times New Roman
Century Schoolbook	Universal

See also <http://mdcourts.gov/cosappeals/filingbriefs.html>

AMENDMENTS TO MARYLAND RULES
Effective January 1, 2016

Rule 8-503

(d) Principal Briefs of Parties...

Except as otherwise provided in section (e) of this Rule or with permission of the Court, the principal brief of an appellant or appellee shall not exceed 9,100 words in the Court of Special Appeals...

(g) Certification of Word Count and Compliance with Rule 8-112.

...A Certification of Word Count and Compliance with Rule 8-112 shall be signed by the individual making the certification and shall be substantially in the following form:

CERTIFICATION OF WORD COUNT AND COMPLIANCE
WITH RULE 8-112

1. This brief contains _____ words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This brief complies with the font, spacing, and type size requirements state in Rule 8-112.

Signature

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

* * * * *

MOTION TO SHORTEN TIME

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, pursuant to Maryland Rule 1-204 hereby file this Motion to Shorten Time, and in support thereof, states as follows:

1. On May 15, 2017, Alternative Medicine Maryland, LLC (“AMM”) filed an Emergency Motion for Temporary Restraining Order (“Motion for TRO”) (DE 72). Following a hearing on May 25, 2017, this Court granted AMM’s Motion for TRO “restraining and enjoining” the Maryland Medical Cannabis Commission (“MMCC”) from “authorizing, granting 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.” The hearing on the propriety of the Preliminary Injunction was scheduled for June 2, 2017 at 10:00 a.m.

2. Holistic Industries had previously moved to intervene in this case and the Court denied that Motion on February 23, 2017. This Court’s denial of Holistic’s Motion to Intervene has been appealed. (DE 48/0).

3. As is fully articulated in Holistic's Renewed Motion to Intervene, which is incorporated as if fully set forth herein, the overwhelming weight of the harm as a result of the TRO enjoining MMCC from continuing the licensing process will not be felt by MMCC but rather by the Stage 1 awardees like Holistic.

4. Accordingly, Holistic has filed simultaneously with this Motion to Shorten Time a Renewed Motion to Intervene, an Emergency Motion to Dissolve Temporary Restraining Order and Opposition to Motion for Preliminary Injunction; Renewed Motion to Consolidate, Motion to Continue June 2, 2017 Hearing, and Motion to Stay Pending Outcome of Related Appeal, all of which are incorporated as if fully set forth herein.

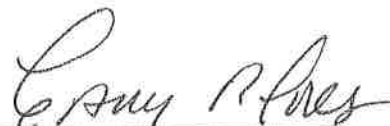
WHEREFORE, for the foregoing reasons and pursuant to Maryland Rule 1-204(a), Holistic Industries, LLC respectfully requests that this Court grant its Motion to Shorten Time for Plaintiffs to respond to Holistic's Renewed Motion to Intervene, Emergency Motion to Dissolve Temporary Restraining Order and Opposition to Motion for Preliminary Injunction, Renewed Motion to Consolidate, Motion to Continue June 2, 2017 Hearing and Motion to Stay Pending Outcome of Related Appeal.

MARCUSBONSIB, LLC

BAXTER, BAKER, SIDLE, CONN & JONES, P.A.



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dmv@bbsclaw.com

Counsel for Proposed Intervening Defendant, Holistic Industries, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2017, a copy of the foregoing Motion to Shorten Time was sent by first-class mail, postage prepaid, to:

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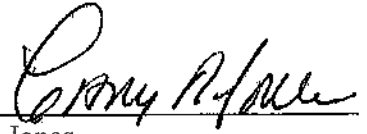
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Robert.mccray@maryland.gov

***Attorneys for Proposed Intervening Defendants, Jane & John Doe,
the Coalition for Patient Medicinal Access, LLC, Curio Cultivation, LLC,
ForwardGro LLC, Doctors Orders Maryland, LLC, & SunMed Growers, LLC:***

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Annapolis, Maryland 21401
ARifkin@rwlls.com



Gary R. Jones

4825-9700-1289, v. 1

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**
*

* * * * *

RENEWED 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 Renewed Motion to Intervene and accompanying Memorandum pursuant to Maryland Rule 2-214, and in support thereof states as follows:

1. On October 31, 2016, a 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, seeking a declaratory judgment and injunctive relief.
2. 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.
3. On January 25, 2017, Holistic filed a Motion to Intervene (DE 38/0) in the above-captioned matter on the grounds that, as a Stage 1 awardee, Holistic has a direct property interest in this action and its property rights will be impaired and impeded if not permitted to intervene in this

action in which AMM seeks to invalidate Stage 1 awards and enjoin the MMCC from awarding Stage 2 awards.

4. On February 21, 2017, at a hearing on a motion to intervene filed by additional proposed intervening defendants,¹ the Court denied on the record Holistic's motion to intervene without allowing Holistic an opportunity to be heard.

5. The Court's Order denying the Holistic's motion to intervene was entered on February 23, 2017 (DE 38/2).

6. On March 16, 2017, Holistic noted an appeal from the Court's Order denying Holistic's motion to intervene (DE 48/0).

7. On May 15, 2017, during the pendency of Holistic's appeal, AMM filed an Emergency Motion for Temporary Restraining Order ("Motion for TRO") (DE 72).

8. Following a hearing on May 25, 2017, this Court granted AMM's Motion for TRO "restraining and enjoining" the MMCC from "authorizing, granting 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." The hearing on the propriety of the Preliminary Injunction was scheduled for June 2, 2017 at 10:00 a.m.

9. As a result of the TRO, and in the event a preliminary injunction is granted, Holistic's ability to protect its property rights and its vested interest in a Stage 2 award will be impaired and impeded. Rule 2-214.

10. That the MMCC does not adequately represent the interests of Holistic on the merits of the litigation, much less on the issue of injunctive relief which turns on an evaluation of four factors including the balance of the equities, i.e., whether more harm would be suffered to the

¹ A motion to intervene was filed on the collective 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.

moving party if the injunctive relief were denied than would be suffered by the non-moving party if the request were granted. The MMCC is unable to adequately represent Holistic's interests in this analysis because the MMCC, as the agency administering and implementing the medical cannabis program, is unable to sufficiently quantify or otherwise demonstrate the harm that will result to MMCC if injunctive relief is granted in order to show that the balance of the equities favors the MMCC.

11. Indeed, at the May 25, 2017 hearing on AMM's Motion for TRO, the Court noted that the Stage 1 awardees were not parties and prevented the Commission from addressing the harm to the non-party Stage 1 awardees. Thus, the Court itself determined that the Commission could not adequately represent the Stage 1 awardees like Holistic.

12. The brunt of this harm affected by enjoining the MMCC licensing process is sustained by the Stage 1 awardees like Holistic who have relied on and abided by the MMCC regulations, which carry the force of law, in expending significant time and resources in order to qualify for the Stage 2 award. The harm that will be suffered by Holistic as a result of the TRO and further injunctive relief is substantial and greatly alters the evaluation of the factors considered in determining whether injunctive relief is appropriate, specifically with regard to the balance of the equities.

13. The harm to be suffered by Holistic as a result of the TRO and grant of any preliminary injunction will be significant, reflecting the time and resources expended thus far in reliance on the MMCC regulations. *See* Affidavit of Josh Genderson, attached as Exhibit 1 to Emergency Motion to Dissolve Temporary Restraining Order and Opposition to Motion for Preliminary Injunction.

14. In stark contrast to the figures set forth in the Genderson Affidavit, and as further evidence of the Commission's inability to represent Holistic's interest adequately, the Commission failed or was unable to quantify the harm to the Commission as a result of the TRO and thus led the Court to establish a nominal bond of \$100.00.

15. The Court's analysis of the balance of the equities would have been diametrically different had the Court been presented with and considered the evidence of the harm to Holistic as a result of the TRO, which would greatly outweigh the speculative, hypothetical harm AMM alleges it will sustain absent injunctive relief. AMM was not even ranked in the top 25 according to RESI, so to say that the harm to AMM is hypothetical and speculative is generous.

16. As a Stage 1 awardee in full compliance with all regulations required in order to qualify for Stage 2 approval, which is imminently expected, Holistic has a direct property interest in this action and its property rights and ability to protect those rights will be affirmatively impaired, impeded, and altogether foreclosed if it is not permitted to intervene.

17. As evidenced by the entry of a TRO, and the appeal from the denial of Holistic's first motion to intervene, the continued failure to include Holistic in the above-captioned matters would be contrary to the interests of judicial efficiency and the avoidance of piecemeal litigation.

18. This motion is timely in that it is a renewed request for intervention first sought in January 2017, and is being filed in direct response to the Court's Order granting a Temporary Restraining Order providing, as required by Maryland Rule 15-504(f), that "a party or person affected by the order may apply for modification or dissolution of the order. . . ."

19. Furthermore, intervention by Holistic will not unduly delay or prejudice the adjudication of the rights of the original parties, as all original parties are on notice of Holistic's interest and position in the above-captioned litigation, and Holistic is prepared to participate in the

hearing on June 2, 2017, thus resulting in no undue delay on the determination of the propriety of granting a Preliminary Injunction.

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.

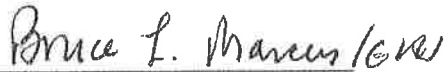
REQUEST FOR A HEARING

Proposed Intervenor, Holistic Industries, LLC, requests a hearing on this Renewed Motion.

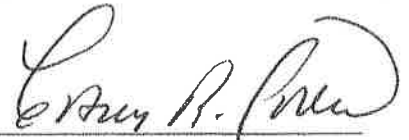
Respectfully submitted,

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dmv@bbsclaw.com

Counsel for Proposed Intervening Defendant, Holistic Industries, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2017, a copy of the foregoing Renewed Motion to Intervene was sent by first-class mail, postage prepaid, to:

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Attorneys for Defendants:

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***Attorneys for Proposed Intervening Defendants, Jane & John Doe,
the Coalition for Patient Medicinal Access, LLC, Curio Cultivation, LLC,
ForwardGro LLC, Doctors Orders Maryland, LLC, & SunMed Growers, LLC:***

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A handwritten signature in cursive script, appearing to read "Gary R. Jones", written over a horizontal line.

Gary R. Jones

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

* * * * *

ORDER GRANTING RENEWED MOTION TO INTERVENE

UPON CONSIDERATION of Proposed Intervenor, Holistic Industries, LLC’s Renewed Motion to Intervene, it is this _____ day of _____, 2017, by the Circuit Court for Baltimore City, hereby

ORDERED, that the Renewed 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

05/31/17

ALTERNATIVE MEDICINE MARYLAND,
LLC,

Plaintiff,

v.

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

Defendants.

IN THE

CIRCUIT COURT

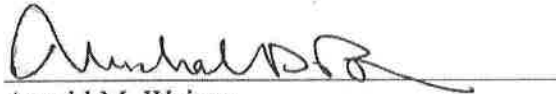
FOR BALTIMORE CITY

Case No. 24-C-16-005801

NOTICE OF WITHDRAWAL OF APPEARANCE

The undersigned Counsel, Alan Rifkin, Arnold Weiner, Michael Berman, and the law firm of Rifkin Weiner, Livingston, LLC withdraw their appearance as counsel for ForwardGro, LLC. Alternative counsel have entered an appearance for ForwardGro, LLC.

RESPECTFULLY SUBMITTED,



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Attorneys for Proposed Intervening Defendants

E 000997

CERTIFICATE OF SERVICE

I HEREBY certify that on this 31st day of May, 2017, a copy of the foregoing was served,
by first class mail, postage prepaid, and via email, on:

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Michael D. Berman.

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

PLAINTIFF'S BENCH MEMORANDUM

Now comes the Plaintiff, Alternative Medicine Maryland, LLC, by undersigned counsel, filing this Bench Memorandum, and in support thereof states that¹:

I. INTRODUCTION

On May 25, 2017, after hearing arguments from the parties, this Honorable Court issued a Temporary Restraining Order,² ordering, in part, as follows:

that Defendants, the Natalie M, LaPrade Maryland Medical Cannabis Commission, *et al.*, including their agents, servants and/or employees, are hereby RESTRAINED and ENJOINED from authorizing, granting 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 Preliminary Injunction.

Temporary Restraining Order (Ex. 5). In addition, the Court set this matter in for a "full adversarial hearing on the on the propriety of granting a Preliminary Injunction" on June 2, 2017.

¹ Plaintiff incorporates all arguments advanced in all its previous filings and at the May 25, 2017 hearing as if specifically stated herein. In particular, in response to Plaintiff's in-depth allegations, Defendant has asserted "broad publicity" was sufficient to satisfy its legislative mandate. However, Plaintiff notes that Defendant has not even been able to prove its own narrative that "broad publicity" succeeded in actively seeking racial and ethnic diversity when licensing medical cannabis growers.

² A copy of the transcript from the hearing is attached hereto as (Ex. 3).

et seq. Amongst many other things, the enabling legislation created the Commission and tasked the Commission with overseeing Maryland's Medical Cannabis Program.

One of Commission's tasks is to license medical cannabis growers, and in doing so, the legislature required it "[a]ctively seek to achieve racial, ethnic, and geographic diversity when licensing medical cannabis growers." Md. Code Ann., Health-Gen. § 13-3306(9)(i)(1). Plaintiff is a Maryland LLC that is majority owned by a racially diverse minority and was denied the issuance of a medical cannabis grower's license. Amongst other things, Plaintiff asserts that the Commission failed to follow its legislative mandate because it admittedly failed to "actively seek to achieve racial and ethnic diversity when licensing medical cannabis growers."

Plaintiff directs the Court to the language of the very next section of the enabling legislation, which in stark contrast to the "*actively seek to achieve*" requirement for racial and ethnic diversity, requires the Commission simply to "*encourage*" applicants who qualify as minority business enterprises. Md. Code Ann., Health-Gen. § 13-3306(9)(i)(2). Under basic rules of statutory construction, the legislature intended the Commission to do more with regard to potential "racially and ethnically" diverse applicants than it did with regard to applicants who may qualify as minority business enterprise.

III. DEFENDANT'S FAILURE TO FOLLOW THE LAW

Plaintiff has conducted depositions of five witnesses, all of whom would have personal knowledge of any efforts by Defendant to actively seek to achieve racial and ethnic diversity when licensing medical cannabis growers. None of these witnesses have testified that the Commission complied with the law, nor has Defendant produced any evidence that it did so.³

³ Additionally, in its Complaint, Plaintiff alleged "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

process is permanent, while Defendant, once the flaws in the process are corrected, will be permitted to issue medical cannabis grower's licenses. In other words, Defendant's inconvenience can be remedied simply by following the law, while without intervention of this Honorable Court, Plaintiff's inconvenience is permanent. Furthermore, as discussed *supra*, should a Preliminary Injunction be issued, Plaintiff has requested an expedited Scheduling Order and a short trial date. Third, if the licensing process is not halted, Plaintiff would suffer substantial, irreparable harm "because the Plaintiff would be shut out of the cannabis growing industry for a significant period of time without an opportunity to have the Court intervene to review the licensing process." ((Ex. 3 at 37). Finally, with regard to the fourth factor concerning the public interest, this Court has ruled that the public interest at issue is ensuring the Commission follows the law, not the speed at which medical cannabis is made available to the public. (Ex. 3 at 38).

Thus, as this Court has previously noted, Plaintiff has satisfied all four of the *Armacost* factors. Therefore law and equity favors issuance of the requested injunctive relief.

V. FORWARDGRO, LLC

In its Order, this Honorable Court invited ForwardGro, LLC (the only entity issued a final license) to argue at the hearing on the preliminary injunction solely on the issue of whether its license should be suspended pending full resolution of this matter. (Ex. 3 at 39). It is Plaintiff's position that the entire licensing process, including but not limited to the issuance of pre-approvals and the final license issued to FrowardGro was conducted in derogation of the law and was conducted in an arbitrary, capricious, and/or unconstitutional manner and that therefore, all pre-approvals are invalid. It follows that if the pre-approval FrowardGro received is invalid, then its licenses is also invalid. Given this inescapably logical conclusion, Plaintiff respectfully requests that

IN THE CIRCUIT COURT
FOR BALTIMORE CITY, MARYLAND

ALTERNATIVE MEDICINE
MARYLAND LLC,

Plaintiff,

v.

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

Defendants.

Case No. 24-C-16005801
Hon. Barry G. Williams

NOTICE OF APPEARANCE OF NEW COUNSEL

Pursuant to Maryland Rule 2-131(c), undersigned counsel hereby provide this Honorable Court notice that ForwardGro, LLC ("ForwardGro") has retained them to replace its former litigation counsel as counsel of record in this matter.

On May 25, 2017, ForwardGro's prior litigation counsel received notice by email from the Court's clerk inviting ForwardGro "to briefly argue at the Preliminary Injunction Hearing scheduled for June 2, 2017 at 10:00am in Courtroom 528E, only on the issue of if the Preliminary Injunction is granted whether or not the license issued to ForwardGro, LLC should be suspended." Exhibit A (attached hereto) (hereafter the "May 25 Email"). Unless instructed otherwise by the Court, undersigned counsel will appear at the June 2, 2017 Preliminary Injunction Hearing scheduled by the Court on behalf of ForwardGro for the purpose set forth in the aforementioned email.

Maryland Rule 15-505(a) states: “A court may not issue a preliminary injunction without notice to all parties and an opportunity for a full adversary hearing on the propriety of the issuance.” As the Maryland Rules only contemplate “parties” to an action being able to participate in a “hearing on the propriety of the issuance” of a preliminary injunction, 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.¹ This is all the more so because, with the grant of a license by the Commission, ForwardGro has a concrete, legally protected interest. *See, e.g., Texas v. U.S.*, 853 F.3d 653, 658 (5th Cir. 2015) citing Moore’s § 24.03[2][a] (“the easiest cases for intervention” are where the proposed intervenor “advances a clear property interest”). Accordingly, ForwardGro will govern itself as a party going forward in this matter, unless the Court orders otherwise.²

[The remainder of this page is purposefully blank; the signature page follows.]

¹ We note that ForwardGro has noticed an appeal from the prior denial of its Motion to Intervene. Nothing herein is intended to waive or prejudice ForwardGro’s pending appeal or any of its arguments that intervention should have been granted, and that the denial thereof has denied ForwardGro of its due process rights to its severe detriment.

² We further note that if the Court were to suspend ForwardGro’s license by issuing a preliminary injunction and not treat ForwardGro as a “party,” ForwardGro’s rights will be further prejudiced in that a “party” may appeal an interlocutory order such as the entry of a preliminary injunction. *See generally* Md. Cts. & Jud. Pro. Code § 12-303.

Respectfully submitted,

By: Ira Kasdan

Ira T. Kasdan

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Counsel for ForwardGro, LLC

Dated: May 30, 2017

Exhibit A

From: Alyson Parker-Kierzewski <Alyson.Kierzewski@mdcourts.gov>

Date: May 25, 2017 at 6:07:36 PM EDT

To: John Pica <JPica@johnpica.com>, Brian Brown <bbrown@brownbarron.com>, Byron Warnken <byron@warnkenlaw.com>, Heather Nelson -DHMH- <heather.nelson1@maryland.gov>, Michael Berman <MBerman@rwlls.com>, "Alan M. Rifkin" <arifkin@rwlls.com>, "Robert.mccray@maryland.gov" <Robert.mccray@maryland.gov>

Subject: Order from May 25, 2017, TRO hearing

Counsel,

Please be advised that, I have faxed out the TRO Order to all parties. The original has been filed with the Clerk's office and you should receive a time-stamped copy from them.

Mr. Berman and Mr. Rifkin, I have included you in this message because the Court, at the TRO hearing, invited counsel for only ForwardGro, LLC, to briefly argue at the Preliminary Injunction Hearing scheduled for June 2, 2017 at 10:00am in Courtroom 528E, only on the issue of if the Preliminary Injunction is granted whether or not the license issued to ForwardGro, LLC should be suspended. To that end, I have sent you a copy of the TRO order as well.

Best,
Alyson Parker Kierzewski
Law Clerk to the Honorable Barry G. Williams
Baltimore City Circuit Court
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CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

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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

2017 JUN -1 PM 12:40
Clerk of Circuit Court
Baltimore, MD

NOTICE OF APPEAL

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 ("Movants"), by the undersigned counsel, Alan M. Rifkin, Arnold M. Weiner, Michael D. Berman, and Rifkin Weiner Livingston, LLC, note an appeal to the Court of Special Appeals from the Order dated May 31, 2017, a copy of which is attached as "A" hereto, and any other appealable Order, in the above-captioned case.

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

I HEREBY certify that on this 1st day of June, 2017, a copy of the foregoing was served,
by first-class mail, postage prepaid, and via email, on:

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Michael D. Berman

Attachment Omitted

[See Docket 88/1]

JANE AND JOHN DOE et al.

* IN THE
* COURT OF APPEALS

* OF MARYLAND

v.

* Petition Docket No. 148
* September Term, 2017

ALTERNATIVE MEDICINE
MARYLAND, LLC et al.

* (No. 40, Sept. Term, 2017
* Court of Special Appeals)

ORDER

Upon consideration of the emergency bypass petition for a writ of certiorari to the Court of Special Appeals, the motion to maintain status quo pending further Order of this Court and request for hearing, the lines and the responses filed thereto, in the above entitled case, and upon consideration that the Temporary Restraining Order issued in the Circuit Court for Baltimore City on May 25, 2017 has expired, it is this 9th day of June, 2017

ORDERED, by the Court of Appeals of Maryland, that the emergency bypass petition be, and it is hereby, granted, and a writ of certiorari to the Court of Special Appeals shall issue, and it is further

ORDERED, that the motion to maintain status quo pending further Order of this Court and request for hearing be, and it is hereby, denied; and it is further

ORDERED, that the emergency motion for stay of hearing on preliminary injunction in the Circuit Court for Baltimore City granted by this Court on June 2, 2017 be, and it is hereby maintained to the extent that all proceedings in the Circuit Court for Baltimore City pertaining to this

case is stayed pending further Order of this Court; and it is further

ORDERED, that the request to issue an injunction pursuant to Maryland Rule 8-425 be, and it is hereby denied; and it is further

ORDERED, that this case shall be transferred to the regular docket as No. 98, September Term, 2016; and it is further

ORDERED, that counsel shall file briefs and printed record extract in accordance with Md. Rules 8-501 and 8-502, Appellants' brief(s) and record extract to be filed on or before June 23, 2017; Appellees' brief(s) to be filed on or before July 7, 2017; and reply brief(s), if any, to be filed on or before July 17, 2017; and it is further

ORDERED, that this case shall be set for oral argument on July 27, 2017 at 10:00 a.m.

/s/ Mary Ellen Barbera

Chief Judge

* Judge Adkins did not participate in the consideration of this matter.

JANE AND JOHN DOE et al.

*

IN THE

*

COURT OF APPEALS

*

OF MARYLAND

v.

*

Petition Docket No. 148
September Term, 2017

*

ALTERNATIVE MEDICINE
MARYLAND, LLC et al.

*

(No. 40, Sept. Term, 2017
Court of Special Appeals)

WRIT OF CERTIORARI

STATE OF MARYLAND, to wit:

TO THE HONORABLE THE JUDGES OF THE
COURT OF SPECIAL APPEALS OF MARYLAND:

WHEREAS, JANE DOE et al. v. ALTERNATIVE MEDICINE MARYLAND LLC et al., No. 40, September Term, 2017 is pending before your Court and the Court of Appeals is willing that the record and proceedings therein be certified to it.

YOU ARE HEREBY COMMANDED TO HAVE THE RECORD TRANSMITTED TO THE COURT OF APPEALS OF MARYLAND ON OR BEFORE June 23, 2017, together with this writ, for the said Court to proceed thereon as justice may require.

WITNESS the Chief Judge of the Court of Appeals of Maryland this 9th day of June, 2017.

/s/ Bessie M. Decker

Clerk
Court of Appeals of Maryland

Alternative Medicine MD, LLC v. Natalie M. Laprade MD Medical Cannabis Commission, et. al.
May 25, 2017 Before BARRY G. WILLIAMS, Judge

ALTERNATIVE MEDICINE	*	IN THE
	*	
MARYLAND, LLC,	*	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
(Motion for Preliminary Injunction Hearing)

BEFORE: THE HONORABLE BARRY G. WILLIAMS, Judge

DATE: May 25, 2017

APPEARANCES:

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Byron Warnken, Esquire

For the Defendant,
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Medical Cannabis
Commission: Heather Nelson, Esquire

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1 PROCEEDINGS

2 (On the record - 02:06:08 p.m.)

3 THE CLERK: All rise. Baltimore City Circuit
4 Court, Part 31, will begin its afternoon session. The
5 Honorable Barry G. Williams presiding.

6 THE COURT: Thank you. Good afternoon everyone
7 and be seated. We are here in the matter of Alternative
8 Medicine Maryland, LLC v. Natalie M. LaPrade Maryland
9 Medical Cannabis Commission, et al, 24-C-16-005801 on the
10 Motion for Preliminary Injunction. I'll hear from
11 counsel. And identify yourselves for the record.

12 MR. BROWN: Yes, Your Honor. Good afternoon.
13 Brian Brown on behalf of the Plaintiff. I'm here together
14 with Byron Warnken.

15 MR. WARNKEN: Good afternoon, Your Honor.

16 THE COURT: Good afternoon.

17 MS. NELSON: Good afternoon, Your Honor. Heather
18 Nelson for all Defendants.

19 THE COURT: Good afternoon. All right, Counsel.
20 Obviously I have had the opportunity to review all that
21 has been filed. I'll grant you some time to argue. It's
22 your burden, I'll hear from you. Each side gets no more
23 than 20 minutes, so be concise.

24 MR. BROWN: Thank you, Your Honor. I would
25 appreciate if the Court would give me a five minute
26 warning. Although I may not be that long.

27 THE COURT: Okay.

28 MR. BROWN: Thank you very much.

1 PLAINIFF'S ORAL ARGUMENT

2 MR. BROWN: Your Honor, when I was preparing
3 for this hearing and I was deciding how about presenting
4 our case to you, I thought it would be illustrative or
5 important to just talk about why we're here in the first
6 place. And I know that seems obvious from the pleadings,
7 but just to give a little bit of textualization to this
8 case. Your Honor, Maryland Code, the Health General
9 Article, 13-3301 and the sections that follow, created the
10 Medical Cannabis Commission. And the purpose of the
11 Commission was to develop policies, guidelines, and
12 regulations, to implement programs to make medical
13 cannabis available to qualifying patients in a safe and
14 effective manner. And that's a direct quote from the
15 Code.

16 Now, in implementing the programs to reach its
17 goal, the legislature if passing the very legislation that
18 created the Commission in the first place, required the
19 Commission to "actively seek to achieve racial, ethnic,
20 and geographic diversity when licensing medical cannabis
21 growers." And to, to encourage importantly, as opposed to
22 actively seek, to encourage applicant who qualify as a
23 minority business enterprise to apply for licensing.
24 That's what the legislature required the Commission to do.
25 We're here today, Your Honor, because this case epitomizes
26 essentially an abuse of power by a legislative created
27 commission by its very failure, and as a matter of fact,
28 its overt deliberate decision to ignore the mandate of the

1 legislature which in fact created it, and just disregarded
2 it and went about its business. And this Court, Your
3 Honor, can not allow that to continue.

4 We are asking this Court today to maintain the
5 status quo, minus the one small exception, because we want
6 you to suspend the license that's been recently issued.
7 And we filed a request for this hearing, Your Honor,
8 before that license was issued. We want the Court to
9 maintain the status quo to prohibit any further progress
10 on the issuance of medical cannabis grower's licenses
11 until the Commission sees fit, pursuant to your order that
12 we hope you issue, Your Honor, to follow the mandate of
13 the legislature and actively seek racial, ethnic, and
14 geographic diversity when licensing medical cannabis
15 growers.

16 Now, by way of history --

17 THE COURT: Now, let me stop you there. I'm
18 going to make life -- well, I don't want to necessarily
19 say easy, but try to short-circuit some things. You've
20 asked this Court to suspend the license that was already
21 issued, yet that wasn't in your initial request. Is that
22 correct?

23 MR. BROWN: It is correct.

24 THE COURT: That will be denied.

25 MR. BROWN: Thank you.

26 THE COURT: No matter what I decide, I will not
27 make that decision today.

28 MR. BROWN: Yes, Your Honor. And just by way

1 of history, and I'm sure Your Honor's aware of this, this
2 complaint for a temporary restraining order was filed
3 prior to the issuance of the license.

4 THE COURT: I'm aware of that.

5 MR. BROWN: Thank you, Your Honor. Now, I want
6 to talk to Your Honor about the evolution of the statute
7 for a bit. It's in our pleadings and I think it's
8 important for Your Honor to hear, again, just to give you
9 some context.

10 THE COURT: Excuse me one second. Sir, in the
11 back, are you on the phone?

12 MALE VOICE: Huh?

13 THE COURT: Are you on the phone?

14 MALE VOICE: I'm listening to something.

15 THE COURT: I'm sorry?

16 MALE VOICE: No, why?

17 THE COURT: Well, it looks like you are -- do
18 you have an electronic device in your hand, sir, in my
19 courtroom?

20 MALE VOICE: I do have it --

21 THE COURT: Step out of my courtroom, sir.

22 MALE VOICE: Okay.

23 THE COURT: Sorry, Mr. Brown. You may
24 continue.

25 MR. BROWN: That's okay, Your Honor. Thank you.
26 When this legislation was initially proposed, there was
27 zero reference, none, to the seeking racial and ethnic
28 diversity in the licensing process. Then the statute, as

1 proposed, was amended. And it said that the Commission
2 shall seek racial and ethnic diversity. Then when it was
3 openly passed, it said the Commission shall actively seek
4 racial and ethnic diversity. So clearly, Your Honor, the
5 legislature thought it very important, as a matter of fact
6 directed, mandated, by using the word shall in that
7 provision of the statute as opposed to encourage when it
8 came to MBEs, shall actively seek racial and ethnic
9 diversity. They did nothing, Your Honor. That's the
10 context.

11 So why are we here? We're here seeking a
12 temporary restraining order prohibiting the Commission
13 from issuing any further licenses and from ceasing and
14 desisting all further action in the issuance, and
15 inspection, and progression of the licensing process until
16 they follow the law as the legislature directed them to
17 do.

18 THE COURT: Well, Mr. Brown, let me ask you a
19 question about that last part of it. Assuming that I
20 agree with you, whether I do or I don't will be determined
21 sooner, but why would I stop them from continuing the
22 process? What benefit is that as far as you're concerned?
23 Why does it matter?

24 MR. BROWN: Because my client should be part of
25 the process.

26 THE COURT: Maybe they should and maybe they
27 shouldn't be.

28 MR. BROWN: But that's the point, Your Honor.

1 Because the legislature failed to follow the law, in which
2 had they followed, may have included my client as a
3 potential pre-approved licensee. They are excluded from
4 the circle, they're not part of the process. And if the
5 status quo is not maintained, which means stop now --

6 THE COURT: Well, stop what? You know, there's
7 a difference between stopping the Commission from issuing
8 a license, stopping the Commission from doing interviews
9 and site inspections, stopping the Commission from stating
10 that someone is past stage one. We're obviously past that
11 aspect of it. So we're now at a point where the
12 Commission, they're doing site inspections and various
13 things, why would the Court stop that?

14 MR. BROWN: Well, Your Honor, so long as no
15 final licenses are issued. So long as no final licenses
16 are issued until such time that the Commission has
17 complied with the law as the legislature has mandated them
18 to do. It's really of no consequence one way or the
19 other, because should Your Honor direct the Commission to
20 follow the law as the legislature mandated it to do, then
21 my client will have the opportunity to be a participant in
22 the process and the applications could be re-scored, or be
23 re-evaluated, and then perhaps my client will be in the
24 top 15 or top 20. But we don't know, because the
25 Commission failed to follow the law.

26 So if the Commission seeks, at its peril, to
27 spend time, money, and resources on continuing the
28 process, which may be invalidated at the end, I suppose

1 that's up to them, Your Honor.

2 THE COURT: All right. Well, you were arguing
3 for it, so I wanted to know what you believe, why you
4 believe that makes sense. But go ahead.

5 MR. BROWN: Well, just to go further. The
6 reason is makes sense is because at the TRO stage, the
7 purpose of the -- the end goal is to maintain the status
8 quo. And the status quo would mean, no more inspections,
9 no more interviews, no more looking at --

10 THE COURT: That's not the status quo. The
11 status quo is as is now, correct?

12 MR. BROWN: Right. And of now.

13 THE COURT: So there are inspections now.

14 MR. BROWN: Well, no. But I'm saying future
15 inspections.

16 THE COURT: Okay. Well, that's different.

17 MR. BROWN: Yes, you're right, Your Honor.
18 Obviously I can't stop something that has already
19 occurred.

20 THE COURT: Right.

21 MR. BROWN: So when I am speaking of the
22 status quo, I mean from today forward.

23 THE COURT: All right.

24 MR. BROWN: And if I wasn't clear about that,
25 I apologize.

26 THE COURT: No problem. Go ahead.

27 MR. BROWN: Thank you, Your Honor. So Your
28 Honor, the purpose of a TRO is to, as I said, maintain the

1 status quo to protect the interest of the moving party.
2 So what is the standard that you, the Court, must follow?
3 The Court must follow the standard, this standard; it may
4 be granted if it appears from the specific facts shown by
5 affidavits or other statements under oath that immediate,
6 substantial, or irreparable harm will result to the person
7 seeking the order. And Your Honor, I say that our
8 pleadings in this case, the affidavits of Dr. Daniel and
9 Professor Higginbotham have more that met that standard.

10 The bottom line is here, Your Honor, is that
11 there are a finite number of licenses, 15, that can be
12 issued in this case, between now and the beginning of June
13 of next year. Once those licenses are issued, Your Honor,
14 my client can never get one, they're gone forever. There
15 is no other adequate remedy at law from which my client
16 could seek compensation or remedy unless the process is
17 stopped so that the Commission is directed by the Court to
18 follow the law.

19 So let's look at the four factors that the
20 law teaches us the Court must consider in determining
21 whether or not to grant injunctive relief. The first one
22 there is, Your Honor, is the likelihood that the plaintiff
23 will succeed on the merits. Your Honor, the Commission
24 itself has acknowledged time and time again, through Mr.
25 Robshaw, the Vice Chairman of the Commission and the Chair
26 of the Growers Subcommittee. And, Your Honor, from
27 defense counsel herself, Ms. Nelson, at Mr. Robshaw's
28 deposition where she said at Page 157 to 158. And by the

1 way, Your Honor, you should know, it wasn't just a
2 deposition. This was on the record before Judge Handy
3 during a discovery dispute.

4 We called Judge Handy, the court reporter
5 was there, Judge Handy was made aware that she was on the
6 record. And Ms. Nelson and I argued our discovery dispute
7 before Judge Handy. And during that discovery dispute,
8 Ms. Nelson said, "This is Heather Nelson for the
9 Commission. The Commission -- it is not a fact in dispute
10 that the Commission considered geographic diversity in the
11 selection of pre-approved applicants. And it is not a
12 fact in dispute that the Commission did not use racial or
13 ethnic diversity as a selection criteria in considering
14 pre-approved applicants."

15 THE COURT: Well, that's because -- and she's
16 right, they're not supposed to use it as a selection
17 criteria. People are parsing words, which I find
18 interesting. I guess that's what we do as lawyers. But
19 that's not what the statute says. So you're quoting her,
20 while it sounds all interesting, it really means nothing.
21 Because she's not saying that it wasn't used -- you're
22 saying she said it's not being used as a selection
23 criteria. And it's not. Are you not sitting here arguing
24 saying that it is supposed to be the selection criteria,
25 are you?

26 MR. BROWN: The selection criteria, absolutely
27 not.

28 THE COURT: Okay. So again, it's sort of morphed

1 into different things. But you quoting her for that
2 particular quote, actually -- and I'll say this, means
3 nothing to the Court. Because that, in and of itself, is
4 nothing. It's not what did the Commission do or not do.
5 She wasn't under oath. So again, I'm not particularly
6 concerned about that. So please move on to another issue.

7 MR. BROWN: Well, I'm going to go on to argue
8 further the likelihood of success.

9 THE COURT: Um-hum.

10 MR. BROWN: Notwithstanding the Court's --

11 THE COURT: Dismissal of your petition.

12 MR. BROWN: Dismissal of that argument.

13 THE COURT: Yes.

14 MR. BROWN: Your Honor, nonetheless, even
15 without that, which I will say for the record that we
16 believe is relevant, but I understand the Court's point.
17 The Commission, through its own actions in the context of
18 the history of the regulations in this case, indicate that
19 they have done nothing to actively seek ethnic and racial
20 diversity in its selection criteria. And let's talk about
21 the history of the regulations, Your Honor. As initially
22 promulgated, Your Honor, the regulations in this case, it
23 said racial and ethnic diversity shall be a consideration
24 in the selection criteria, and they shall actively reach
25 out.

26 Then, Your Honor, in September of 2015, the
27 regulations were amended. And for reasons which are still
28 foreign to me and I do not understand, the Commission

1 removed all regulations which required it to consider
2 racial and ethnic diversity in licensing medical cannabis
3 growers. In other words, and this is -- it's confounding
4 to me, Your Honor. We know what the legislature told us
5 to do. It told us to actively seek racial, and ethnic,
6 and geographic diversity when licensing growers. But we
7 don't care. We have this reg in there, but we're taking
8 it out and we're not going to actively seek racial and
9 ethnic diversity. And, Your Honor, not only is it
10 manifested in their actions by removing it from their
11 regulations, it's manifested in de facto what they've
12 done, what they did. Which, Your Honor, is zero. Zero.

13 We deposed, today, Ms. Sandy Hillman. Ms.
14 Hillman is the owner or partner in a organization called
15 Hillman Communications. Hillman Communications --

16 THE COURT: You know I'm not going to listen to
17 anything that was done today that I've not had a chance to
18 review, right?

19 MR. BROWN: I'm going to ask you --

20 THE COURT: You know me well, don't you?

21 MR. BROWN: I do, Your Honor.

22 THE COURT: So don't even go down that path,
23 Counsel.

24 MR. BROWN: Your Honor, I deposed Ms. Mather,
25 whose deposition you do have in this case. And I asked
26 her at her deposition, over, and over, and over again,
27 what did the Commission do to actively seek racial and
28 ethnic diversity. And over and over again she had zero

1 response. I deposed Mr. Robshaw, the vice -- thank you,
2 Your Honor. The Vice Chair of the Commission and the
3 Chair of the Grower's Subcommittee; what did you do to
4 actively seek racial and ethnic diversity in the licensing
5 of cannabis growers. And over, and over, and over again,
6 Commissioner Robshaw said; I don't know. At one point,
7 Your Honor, Commissioner Robshaw said; well, we gave some
8 ideas to Ms. Byron, who was the executive direction, Your
9 Honor. But I don't know whether she followed through or
10 not.

11 The only thing they come up with, Your Honor
12 is, we had broad public outreach, broad public outreach.
13 Well, Your Honor, broad public outreach, and you'll look
14 at Professor Higginbotham's affidavit, it is not good
15 enough. Broad public outreach is to the public at large,
16 to everyone. If the Commission had wanted broad public
17 outreach, they would have said the Commission shall
18 actively seek broad public outreach. But the legislature
19 didn't say that. The legislature said the Commission
20 shall actively seek to achieve racial and ethnic
21 diversity. And, Your Honor, there is a difference between
22 actively seeking something and encouraging something, like
23 they said for Minority Business Enterprises. To actively
24 seek something, Your Honor, is to do something in a
25 deliberate or positive way, in an energetic or vigorous
26 way. While to encourage something is to support, to give
27 advice, to encourage.

28 The legislature used two different terms, Your

1 Honor; actively seek and encourage. And I know you're,
2 the Court, is well aware of the cardinal rules of
3 statutory construction, which say -- excuse me. Which say
4 that no words of a legislature shall need to be nugatory
5 or without meaning. So that's the first standard,
6 likelihood of success. The second one; the balance of
7 convenience by determining whether the greater injury will
8 be done to the Defendant by granting the injunction than
9 would result for its refusal.

10 Your Honor, AMM will be forever barred from
11 getting one of the first 15 licenses unless you grant this
12 request. The Commission has already delayed
13 implementation of this statute once, because they received
14 more applications they thought they were going to receive.
15 And so they had a delay, because it took them a longer
16 period of time to evaluate the applications than they
17 initially anticipated. Clear, Your Honor, the equities
18 balance in the favor of requiring a governmental agency to
19 follow its legislative mandate. So number two, Your
20 Honor, is satisfied.

21 I've already talked to Your Honor about
22 irreparable injury. And then there's a public interest.
23 Your Honor, Ms. Nelson, I was wondering, Your Honor, if
24 you were going to give Ms. Nelson's pleading, which I
25 received at 5:47 last night with two new affidavits, the
26 same consideration that you're providing to Ms. Hillman's
27 affidavit.

28 THE COURT: She got it to me before the hearing,

1 you're trying to argue in the hearing.

2 MR. BROWN: But regardless, Your Honor, Ms.
3 Nelson provided two affidavits from, I suppose, advocates
4 who have a personal interest in the issuance of growers,
5 and dispensaries, and processors. But they bear now
6 weight and they should mean little, if anything, in your
7 analysis, Your Honor. Because the public interest, the
8 public interest in the Commission's following the
9 legislative mandate, outweighs almost everything.

10 Finally, Your Honor, and then I'm going to wrap
11 up. I know you gave me a five minute warning.

12 THE COURT: And you're about 30 seconds away,
13 so you may want to hurry up.

14 MR. BROWN: I would ask for a few more minutes,
15 if I may, just to make this last point. Your Honor, I
16 would tell you, I would argue to you, that the Governor,
17 as you know, and it's in our pleadings, back in April
18 issued a disparity study in this case. The very study
19 that the Commission said could not be conducted in order
20 to remedy the problems that the AG brought to the,
21 supposedly, to Delegate West's attention about
22 implementing the provision of the statute which says
23 actively seek to achieve racial and ethnic diversity.

24 I proffer to the Court, if the Governor issued
25 a disparity study, I think the Court can take notice that
26 he would not have done so unless he was given advice that
27 such a study is viable and can be conducted. And it
28 bears, it gives (inaudible 02:28:17).

1 THE COURT: I'll be clear for the record, I do
2 not take notice of that. I will take notice of the law
3 that is before the Court. I see no reason to take notice
4 of what the executive branch does, the legislative branch.
5 I have to worry about what the judiciary does. I'm
6 looking at the law as presented to the Court.

7 MR. BROWN: Well, if that's the case, Your Honor

8 --

9 THE COURT: It always is.

10 MR. BROWN: Knowing that's the case, Your Honor,
11 it should come down to a very simple question; actively
12 seek racial and ethnic diversity. And the Commission, by
13 the admission of its own witnesses, and by the very
14 progress of its own regulations, have indicated to the
15 Court and to the public that they have not done so. And
16 for that reason, Your Honor, the request for a TRO should
17 be granted. And then this matter should be set in for a
18 trial on the merits at the Court's earliest convenience.

19 THE COURT: Thank you. Ms. Nelson.

20 DEFENDANT'S ORAL ARGUMENT

21 MS. NELSON: Thank you, Your Honor. At the
22 outset, I would note that this Court has made a ruling on
23 Commissioner Robshaw's deposition permitting the
24 deposition to go forward. We respectfully note we've
25 appealed that order. We would like to note our objection
26 to the transcript of the deposition of "Buddy" Robshaw,
27 just for purposes of the record. And I appreciate Your
28 Honor's indulgence with that.

1 THE COURT: Not a problem.

2 MS. NELSON: It is somewhat shocking that
3 affidavits from patients -- Counsel should argue that they
4 should be given no weight. This program was created by
5 the legislature to serve the needs of patients, to provide
6 medical relief to patients in the State of Maryland. The
7 Commission has worked towards that goal consistently since
8 its creation. And although the statutes have required
9 repeated revisions and will likely attract a great deal of
10 attention in the General Assembly for the coming years,
11 the Commission has never ceased it's worked toward
12 providing medication to patients who need it.

13 Counsel focused his argument on Alternative
14 Medicine's argument on likelihood of success. While we
15 would also respectfully note that we have submitted to
16 Your Honor a Motion to Strike the affidavit of Professor
17 Higginbotham on the grounds that expert testimony
18 conveying legal opinions is not appropriately received in
19 evidence.

20 THE COURT: Well, I can speak on that right
21 now. I tend to make my own decisions about the law, I
22 don't really look to anyone else. Because I'm not
23 required to do, nor should I, under the circumstances. So
24 any expert opinion from Professor Higginbotham on the law,
25 I would certainly just not take into consideration. Nor
26 have I, nor would I. Any facts that he wants to talk
27 about, that's a different issue.

28 MS. NELSON: Thank you, Your Honor. There is

1 no evidence or argument that the statute required the
2 Commission to use racial and ethnic diversity as a
3 selection criteria in awarding pre-approval or licenses.

4 THE COURT: And there we are with the parsing
5 of the words, which we do as lawyers. But you do
6 acknowledge that the statute does say that the
7 Commission's to actively seek to achieve racial, ethnic,
8 and geographic diversity when licensing medical cannabis
9 growers. You acknowledge that, correct?

10 MS. NELSON: I do acknowledge that, Your Honor.

11 THE COURT: So we're not saying, and that's why
12 I effectively defended you, that's not the criteria. But
13 obviously it's something that's in the statute and was
14 something that's supposed to be done. Was that done?

15 MS. NELSON: Yes, it was.

16 THE COURT: How?

17 MS. NELSON: The Commission sought to broadly
18 publicize the program and the opportunities to apply for
19 licenses within the program. The Commission also broadly
20 publicized its selection criteria at every point. Counsel
21 cited to proposed regulations published in early 2015
22 and then the later regulations published in September of
23 2015, noting the removal of racial and ethnic diversity as
24 a selection criteria. And I return to selection criteria
25 primarily for this reason, Your Honor. Counsel had
26 contended that his client is injured, because if the
27 Commission was required to go back and do things
28 differently, they might be one of the top 15.

1 Broad outreach means that you engage a large
2 number of applicants. And you engage applicants from a
3 diverse cross section of communities. Counsel has
4 contended that his client is already extremely well
5 qualified to participate in this industry. The only way
6 that Counsel gets to demonstrate that his client was
7 injured here is if he can show that his client simply
8 needed a few more points in the evaluation to bring him
9 into the 15 through 20.

10 THE COURT: How? What do you mean by that? I
11 don't understand. You say that's the only way they can
12 show that they're injured. You're saying there are no
13 other ways of showing injury?

14 MS. NELSON: The other ways of actively seeking
15 to achieve diversity would not have made a material impact
16 on Alternative Medicine Maryland.

17 THE COURT: Well, wait a minute.

18 MS. NELSON: If the Commission had --

19 THE COURT: You're saying that the other ways
20 to actively seek to achieve racial and ethnic diversity
21 would not have impacted, what are those ways?

22 MS. NELSON: So the Commission actively sought
23 to achieve diversity by performing broad outreach and
24 publicity. And Counsel has argued that the Commission
25 should have done a disparity study and should have used it
26 as a selection criteria. But we know that that is not in
27 the statute. And we would argue to Your Honor that that
28 is not legally required. Other forms of outreach that

1 might include seminars, more targeted communications, paid
2 ads, none of those would have made a material impact on
3 Alternative Medicine Maryland.

4 Alternative Medicine Maryland knew about the
5 opportunity, they contend that they are very qualified,
6 they contend that they presented a strong application.
7 And they contend that for whatever reason, they're just
8 outside the selection range. Alternative Medicine
9 Maryland also focused their entire argument on the
10 likelihood of success on the merits. Their argument and
11 actions in this litigation demonstrate that there is no
12 imminent risk of irreparable injury.

13 It's not true that they will forever be barred
14 from a license. The current statute provides that
15 additional licenses may be issued as early as June 1st of
16 2018.

17 THE COURT: Well, isn't it true that they would
18 not be one of the first 15 growers into the market?

19 MS. NELSON: It's not clear how many of the
20 currently pre-approved applicants will receive a full
21 license. They will not be --

22 THE COURT: Counsel, counsel. Just answer my
23 question. If you said they're not qualified, they're not
24 in the top 15, they're not in the top 20, so is there any
25 chance that they could be one of the top 15 growers, first
26 15 growers?

27 MS. NELSON: No.

28 THE COURT: Okay. So they can't be one of the

1 first 15 growers, so they can't be first in the market.
2 Is that correct?

3 MS. NELSON: That's correct.

4 THE COURT: So you're saying that's not
5 potentially an irreparable harm?

6 MS. NELSON: No, that's a quantifiable harm.

7 THE COURT: Okay, go ahead.

8 MS. NELSON: Counsel also waited three months
9 from the date of their injury. If their injury was
10 incurred when they were not selected for a pre-approval,
11 Counsel waited three months before filing suit and another
12 seven months before seeking this injunction. And that
13 demonstrates that weights against a Court finding that
14 this is an irreparable injury.

15 Had they acted more promptly, they might have
16 been in a position to claim that they needed to preserve
17 the status quo. But in the intervening 10 months those
18 pre-approved applicants who have previously submitted
19 affidavits to Your Honor in support of their efforts to
20 intervene in this litigation, have spend enormous amounts
21 of time and resources towards becoming fully operational.
22 Counsel argues that Defendants will not be harmed by a
23 Temporary Restraining Order. But he ignores the enormous
24 harm that would be suffered by those who sought to
25 intervene in this litigation, who hold the pre-approvals,
26 and who have made enormous expenditures towards becoming
27 operational for the past 10 months.

28 THE COURT: Well, at this stage, because of the

1 way the Commission is formed and fashioned, and the way
2 that the complaints were filed, we all know that in this
3 particular case there's only one defendant. Well, when I
4 say one, the Commission and the individuals who are on the
5 Commission. It's not any of the other growers, correct?
6 Or proposed growers, correct?

7 MS. NELSON: Your Honor's correct. The
8 pre-approved applicants are not parties to this action,
9 although many did try to intervene and their Motions for
10 Intervention were opposed by Alternative Medicine Maryland
11 and denied, and are currently on appeal.

12 THE COURT: I'm well aware of that. I made the
13 rulings.

14 MS. NELSON: Apart from a consideration of
15 economic injury, the Commission will be significantly
16 harmed if this Temporary Restraining Order proceeds.

17 THE COURT: How?

18 MS. NELSON: The Commission is tasked with
19 creating a functional program to serve the patients in
20 Maryland. That is their statutory mission and that is
21 what they have been working on the past years.

22 THE COURT: Let me ask you a question. What
23 if, let's presume for a second that the manner in which
24 the Commission went about getting the pre-approval done
25 was done arbitrarily and capriciously, and was possibly
26 unconstitutional? What should the Court do under those
27 circumstances, ma'am?

28 MS. NELSON: This isn't a Motion for Summary

1 Judgment where we are focusing exclusively on the
2 likelihood of success on the merits. And while
3 Alternative Medicine Maryland believed --

4 THE COURT: Do you want to answer my question?

5 MS. NELSON: I'm sure that the Court would
6 fashion the appropriate relief depending on what the Court
7 found.

8 THE COURT: Well, I'm asking you. I mean, you
9 represent the Commission, but you're from the Attorney
10 General's Office. The question is, and it's clear and
11 it's apparent, if there's a statute that has not been
12 followed properly, what does the Attorney General's Office
13 generally ask this Court to do?

14 MS. NELSON: The Attorney General's Office
15 generally asks the Court to enforce statutes as written.

16 THE COURT: As written. And if the statute has
17 not been followed as written, then you'd effectively be
18 here saying to the Court; you have to stop it, Your Honor,
19 because a determination needs to be made whether the
20 statute as written is being followed, correct?

21 MS. NELSON: I believe that's correct.

22 THE COURT: Okay. You can continue your
23 argument.

24 MS. NELSON: The issue here though is, that
25 the statute as written did not specify you must use racial
26 and ethnic diversity as a selection criteria.

27 THE COURT: You know, everyone keeps saying
28 that. But that's not the issue, Counsel. And you know

1 that's not the issue. I've already acknowledged, having
2 reviewed it, to telling Mr. Brown to be quiet on that
3 issue, that's not what it says. But it clearly says, and
4 we all have read from it. It says that they're required
5 to actively seek to achieve racial, ethnic, and geographic
6 diversity when licensing medical cannabis growers. That
7 was the requirement. You have to acknowledge that was the
8 requirement, correct?

9 MS. NELSON: Yes.

10 THE COURT: Because it says that.

11 MS. NELSON: Of course, yes.

12 THE COURT: And you understand that people are
13 required to follow the statutes. And if it's brought to
14 the Court's -- well, let me change that. They're required
15 to follow the statutes unless no one says anything. If no
16 one says anything, people are going to do whatever they
17 want, correct? If no one says anything. Just say yes to
18 that one.

19 MS. NELSON: Sure, yes.

20 THE COURT: I'm not putting him in a bad position
21 for that. But once it's brought to the Court's attention,
22 we stay out of things. We don't look to get involved.
23 But once it's brought to our attention, if something is
24 potentially wrong, we're asked to resolve that issue.
25 That's the purpose of the Court. People may not like that,
26 but that's our job sometimes. So if it's potentially
27 implemented in an arbitrary or capricious manner, or
28 potentially done in an unconstitutional manner, what would

1 you have the Court do with that?

2 MS. NELSON: That's ultimately why we need to
3 proceed through the litigation.

4 THE COURT: Agreed.

5 MS. NELSON: What the Court -- and if we're
6 focusing on likelihood of success on the merits, which we
7 are, and your --

8 THE COURT: To some degree, sure.

9 MS. NELSON: We respectfully contend that AMM
10 has not established a likelihood of success on the merits.
11 If Your Honor is not inclined to agree, we would note the
12 other three necessary elements for this extraordinary
13 relief --

14 THE COURT: All four are required.

15 MS. NELSON: -- that Alternative Medicine
16 Maryland is seeking before Your Honor today. And even
17 setting aside the likelihood of success on the merits for
18 purposes of argument only, Alternative Medicine Maryland
19 has not established that they face irreparable injury.
20 Their delay in bringing their claims to this Court and
21 their request for injunctive relief weigh against a
22 finding that they face irreparable injury.

23 THE COURT: Well, Counsel, do you remember
24 arguing to me a Motion to Dismiss and a Motion for Summary
25 Judgment that this wasn't ripe because not license had
26 been issued? And so until a license was issued, there's
27 no potential of harm. I guarantee you that people should
28 know by now not to have phones going off in Court. Sorry,

1 Counsel. So but now we're at a different stay, you've
2 issued a license. Not you, the Commission issued a
3 license. Is that not a sign, a signal, that things have
4 changed?

5 MS. NELSON: Alternative Medicine Maryland
6 points to the same injury today that they faced in August.
7 It's the very same injury. They aren't claiming any other
8 injury. And they aren't claiming that they're more
9 injured today than they were in August. Their delay in
10 seeking this injunctive relief weighs against a finding of
11 irreparable injury. They also have --

12 THE COURT: Not in their complaint that was
13 filed in October. There's a Count III that asks for
14 injunctive relief. So you're saying their delay. They
15 certainly asked the Court, for the Court didn't rule on it
16 at the time, because generally you wait for discovery to
17 go forth. But things have changed. So with things
18 changing, there's now a request for an Emergency Temporary
19 Restraining Order. So you are arguing laches, but I don't
20 understand how that argument plays given the fact that
21 back in October of 2016 that was part of their complaint.

22 MS. NELSON: Your Honor, I don't want to go back
23 into likelihood of success on the merits as it relates to
24 laches or delay.

25 THE COURT: You can if you want to. If you
26 feel the need to.

27 MS. NELSON: But the relief that AMM was
28 seeking in their complaint was a court order for a

1 disparity study. And a court order that the Commission
2 take all necessary and appropriate action regarding the
3 process, the app grower applicant evaluations after the
4 findings of a disparity study.

5 THE COURT: Okay.

6 MS. NELSON: Their complaint is truly focused
7 on getting evaluation consideration for racial and ethnic
8 diversity. There has not been an argument that AMM was
9 harmed by the Commission failing to perform -- failing to
10 host seminars at Minority Business Associations that might
11 have been actively seeking to achieve. They're focused on
12 the injury that occurred long ago back when that scoring
13 evaluation criteria was pulled out of the ranks. They
14 knew that these were going to be the evaluation criteria
15 in play and there has been enormous delay. Now, since the
16 time the awards were issued, companies have been working
17 for 10 months, and spending millions of dollars, and
18 hiring staff who have stepped away from other jobs, and
19 working to become fully operational now. If a Temporary
20 Restraining Order were to issue, all of the time and
21 resources invested, not just by those market participants,
22 but by the Commission in order to move those market
23 participants into an active industry, would be lost.
24 Those companies would not be able to wait on hold
25 indefinitely. And the --

26 THE COURT: But counsel, but you're saying, and
27 you've argued before the Court before, well, we'll do a
28 study, we'll do it later, we'll get it done later. But

1 the statute required you to do it beforehand.

2 MS. NELSON: The statute -- there hasn't been an
3 argument that the statute required a disparity study.

4 THE COURT: Well, that was your argument saying
5 that that's what you were going to do. So if you're
6 saying that that's no longer an argument, I'll put that to
7 the side.

8 MS. NELSON: The Commission is working to
9 perform a disparity study now in conjunction with other
10 State entities.

11 THE COURT: To what end?

12 MS. NELSON: To evaluate whether there is
13 evidence of historical discrimination in analogous
14 industries sufficient to support some policy choice in the
15 future.

16 THE COURT: But to when for the initial
17 stage of determining who the growers will be. How do you
18 take that information that you're going to get for your
19 study, again, you're the one who brought it up to the
20 Court before, and argue that that's something that the
21 Court should take into consideration, that the Commission
22 was working on it already. So if the Commission is
23 working on it already, two what end are you referring to
24 now? That's what I'm trying to figure out.

25 MS. NELSON: There will be a policy decision
26 made based upon the evidence that's developed in the
27 study. No one can predict what the evidence will be.
28 Because the study hasn't been conducted yet. The evidence

1 --

2 THE COURT: Well, I guess then the question
3 becomes, if the study determines that there was a problem
4 with the way the Commission actively sought to seek
5 racial, and ethnic, and geographic diversity, are you just
6 going to say, okay, well we were wrong when we did it
7 before, Your Honor, but we're sorry about what happened.
8 So but let's just keep growing, let's keep things moving?

9 MS. NELSON: The disparity study will only
10 show whether the availability of qualified vendors in
11 analogous industries is disparate from their utilization
12 in State contracts. A disparity study only measures
13 whether minority vendors are receiving contracting
14 opportunities. And that is the only evidence that will be
15 developed in that study.

16 THE COURT: Okay.

17 MS. NELSON: If an evidentiary basis develops
18 through that study to support a policy decision that there
19 is evidence to show historical discrimination in these
20 analogous industries, then that would be something that
21 would be considered in future policies.

22 THE COURT: Okay. So then is it your argument
23 then before this Court that whatever the Commission did
24 prior to the Stage I approvals and up to this point,
25 whatever they did satisfies the statute, the statute's
26 requirement, to actively seek to achieve racial, ethnic,
27 and geographic diversity when licensing medical cannabis
28 growers?

1 MS. NELSON: It is, Your Honor. It is.

2 THE COURT: Okay. So you're saying they didn't
3 need to do anything else?

4 MS. NELSON: What they did was sufficient to
5 satisfy the statutory language as written. That is our
6 position.

7 THE COURT: Okay.

8 MS. NELSON: We also contend that AMM can't
9 make its case on any of the other three elements. It is
10 again, shocking, that patient's interest in this program
11 should not be given any weight. And that --

12 THE COURT: Of course it will be given some
13 weight. It's given the appropriate weight. But counsel
14 also has an issue to make sure -- does the Attorney
15 General's Office -- is the Attorney General's Office
16 concerned as to whether or not the implementation of the
17 statute was done properly? Or you're not concerned with
18 that?

19 MS. NELSON: Yes, of course there is concern.
20 And here today, I obviously do not speak for the Attorney
21 General, I speak as counsel for the Commission. I'm here
22 as counsel for the Commission. Of course the Attorney
23 General is concerned that statutes are applied as written
24 and upheld. And we believe that the Commission did that.
25 We believe that the Commission did that by pursuing broad
26 outreach and engaging diverse applicants. We believe that
27 the Commission actually achieved diversity among their
28 pre-approved applicants. And we believe that Alternative

1 Medicine Maryland utterly failed to make their case and
2 meet their burden on any of the other three elements that
3 are required. They will not face irreparable injury,
4 their delay weighs against defining that. They do not win
5 on balancing of the harm.

6 Your Honor noted that they are not seeking to
7 maintain the status quo, they are seeking to bring 10
8 months of work to a screeching halt. Not just for members
9 of industry, but also for the Commission. They --

10 THE COURT: What's the economic harm to the
11 Commission? If this Court grants a Temporary Restraining
12 Order, there's a requirement of a bond for the party.
13 What's your argument as to what the amount should be if the
14 Court were to do that? What would your basis be for any
15 amount or it would be di minimus. What's your argument?

16 MS. NELSON: It would be significant. It would
17 require staff time spent working on the applications to
18 date. It would -- there are --

19 THE COURT: Well, it's going forward. It's
20 for a TRO, not for anything else.

21 MS. NELSON: There are contracts in place that
22 will expire before -- before forensic accounting services
23 could be performed on these applicants who are pre-
24 approved now. The impact would be enormous.

25 THE COURT: Well, you need to quantify it. What
26 is the impact? I mean, if the Court were to grant a TRO
27 today, obviously there's a hearing within the next 10
28 days. What's your damages? What's the problem in the

1 next 10 days?

2 MS. NELSON: There would be significant injury
3 and I'm not --

4 THE COURT: You say that, but what is it?

5 MS. NELSON: I'm not sure how to quantify that
6 right now.

7 THE COURT: Well, but I'm not being funny
8 counsel.

9 MS. NELSON: I (inaudible 02:52:34).

10 THE COURT: You knew that's something that the
11 Court would have to ask you. Because if I say no to the
12 TRO, it doesn't matter. If I say yes, then obviously
13 that's one part of it. So you were aware of that, so what
14 -- you can't give me a number. Okay, that's fine.
15 Anything else?

16 MS. NELSON: Your Honor, the public interest
17 weighs heavily against this Temporary Restraining Order.
18 Patients have been waiting an enormously long time for
19 access to this medication. There are today over 6,900
20 patients who've applied to be registered with the
21 Commission who are seeking this medication for terminal
22 illnesses, for chronic illnesses, that need access to this
23 program. And the program must be made available to them.
24 Additionally, because there is the one license issued, and
25 Your Honor has indicated that he will not be suspending
26 that license today --

27 THE COURT: Today. Right. I will not today.

28 MS. NELSON: A TRO would in effect create a

1 monopoly held by back one licensing.

2 THE COURT: That may. And so are you then saying
3 to the Court that you want the Court so suspend that
4 license if the Court issues a TRO?

5 MS. NELSON: No. I'm saying I do not want the
6 Court to issue the TRO, obviously. I'm saying that the
7 Court -- the public interest weighs against a monopoly in
8 any form, especially in a medication. And where, as here,
9 counsel is seeking, or AMM is seeking, to enjoin the
10 progress of not only pre-approved growers, he also
11 effectively asking this Court to halt all pre-approved
12 processors without any basis, and all pre-approved
13 dispensaries without any basis. Because those pre-
14 approved applicants can not operate in their businesses if
15 there is not medical cannabis grown to supply them. A
16 processor applicant, they are simply without product to
17 operate.

18 And so in addition to the harm imposed upon each
19 of the pre-approved growers that AMM takes issue with, the
20 injury imposed upon every pre-approved processor, every
21 pre-approved dispensary, would be enormous. The harm that
22 would result from a TRO at this stage would be enormous.

23 THE COURT: Anything else?

24 MS. NELSON: Thank you.

25 THE COURT: Thank you. Counsel, briefly.

26 REBUTTAL ARGUMENT

27 MR. BROWN: I will be brief, Your Honor. First,
28 Your Honor, for the Commission to come in --

1 THE COURT: I'll bring a sheriff in here and
2 take -- what is wrong with you people? Make sure your
3 phones are off, ladies and gentlemen. My God.

4 MR. BROWN: It's in the back. May I continue,
5 Your Honor?

6 THE COURT: You may, Counsel.

7 MR. BROWN: Thank you.

8 THE COURT: Ladies and gentlemen, you have to
9 have your phones off. Otherwise the sheriffs will come
10 in, they'll take the phones, you'll be upset, you'll blame
11 me, that will be fine. But again, it just can't be,
12 Counsel. Things are not to be recorded in the Court.
13 Continue, Mr. Brown.

14 MR. BROWN: Thank you, Your Honor. Your Honor,
15 you know, for the Commission to come in to Court and
16 complain that they would be, or it would be, irreparably
17 harmed if our requested relief for a TRO were granted is
18 really shocking to me. They deliberately removed the
19 legislative mandate to actively seek racial and ethnic
20 diversity from their own regs. From their own regs, Your
21 Honor. How can they come into Court now and say we're
22 harmed? It's like an orphan coming into Court and saying,
23 Your Honor, please have mercy on me, I don't have parents,
24 when he's the one who killed his parents. (Inaudible
25 02:57:02) you can't do that, Your Honor. With regards to
26 the disparity study, Your Honor, everything you questioned
27 Ms. Nelson about goes to our very argument. It's like
28 closing the barn door after the horses go. The disparity

1 study now is going to have no effect on these pre-
2 approvals unless this TRO is granted and our ultimate
3 relief for a permanent injunction is granted. This matter
4 needs to be set in for a hearing.

5 Finally, Your Honor, just one last point. The
6 monopoly argument is entirely disingenuous. The grower's
7 license was just issued a few days ago. There's no way
8 there's going to be product available for that grower to
9 sell to dispensaries and to processors until well after
10 this litigation is over. For all the reasons, Your Honor,
11 for these reasons, for the reasons we said in our
12 pleadings, the reason we said in our initial argument,
13 it's respectfully requested that our request for relief be
14 granted and that bond be waived. Thank you.

15 THE COURT: Well, why should I waive the bond?
16 What's your basis for me waiving the bond?

17 MR. BROWN: If anything more than di minimus,
18 they haven't told you what it should be or what their
19 damages is going to be, so how can you set it? So if
20 anything, fine, a di minimus bond. But other than, since
21 you have no basis upon which to base a bond, it should be
22 di minimus if anything.

23 THE COURT: All right. Thank you. I'll take a
24 minute or two to get my thoughts together. I'll be back
25 out in a few moments.

26 THE CLERK: All rise.

27 (Off the record - 02:58:33 p.m.)

28 (Session resumes - 03:05:29 p.m.)

1 THE CLERK: The Court continues its afternoon
2 session.

3 THE COURT: Thank you. Everybody be seated.

4 COURT'S RULING

5 THE COURT: The Court has had the opportunity
6 to review Plaintiff's Motion for a Temporary Restraining
7 Order, the Defendant's opposition, affidavit submitted,
8 and obviously heard all arguments of the parties. And the
9 Court again will note that all legal conclusions that are
10 made are mine and not of any expert witness. The Court
11 does find the following:

12 The Plaintiff has met its burden to show that
13 immediate, substantial, and irreparable harm will result
14 to the Plaintiff is a Temporary Restraining Order is not
15 issued before a full adversarial hearing can be held on
16 the propriety of a preliminary injunction. This Court
17 finds that Plaintiff will be irreparably harmed once all
18 licenses are issued, as Plaintiff and other similarly
19 situated can not then seek redress to resolve a
20 potentially arbitrary, and capricious, or unconstitutional
21 first time application of the statute to this new
22 industry.

23 Plaintiff's harm is now immediate. Unlike
24 at the Motion to Dismiss stage where the Defendant claimed
25 that the issue was not ripe, because a license has not
26 been issued. A license has now been issued. Once all
27 licenses are issued, it would be quite difficult for the
28 Court to then retroactively assess the licensing process.

1 The Plaintiff's harm is substantial, because the Plaintiff
2 would be shut out of the cannabis growing industry for a
3 significant period of time without an opportunity to have
4 the Court intervene to review the licensing process.

5 Plaintiff has a substantial interest in participating in a
6 licensing process for medical cannabis that is not
7 conducted in a potentially arbitrary and capricious, or
8 possibly unconstitutional manner.

9 The Court finds the Plaintiff has met its
10 burden to show the required four factors which will weigh
11 in favor of granting the request of the Temporary
12 Restraining Order requested by the Plaintiff. 1); the
13 likelihood the Plaintiff would prevail on the merits
14 weighs in favor of the Plaintiff, because the Court having
15 reviewed all of the documents provided by both sides,
16 notes that the Commission may not have directly complied
17 with the statute when it came to actively seeking to
18 achieve racial, ethnic, and geographic diversity when
19 licensing medical cannabis growers.

20 2); the balance of convenience determined
21 by what the greater injury would be done to the Defendant
22 by granting the injunction that result to the Plaintiff
23 from its refusal weighs in favor of Plaintiff, because the
24 injury to the Defendant, at this stage, is not being able
25 to issue a license for the next 10 days. For the
26 Plaintiff, the injury is having been involved in a
27 potentially flawed process that may have failed to take
28 into account the certain elements required by the statute

1 that may have affected the ranking of Plaintiff's
2 application. And not having the opportunity to be a part
3 of the first group of growers.

4 The Court has already noted the Plaintiff will
5 suffer irreparable harm if the TRO is not issued. And
6 finally, the public interest. Notwithstanding the
7 Defendant's argument concerning getting product to
8 proposed patients in a timely manner. This Court, again,
9 is not involved with the timing of getting the product to
10 the proposed patients. The process has been going on for
11 a number of years. And the Court at this stage notes that
12 is weighs in favor of the Plaintiff, because it is
13 critical that there is a determination that our statutes
14 are implemented in a way that is not discriminatory, or
15 arbitrary, or capricious. Therefore the Court orders that
16 the Defendant, Commission, is immediately restrained and
17 enjoined from authorizing, granting and/or issuing any
18 licenses to cultivate and grow medical cannabis in
19 Maryland prior to a full adversarial hearing on the
20 propriety of granted a preliminary injunction.

21 Now Counsel for the Commission, you've had a
22 few moments to think. Is there anything you want to add
23 on the issue of the amount of bond, ma'am? Or you just
24 don't want to be heard on that issue?

25 MS. NELSON: No, Your Honor.

26 THE COURT: Okay. Thank you. The Court is
27 aware when I issue a Temporary Restraining Order, the
28 Court is required to issue a bond. There are certain

1 times based on the statute when the Court is not required
2 to. But I don't think that the Plaintiffs in this case
3 qualify for that. So under the circumstances, with the
4 Commission not providing the Court with any information
5 about what damages there are, what injury there would be,
6 again, for this time period. The Court will impose a bond
7 of \$100 that must be paid by the Plaintiff.

8 As far as a preliminary injunction, that hearing
9 will be set for Friday, June 2nd, at 10:00 a.m. back here
10 in this courtroom. The Court notes that the Defendant did
11 issue a license to grow medical cannabis to Forward Grow,
12 LLC. And that said license may have been issued pursuant
13 to an arbitrary, or capricious, or unconstitutional
14 process. Therefore counsel for Forward Grow, LLC will be
15 invited to argue at the hearing on the preliminary
16 injunction, because there is potential that the rights of
17 their client will be affected. Counsel have been advised
18 to argue solely on the issue of whether or not Forward
19 Grow, LLC's license issued on May 17th, 2017 should be
20 suspended pending full resolution of this matter.

21 Any questions from either side?

22 MR. BROWN: No, Your Honor.

23 MR. WARNKEN: No, Your Honor.

24 MS. NELSON: No, Your Honor.

25 THE COURT: Thank you, Counsel. I'll see you
26 on June 2nd at 10:00 a.m. Thank you.

27 MR. BROWN: Actually, Your Honor, I do have a
28 question, because I'm unfamiliar.

1 THE COURT: Okay.

2 MR. BROWN: With regard to the mechanism for
3 providing the bond to the Court. If the Court could
4 enlighten me, I would appreciate it.

5 THE COURT: The Court can not enlighten you.

6 MR. BROWN: Okay.

7 THE COURT: The Court shall not enlighten you.

8 MR. BROWN: All right. Thank you, Your Honor.

9 THE COURT: I'll have an order out fairly soon.
10 I need to sign it and date the time. I'll note the time
11 is 3:10. Thank you. Thank you, Counsel.

12

13 MR. BROWN: Have a good day, Your Honor.

14

15 MS. NELSON: Thank you.

16 (Off the record - 03:11:24 p.m.)

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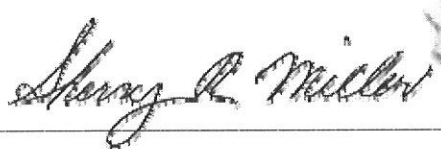

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TRANSCRIBER'S CERTIFICATE

This is to certify that the proceedings in the matter of Alternative Medicine Maryland, LLC v. Natalie M. LaPrade Maryland Medical Cannabis Commission, et. al., case numbers 24-C-16-005801, heard in Circuit Court for Baltimore City on May 25, 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 30th day of May, 2017.

Sherry R. Miller, President

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IN THE CIRCUIT COURT
FOR BALTIMORE CITY, MARYLAND

<p>ALTERNATIVE MEDICINE MARYLAND LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>NATALIE M. LAPRADE MARYLAND MEDICAL CANNABIS, COMM’N, <i>et</i> <i>al.</i>,</p> <p style="text-align: center;">Defendants.</p>

Case No. 24-C-16005801
Hon. Barry G. Williams

MEMORANDUM IN OPPOSITION TO PRELIMINARY INJUNCTION

ForwardGro, LLC (“ForwardGro”), through undersigned counsel, hereby submits this Memorandum in Opposition (ForwardGro’s “Opposition”) to any Preliminary Injunction which would suspend the license to grow medical cannabis that has already been issued to ForwardGro (the “License”), and in support thereof states as follows:

ForwardGro recognizes that this Court may be troubled by certain behavior of the Maryland Medical Cannabis Commission (“MMCC”) in implementing the will of the Maryland Legislature, as codified in Md. Health-General Code § 13-3301 (2017), *et seq.* However, in expressing its displeasure, ForwardGro implores this Court not to deprive medical cannabis from the thousands of qualified Maryland patients who have already applied for the program and desperately need the relief the use of ForwardGro’s License will bring, and whose best interest was the stated impetus of Maryland’s medical cannabis statute.

In expanding any preliminary injunction to ForwardGro, thereby stripping ForwardGro of its vested property right in the License, the Court must, of course, examine “the four factors that must be found” before an injunction may issue. *Ehrlich v. Perez*, 394 Md. 691, 707 (2006) (quotation omitted). As discussed below, those four factors weigh heavily against a grant of such an expansive and disruptive injunction. Even before evaluating those four factors, however, the Court must recognize that the grant of an expansive preliminary injunction stripping ForwardGro of the use of its License—providing Plaintiff Alternative Medicine Maryland, LLC (“Plaintiff”) with far more “relief” than it has requested, upending the status quo, and taking without due process and without compensation ForwardGro’s vested property right—is an inappropriate exercise of judicial discretion.

ForwardGro has been vigilant in its compliance with the Maryland Code and the regulations established by the MMCC for the issuance of the License. An expansive preliminary injunction affecting ForwardGro would deprive it of the use of its constitutionally-protected interest in the License. More importantly, suspension of the License would deprive medical cannabis to thousands of Maryland patients, some of whom have been waiting, literally painfully, for years, for implementation of the law.

The intended beneficiaries of Maryland’s medical cannabis program are not the growers of medical cannabis—as Plaintiff’s pleadings seem to suggest—but “qualifying patients.” *See* Md. Health-General Code § 13-3302(c) (2017) (“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.*” (Emphasis added)). The Maryland Legislature enacted this law—and the Court should interpret it—with their best interests in mind.

Tellingly, Plaintiff’s Memorandum of Law requesting an Order to Show Cause Why a Preliminary Injunction Should Not Be Granted (DE 72/0, the “Motion”), while quoting the same language stating the purpose of the law, *id.* at 4, completely ignores the harm these Maryland patients would suffer. *See id., passim.* In fact, a preliminary injunction suspending ForwardGro’s License would serve to deprive qualified Maryland patients of the medical cannabis they need, and which, as evinced by the clear and unambiguous language of the Maryland Code, the Maryland Legislature intended they receive. To the contrary, this Court should allow ForwardGro to use its constitutionally-protected License to provide the full measure of relief to these Maryland patients as the Maryland Legislature envisioned they would receive.

ARGUMENT

I. ForwardGro Was Not Provided With Due Process of Law, and Cannot Now Be Deprived of its Legally Protected Interests Pursuant to the United States Constitution and the Maryland Constitution

1. ForwardGro Has Been Denied Procedural Due Process

While counsel for ForwardGro intends to participate in the June 2, 2017 Preliminary Injunction Hearing in the limited fashion that the Court has dictated, this is by

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

time, and manpower it spent will be lost. Unlike Plaintiff, therefore, ForwardGro faces real, tangible losses, should any injunction be expanded to deprive it of its License.

The balance of convenience weighs in favor of ForwardGro.

4. The Likelihood of Success


ForwardGro believes that Plaintiff will not succeed on the merits of its case. However, because ForwardGro has been barred from taking discovery in this action, as its Motion to Intervene was denied in February, it cannot provide a full argument at this time as to why Plaintiff's claims are erroneous.

ForwardGro looks forward to taking discovery once the Court confirms that ForwardGro is a Defendant in this case. Until discovery is completed, ForwardGro states, on information and belief, that it does not believe Plaintiff's Complaint will prevail. Therefore, ForwardGro believes, this prong also is in its favor. In any case, even should the Court believe that Plaintiff has a strong likelihood of success, the Court should not issue a preliminary injunction depriving ForwardGro of its License, as the remaining three prongs weigh heavily in ForwardGro's favor.

CONCLUSION

Any preliminary injunction this Court may issue should not affirmatively suspend the License and deprive ForwardGro of the continued use of its License.

Respectfully submitted,

By:  _____
Ira T. Kasdan

Joseph D. Wilson
Bezalel Stern (*pro hac vice* to be filed)
KELLEY DRYE & WARREN LLP
3050 K Street, N.W., Suite 400
Washington, D.C. 20007
(202) 342-8400 (phone)
(202) 342-8451 (facsimile)
Email: ikasdan@kelleydrye.com
jwilson@kelleydrye.com
bstern@kelleydrye.com
Counsel for ForwardGro, LLC

Dated: May 30, 2017

CERTIFICATE OF SERVICE

I HEREBY certify that on this 30th day of May, 2017, a copy of the foregoing was served, by first class mail, postage prepaid, and via email, on:

Brian S. Brown
Christopher T. Casciano
Brown & Barron LLC
7 St. Paul Street, Suite 800
Baltimore, Maryland 21202

Byron L. Warnken
Warnken, LLC
2 Reservoir Circle, #104
Baltimore, MD 21208

John A. Pica, Jr.
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suit 600
Baltimore, MD 21204

Attorneys for Plaintiff Alternative Medicine Maryland, LLC

Heather B. Nelson
Office of the Attorney General
Maryland Department of Health & Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201

Attorney for Defendants



Ira T. Kasdan

Exhibit A

Exhibit B

From: Alyson Parker-Kierzewski <Alyson.Kierzewski@mdcourts.gov>

Date: May 25, 2017 at 6:07:36 PM EDT

To: John Pica <JPica@johnpica.com>, Brian Brown <bbrown@brownbarron.com>, Byron Warnken <byron@warnkenlaw.com>, Heather Nelson -DHMH- <heather.nelson1@maryland.gov>, Michael Berman <MBerman@rwlls.com>, "Alan M. Rifkin" <arifkin@rwlls.com>, "Robert.mccray@maryland.gov" <Robert.mccray@maryland.gov>

Subject: Order from May 25, 2017, TRO hearing

Counsel,

Please be advised that, I have faxed out the TRO Order to all parties. The original has been filed with the Clerk's office and you should receive a time-stamped copy from them.

Mr. Berman and Mr. Rifkin, I have included you in this message because the Court, at the TRO hearing, invited counsel for only ForwardGro, LLC, to briefly argue at the Preliminary Injunction Hearing scheduled for June 2, 2017 at 10:00am in Courtroom 528E, only on the issue of if the Preliminary Injunction is granted whether or not the license issued to ForwardGro, LLC should be suspended. To that end, I have sent you a copy of the TRO order as well.

Best,

Alyson Parker Kierzewski
Law Clerk to the Honorable Barry G. Williams
Baltimore City Circuit Court
111 N. Calvert Street, 534E
(410) 545-3516 (office)
alyson.kierzewski@mdcourts.gov

CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

CONFIDENTIALITY NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please do not print, copy, retransmit, disseminate or otherwise use the information. Also, please indicate to the sender that you have received this message in error and delete the copy you received. Thank you.

Exhibit C

**IN THE CIRCUIT COURT
FOR BALTIMORE CITY, MARYLAND**

ALTERNATIVE MEDICINE
MARYLAND LLC,

Plaintiff,

v.

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

Defendants.

Case No. 24-C-16005801
Hon. Barry G. Williams

AFFIDAVIT OF GAIL L. RAND

I, GAIL RAND, state that:

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 provide this Affidavit in support of ForwardGro, LLC's Opposition to Preliminary Injunction in the above-captioned action.
3. ForwardGro, LLC ("ForwardGro") is a Maryland limited liability company formed to obtain a license from the Natalie M. LaPrade Maryland Medical Cannabis Commission ("MMCC") to cultivate medical cannabis.
4. I am the Chief Financial Officer and Patient Advocate at ForwardGro, as well as an owner and member of the company. In addition, I am an active, licensed

Certified Public Accountant in the State of Maryland and a member of the Maryland Association of Certified Public Accountants.

5. ForwardGro is a licensed operating entity that currently has nine full time employees. ForwardGro currently operates a greenhouse in Anne Arundel County, where it is currently cultivating medical cannabis. ForwardGro's medical director is a board-certified anesthesiologist and nationally recognized presenter on the medical use of cannabis for pain management, cancer related uses, and as an opioid replacement.

6. On August 15, 2016, ForwardGro received pre-approval to cultivate medical cannabis from the MMCC.

7. The process to obtain the final license entailed an extensive amount of work to get our facility ready for operation, our procedures documented, our team trained and our systems operational.

8. The MMCC performed extensive due diligence and a thorough inspection of our 1-acre greenhouse and related operations center, including all the related security protocols.

9. Getting our operations ready to grow in our high technology greenhouse required ForwardGro's owners to contribute a significant amount of funds.

10. The ForwardGro team spent a substantial amount of time, resources and expertise in order to ensure that the company was operational as soon as possible to provide medicine to the thousands of patients who could benefit from this medicine.

11. ForwardGro's ability to become quickly operational was facilitated by the experience of its principals – they have decades of agricultural experience between them

– and the fact that the principals already owned the Anne Arundel property on which our grow facility is located. At the time ForwardGro applied for a medical cannabis license, the ability to retrofit this existing property into a growing facility allowed ForwardGro to become quickly ready for its licensure inspection.

12. ForwardGro also wrote its application to the MMCC in rapid time. Doing that enabled us to implement our standard operating procedures, processes, and systems in rapid time when we received our license, as we were extremely familiar with the plan.

13. ForwardGro's efforts and investment paid off. On May 17, 2017, the MMCC issued ForwardGro a license to cultivate medical cannabis in Maryland at our Anne Arundel County facility. I was present at the MMCC meeting on May 17, 2017 at which that license was issued.

14. At that meeting, Commissioner Dario Broccolino, who is the State's Attorney for Howard County, gave the report of the Final Review Subcommittee recommending that the "grower application and preapproval be converted to the issuance of a grower's license." During the discussion prior to the vote, Commissioner Broccolino commended ForwardGro for being the first ones out of the gate and getting Maryland's medical cannabis program rolling and operational. Further, at the May 17th MMCC meeting, Patrick Jameson, Executive Director of MMCC mentioned that over 6,000 patients have already applied to receive permits to obtain medical cannabis, and that over 4,000 have been registered. A May 17, 2017 *Baltimore Sun* article states that 276 physicians have registered to be able to recommend medical cannabis to patients.

15. I am the mother of a 7-year old child with severe special needs who suffers from Epilepsy, Autism and Attention Deficit Hyperactivity Disorder. I have been advocating for safe access to medical cannabis in Maryland since 2013.

16. I was overjoyed that ForwardGro was the first licensee, because I knew we were on the critical path in getting medicine for my son and many others who suffer and who would be helped by receiving medical cannabis treatment.

17. I am extremely concerned about what any restraint or injunction on ForwardGro's ability to cultivate and sell medical cannabis, and what that could mean for my child's health and well-being.

18. I have many friends in other parts of the country who are seeing remarkable results with medical cannabis treatments, particularly in managing seizures. My son needs access to the regulated, lab-tested, and quality medicine that would be offered by ForwardGro in Maryland.

19. Any delay in the production and distribution of this medicine would harm patients who are suffering and have already waited years for safe access to this potentially life-saving medicine.

20. Any restraint or injunction of the licensing process creates substantial uncertainty for patients and for ForwardGro.

FURTHER AFFIANT SAYETH NOT.

[The remainder of this page is purposefully blank; the signature page follows.]

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.

Executed on May 30, 2017 in Lothian, Maryland.

Gail L. Rand

Gail L. Rand

Exhibit D

**IN THE CIRCUIT COURT
FOR BALTIMORE CITY, MARYLAND**

ALTERNATIVE MEDICINE
MARYLAND LLC,

Plaintiff,

v.

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

Defendants.

Case No. 24-C-16005801
Hon. Barry G. Williams

AFFIDAVIT OF DEBRA KIMLESS, M.D.

I, DEBRA KIMLESS, having been first duly sworn, upon oath, depose and state:

1. I have personal knowledge of the facts contained herein. I am over 18 years of age and a citizen of Pennsylvania. I am competent to testify to the facts contained herein.
2. I provide this Affidavit in support of ForwardGro, LLC's Opposition to Preliminary Injunction in the above-captioned action.
3. I am medical director for ForwardGro, LLC ("ForwardGro"), and a board-certified anesthesiologist. I joined the ForwardGro team at its inception.
4. I have studied the use of cannabis for medical purposes and its medical applications around the world and in this country.
5. In Israel, I learned a great deal about medical cannabis and its use. I met with Dr. Raphael Mechoulam, the scientist considered the father of cannabis research who

discovered the elements of the endocannabinoid system, and learned from him how medical cannabis interacts within human bodies and how it should be applied for medical uses. Additionally, I met with Dr. Lumir Hanus, a scientist who discovered many elements of the endocannabinoid system and learned about cutting edge applications of medical cannabis for the treatment of diseases, including cancer, epilepsy, and pain. I also met with Dr. Mikal Dor, the chief medical officer for the cannabis division of the Israeli Department of Health and discussed the importance of patient access to medical cannabis for the treatment of diseases. And in Israel, I watched the administration of medical cannabis to patients in hospitals, and spoke with them and their families to understand the benefits of medical cannabis.

6. In the Netherlands, I studied at the Masterclass at Bedrocan, their nation's medical cannabis producer where scientists and doctors and regulators from around the world became educated about the importance of medical cannabis through examining white paper reports, case studies and basic science research.

7. I have studied at conferences, courses and conventions to understand the medical application of cannabis.

8. I am a nationally recognized expert on the medical use of cannabis.

9. I personally guide over 170 patients in states where medical cannabis is legal and have them administer a microdose of medical cannabis oil.

10. I gather the patients' response to medical cannabis and I present this information as case studies at conferences nationally and internationally.

11. I am a nationally sought-after presenter on the medical use of cannabis for pain management, cancer related uses and as an opioid replacement.

12. I have presented case studies in Israel and England and at Harvard University to name the most recent.

13. For a few examples of some case studies:

- I guided the family of an 8-year old child with metastatic cancer who went from hospice to remission using microdose medical cannabis oil only.
- I guided a 70-year old otherwise healthy man with inoperable brain cancer that was resistant to chemotherapy to use microdose medical cannabis oil which resulted in the shrinking of the tumor and better cognitive functioning.
- I guided an 80-year old man with aggressive metastatic prostate cancer, which was unresponsive to conventional treatment, with microdose medical cannabis oil. He is now managing his cancer and is able to go to work every day.

14. I have helped to guide many patients to reduce or replace opioids with low dose medical cannabis oil.

15. My first-hand experiences with over 170 patients and my studying and understanding of the biochemistry, physiology and pharmacodynamics/kinetics of medical cannabis is that it is a life-saving life-improving medicine that has very low risk for side effects.

16. Maryland patients would receive similar benefits from medical cannabis with a low side effects risk and should be allowed access to medical cannabis.

17. Patients in Maryland have listened to my lectures. I am routinely contacted by patients or their families from Maryland begging for medical cannabis.

18. Preventing or suspending ForwardGro's ability to continue to act on its license to cultivate medical cannabis will be detrimental to the health and well-being of the patients in Maryland.

19. Among other detrimental impacts, prevention or suspension of ForwardGro's ability to continue to cultivate to safe, effective, standardized medical cannabis to patients will force many of them to go to the black market for cannabis, which could lead to exposure to potentially contaminated products that could be lethal.

20. Maryland has an opioid epidemic. Governor Hogan declared a state of emergency in March 2017 yet the death toll from overdoses continues to rise. Suboxone and methadone are not solving the problem. States with medical cannabis programs have a significantly lower overdose mortality rate. Withholding medical cannabis is costing the lives of Marylanders.

21. Children with epilepsy refractory to conventional therapies are dying waiting for medical cannabis.

22. Hospice patients in Maryland presently have no alternatives to opioids which is not a one-size fits all medication and is fraught with many negative side effects.

FURTHER AFFIANT SAYETH NOT.

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.

Executed on May 30, 2017 in Lotts, MD


Debra Kimless, M.D.

Exhibit E

**IN THE CIRCUIT COURT
FOR BALTIMORE CITY, MARYLAND**

ALTERNATIVE MEDICINE
MARYLAND LLC,

Plaintiff,

v.

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

Defendants.

Case No. 24-C-16005801

Hon. Barry G. Williams

AFFIDAVIT OF GARY MANGUM

I, GARY MANGUM, state that:

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 provide this Affidavit in support of ForwardGro, LLC's Opposition to Preliminary Injunction in the above-captioned action.
3. I am the Vice President and Chief Horticulturist at ForwardGro, LLC ("ForwardGro"), as well as an owner and member of ForwardGro. ForwardGro was formed to obtain a license from the Natalie M. LaPrade Maryland Medical Cannabis Commission ("MMCC") to cultivate medical cannabis.

4. On May 17, 2017, the MMCC issued ForwardGro a license to cultivate medical cannabis in Maryland at the company's Anne Arundel County facility. I was present at the MMCC meeting on May 17, 2017 at which that license was issued.

5. Getting our operations ready to grow in our high technology greenhouse required ForwardGro's owners to contribute a significant amount of funds. The ForwardGro team spent a substantial amount of time and expertise to ensure we were operational as soon as possible to provide medicine to the thousands of patients who could benefit from this medicine.

6. In addition to this patient-centric desire, the Maryland medical cannabis statute required completion within one year of award of stage 1 license.

7. Zoning & county specific cannabis-related regulatory requirements required significant engagement by the ForwardGro team in order to ensure full understanding and compliance with the regulatory requirements, in the most timely manner possible. The ability to retrofit an existing greenhouse and operations facility allowed for our ability to be ready for stage 2 final inspection within nine months of the stage 1 announcement.

8. The principals of ForwardGro have made a significant investment in being able to cultivate medical cannabis. The principals of ForwardGro have spent over \$8,100,000.00 on among other things:

- retrofitting and specially equipping the greenhouse at its Anne Arundel County into a state-of-the-art cannabis growing facility. The total cost of the greenhouse retrofit was \$6,824,383; and,

- for human resources – *i.e.*, the labor and specialized personnel needed to develop procedures, train the company’s cultivation team, ensure compliance with applicable regulations and law, manage the facility and tend to cultivation.

9. Should an injunction issue suspending ForwardGro’s License, and thus depriving it of the use of its License, the money, time, and manpower that ForwardGro has spent in the foregoing regards will be lost or, at a minimum, significantly impaired.

10. ForwardGro has hired employees and consultants and engaged vendors to provide it with necessary services for its cultivation operations. To date, nine employees have been hired who have passed background and drug tests, with more employees scheduled to be on-boarded over the next week. In addition to employees, ForwardGro has engaged specialty consultants in the field of agriculture (*e.g.*, integrated pest management and nutrient management planning), and a vendor that provides security agents to protect our facility. Anne Arundel County law requires multiple armed security agents at all times. Thus, our security agents, who are veterans, cover the facility 24 hours a day, seven days a week. The cost for our security service alone exceeds approximately \$650,000.00 annually.

11. I am the father of a 21-year old who suffers from epilepsy. Prior to the legislation being passed in Maryland legalizing medicinal cannabis, it was recommended by medical professionals that I pay attention to cannabis as a potential treatment for my son, even if it meant re-locating to a state where the use of medical cannabis was legal. I

was reconsidering re-locating to a different state prior to the passage of Maryland medical cannabis law.

12. I met Gail Rand, who would go on to become the CFO of ForwardGro and its Patient Advocate, while advocating to bring legal medical cannabis to Maryland for my son and thousands of others like him.

13. I am extremely concerned about what any restraint, suspension or injunction on ForwardGro's license to cultivate medical cannabis could mean for my child's health and well-being.

14. I have acquaintances in other parts of the country who are seeing remarkable results from the use of medical cannabis, particularly in managing seizures. My son needs access to the regulated, lab-tested, and quality medicine that could be offered by ForwardGro in Maryland.

15. In addition to my son, other persons will suffer should access to medical cannabis in Maryland be delayed. For example, a number of severely wounded combat veterans that have undergone many operations along with long term physical therapy at Walter Reed Army Medical Center. Some of these veterans have confided in ForwardGro that they see medical cannabis as a very important alternative to opioids for pain management. One of these severely wounded combat veterans is a lead on ForwardGro's security team.

16. Any delay in the production of this medicine would harm patients who are suffering and have already waited years for safe access of this potentially life-saving medicine.

FURTHER AFFIANT SAYETH NOT.

[The remainder of the page is purposefully blank; the signature page follows.]

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.

Executed on May 30, 2017 in LOTHIAN, MARYLAND

Gary L. Mangum
Gary L. Mangum

Exhibit F

**IN THE CIRCUIT COURT
FOR BALTIMORE CITY, MARYLAND**

ALTERNATIVE MEDICINE
MARYLAND LLC,

Plaintiff,

v.

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

Defendants.

Case No. 24-C-16005801
Hon. Barry G. Williams

AFFIDAVIT OF CAROL LOVELESS

I, CAROL LOVELESS, having been first duly sworn, upon oath, depose and state:

1. I have personal knowledge of the facts contained herein. I am over 18 years of age. I am competent to testify to the facts contained herein.
2. I provide this Affidavit in support of ForwardGro, LLC's Opposition to Preliminary Injunction in the above-captioned action.
3. I am the owner of Elite Asset Protection. Elite Asset Protection was formed in August 2015, with the mission to hire US Military Veterans to provide security services to the Maryland Medical Cannabis Industry.
4. Elite Asset Protection has hired twelve security officers to secure the property, product and people of ForwardGro. All of the eight full time officers that Elite Asset Protection has engaged to do that have resigned from other full time jobs to accept this position. Three of the security officers have relocated to take this position.

5. The security staff serving ForwardGro includes a diverse group of individuals, including Black/African American individuals.

6. The annual expected revenue from Forward Gro to Elite Asset Protection is \$682,000.

7. Elite Asset Protection is a Woman Owned Business

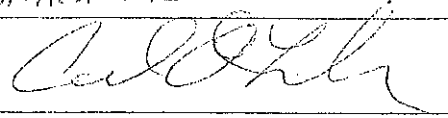
8. As the owner of Elite Asset Protection, I invested two years as a consultant and have personally financed expenditures to cover recruiting, hiring, licensing, training, uniforms, equipment and payroll for officers and staff to get this business off the ground. Suspension or loss of this business with ForwardGro would at this juncture create a financial loss of approximately \$275,000 and most likely require I file bankruptcy.

FURTHER AFFIANT SAYETH NOT.

[The remainder of this page is purposefully blank; the signature page follows.]

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.

Executed on May 30, 2017 in Lothian MD

A handwritten signature in cursive script, appearing to read 'Carol O. Loveless', written over a horizontal line.

Carol O. Loveless

ALTERNATIVE MEDICINE MARYLAND, et al. *

IN THE

Plaintiffs, *

CIRCUIT COURT

v. *

FOR

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

BALTIMORE CITY

Defendants, *

CASE NO. 24-C-16-005801

And *

TEMESCAL WELLNESS OF MARYLAND, LLC *
One East Pratt Street, Suite 904 *
Baltimore, MD 21202 *

Proposed Intervening Defendant. *

* * * * *

**TEMESCAL WELLNESS OF MARYLAND, LLC'S 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, CURIO 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)**

Temescal Wellness of Maryland, LLC, by its attorneys, Robert B. Schulman, Schulman, Hershfield & Gilden, P.A., Paul D. Bekman, and Bekman, Marder & Atkins, LLC, hereby files this Consolidated Motion to: Dissolve and/or Modify Temporary Restraining Order, Oppose the Motion for Preliminary Injunction, Adopt the Various Arguments and Evidence Submitted by Movants Jane Doe, John Doe, Curio 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, Intervene in this Action, and Establish Bond in the event an Injunction is Granted pursuant to Md. Rule 15-503(a), and states as follows:

1. Temescal Wellness of Maryland, LLC (“Temescal”) adopts and incorporates each and every averment and argument as set forth in Jane Doe, John Doe, Curio 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’s Motion to Dissolve or Modify TRO, Motion to Intervene in this Action, Motion for Stay Pending Appeal and Opposition to Motion for Preliminary Injunction


2. Temescal incorporates the attached Affidavit of Edward T. Rebholz, Jr. as Exhibit 1 to this Motion.

3. Temescal is a Stage 1 awardee of a medical cannabis grower license and is expecting to receive its full Stage 2 licensure on or before August 15, 2017.

4. Temescal has a direct property interest or other interest in this action that will be impaired if it is not permitted to intervene. Any further delay caused directly by this action would be extremely prejudicial to Temescal.

WHEREFORE, Temescal Wellness of Maryland, LLC, respectfully requests that its Consolidated Motion be granted, and that all relief requested therein be applied.

Respectfully Submitted,



Robert B. Schulman
Schulman, Hershfield & Gilden, P.A.
1 E. Pratt Street, Suite 904
Baltimore, Maryland 21202
rbs@SHG-Legal.com
410-332-0850 Telephone

Dated: May 31, 2017

Dated: May 31, 2017

Paul D. Bekman

Paul D. Bekman *By PDS*
Bekman, Marder & Adkins, LLC
300 W. Pratt Street, #450
Baltimore, Maryland 21201
bekman@bmalawfirm.com
(410) 539-6633 Telephone
(410) 625-9555 Facsimile

Counsel for Temescal Wellness of Maryland, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 2017, a copy of the foregoing was mailed via first-class, postage pre-paid mail, and via electronic mail to:

Ira T. Kasdan
Allan Weiner
Joseph D. Wilson
Bezalel Stern (*pro hac vice* to be filed)
Kelley Drye & Warren, LLP
3050 K Street, N.W., Suite 400
Washington, DC 20007
ikasdan@kelleydrye.com
aweiner@kelleydrye.com
jwilson@kelleydrye.com
bstern@kelleydrye.com

Counsel for ForwardGro, LLC

John A. Pica, Jr.
Pica & Associates, LLC
14 State Circle
Annapolis, MD 21401
JPica@johnpica.com

Counsel for Plaintiff Alternative Medicine Maryland, LLC

Brian S. Brown
Christopher T. Casciano
Brown & Barron, LLC
7 St. Paul Street, Suite 800
Baltimore, MD 21202

bbrown@brownbarron.com

Counsel for Plaintiff Alternative Medicine Maryland, LLC

Byron Warnken
Warnken, LLC
2 Reservoir Circle, #104
Baltimore, MD 21208
byron@warnkenlaw.com

Counsel for Plaintiff Alternative Medicine Maryland, LLC

Heather B. Nelson
Robert D. McCray
Office of the Attorney General
Maryland Department of Health & Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201
Heather.nelson1@maryland.gov
Robert.mccray@maryland.gov

Counsel for Defendants

Arnold M. Weiner
Michael D. Berman
Barry L. Gogel
Rifkin, Weiner, Livingston, LLC
2002 Clipper Park Road, Suite 108
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aweiner@rwillaw.com
mberman@rwillaw.com
bgogel@rwillaw.com

Counsel for 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

Alan M. Rifkin
Rifkin, Weiner, Livingston, LLC
225 Duke of Gloucester Street
Annapolis, MD 21401
arifkin@rwillaw.com

Counsel for 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

Sydney M. Patterson, Esq.
Bruce L. Marcus, Esq.
Law Offices of Marcus Bonsib, LLC
6411 Ivy Lane, Suite 116
Greenbelt, MD 20770
SPatterson@marcusbonsib.com
bmarcus@marcusbonsib.com

Counsel for Intervenor Holistic Industries, LLC

Danielle M. Vranian, Esq.
Gary R. Jones, Esq.
Baxter, Baker, Sidle, Conn & Jones, P.A.
120 East Baltimore Street, Suite 2100
Baltimore, MD 21202
DMV@bbsclaw.com
grj@BBSCLaw.com

Counsel for Intervenor Holistic Industries, LLC



Robert B. Schulman

Exhibit 1.

ALTERNATIVE MEDICINE 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-16-005801

AFFIDAVIT OF EDWARD T. REBHOLZ, JR.

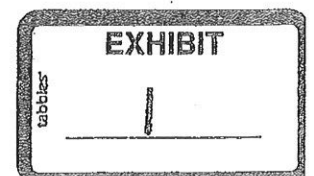
I, the undersigned, declare or affirm as follows:

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. Temescal Wellness of Maryland, LLC ("Temescal") is a Maryland limited liability company formed for, among other things, the purpose of seeking a license from the Maryland Medical Cannabis Commission ("MMCC"), and then for cultivating medical cannabis and distributing it to eligible patients through channels established and approved by the laws of Maryland.

3. On August 15, 2016, Temescal was approved by the MMCC for a Stage 1 grower license, after a rigorous and costly application process. Temescal is now in the final stages of the Stage 2 approval and licensure process. Temescal proffers that it believes in good faith that it will timely meet all requirements for Stage 2 approval and licensure by July 1, 2017.

4. I am told that under COMAR 10.62.08.06.E, MMCC may rescind pre-approval "if the grower is not operational within 1 year of pre-approval." Therefore, immediately after pre-approval on August 15, 2016, Temescal began taking steps to become operational on or before August 15, 2017.



5. In furtherance of the MMCC's goal to promote diversity in the Maryland cannabis industry, Temescal held a diversity job fair in Baltimore City on February 28, 2017. To date, fifty (50%) percent of Temescal's hired employees are minorities.

6. Growing medical grade cannabis is a highly-technical process that requires a substantial investment and a substantial amount of time and expertise is needed to develop a secure and effective cultivation facility. It is necessary to build or lease an appropriate facility, hire and train employees, purchase expensive and unique equipment, and take other steps required by law.

7. Temescal is in the final stages of completing construction of its 44,000-square foot cultivation and processing facility located in Baltimore, Maryland and is scheduled to receive its Use & Occupancy permit from Baltimore City on June 23, 2017. Any and all delay is costly. This facility represents an investment in excess of \$7,000,000 and it is intended to enable Temescal to bring its national market leading medical cannabis operations and products to thousands of Maryland patients.

8. Any restraint or injunction of the licensing process creates substantial uncertainty for Temescal and will cause it to immediately layoff all of its employees until such time as the matter is resolved and Temescal is able to commence operations. This will cause significant hardship to Temescal's employees and management. For example, as CEO of Temescal, I uprooted my family from Oakland, California and moved us across the country in December 2016. My wife was forced to leave her job where she had been employed at McKesson as a Vice President of Analytic Services for the past five years. We also made the agonizing decision to remove our five-year old daughter from her school to place her in a local Baltimore school at the mid-year point.

9. In addition to the foregoing, 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 shortens that benefit and is prejudicial.

10. In addition to the foregoing, I am extremely concerned that if the facility is not operational on or before August 15, 2017, MMCC may rescind pre-approval under COMAR 10.62.08.06.E.

11. I am the Chief Executive Officer, and an owner and member of Temescal.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

TEMESCAL WELLNESS OF MARYLAND, LLC

BY: ET Rebbholz Jr.
Edward T. Rebbholz, Jr.
May 31, 2017
Executed in Maryland

ALTERNATIVE MEDICINE MARYLAND, et al.	*	IN THE
	*	
Plaintiffs,	*	CIRCUIT COURT
	*	
v.	*	FOR
	*	
NATALIE M. LAPRADE MARYLAND	*	BALTIMORE CITY
MEDICAL CANNABIS COMM'N, et al.	*	
	*	
Defendants,	*	CASE NO. 24-C-16-005801
	*	
And	*	
	*	
TEMESCAL WELLNESS OF MARYLAND, LLC	*	
One East Pratt Street, Suite 904	*	
Baltimore, MD 21202	*	
	*	
Proposed Intervening Defendant.	*	
* * * * *		

REQUEST FOR HEARING

Movant, Temescal Wellness of Maryland, LLC requests a hearing on its Consolidated Motion.

Respectfully Submitted,

Dated: May 31, 2017

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Dated: May 31, 2017

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 2017, a copy of the foregoing **Request for Hearing** was mailed via first-class, postage pre-paid mail, and via electronic mail to:

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Counsel for Intervenor Holistic Industries, LLC

A handwritten signature in black ink, reading "Robert B. Schulman". The signature is written in a cursive style with a horizontal line underneath it.

Robert B. Schulman

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