

IN THE  
COURT OF APPEALS OF MARYLAND

**Filed**

JUN 23 2017

No. 98  
September Term 2016

Bessie M. Decker, Clerk  
Court of Appeals  
of Maryland

JANE AND JOHN DOE, *et al.*

Appellants,

v.

ALTERNATIVE MEDICINE MARYLAND, LLC, *et al.*

Appellees.

ON APPEAL FROM  
THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND  
(The Honorable Barry G. Williams)

BRIEF OF APPELLANT TEMESCAL WELLNESS, LLC

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## STATEMENT OF THE CASE

Appellant Temescal Wellness of Maryland, LLC (“Temescal”) adopts and incorporates each and every averment and argument as set forth in the Appellants’—Jane Doe, John Doe, Curio Wellness, LLC, SunMed Growers, LLC, Maryland Wholesale Medical Cannabis Trade Association, and the Coalition for Patient Medicinal Access, LLC—Brief and join in full in the relief requested therein.

Temescal is a Stage 1 awardee of a grower, processor, and dispensary license under the terms and conditions of the Maryland Medical Cannabis Act §13-3301, *et seq.* (the “Act”).

Temescal timely filed a Motion to Intervene, like that of Appellants, prior to the scheduled June 2, 2017 Preliminary Injunction Hearing before the Honorable Barry Williams in the Circuit Court for Baltimore City.

Temescal’s Motion to Intervene was pending and not ruled upon by the Circuit Court, inasmuch as this Court granted a stay of the Preliminary Injunction Hearing at approximately 10:00 a.m. on June 2, 2017.

As a grower, processor, and dispensary Stage 1 awardee seeking intervention in the Circuit Court, Temescal has the same due process, substantive, statutory, and procedural right to be heard as expressed in the Appellants’ Brief, which are adopted and incorporated herein and will not be repeated.

Temescal also seeks an Order permitting intervention and naming Temescal as an Intervenor of right in the Circuit Court proceedings.

### **QUESTIONS PRESENTED**

Temescal adopts and incorporates the Questions Presented as set forth in Appellants Brief.

### **STATEMENT OF FACTS**

Temescal incorporates, adopts, and endorses the Statement of Facts asserted in Appellants' Brief.

The Commission awarded Stage 1 licenses on August 15, 2016. The awardees were required to complete the prerequisites set forth by the Commission by August 15, 2017. Temescal was awarded a growers and processor license. Upon timely completion of the requirements, the Stage 1 license holders were to receive the Stage 2 final approvals. The Commission has a contractual obligation to grant approval to those license holders who have met the prerequisites. The effort and monetary commitments to perform as required by the Commission was enormous. The employees required to operate the business were hired. Some employees moved to Maryland and relocated their entire families. Temescal spent in excess of \$7,000,000 to meet the Commission's requirements.

The licenses for the dispensaries were awarded on December 9, 2016. Temescal was awarded a dispensary license. Since that time, Temescal has spent hundreds of hours in selecting and bringing to market a dispensary location. It has selected a site, negotiated a lease agreement, has prepared for and attended a hearing before an Administrative Law Judge on obtaining a special exception to operate a cannabis

dispensary, and has hired a builder to build out the space in accordance with Commission and State Guidelines.

The damage incurred by Temescal will certainly be catastrophic if the Commission's licensing process is shut down. These damages include, but are not limited to:

- Temescal and its owners, agents, representatives, contractors, and vendors will be irreparably harmed by the fact that they have collectively spent thousands of hours over the past 2½ years operating in reliance upon the laws, rules, and regulations codified under Maryland law;
- Temescal's reputation with investors, vendors, landlords, partners, patients, and the public, etc., cannot be properly and/or adequately remedied, rectified, or reversed if an Injunction is GRANTED. This will undoubtedly cause Temescal to lose over \$7,000,000 in value;
- Temescal's entire business would be irreparably injured and all of Temescal's employees would be left unemployed. Temescal would most likely lose those special employees that would ultimately set Temescal apart from its competitors;
- Temescal's loss of its investment in the business of more than \$7,000,000 thus far; and
- Temescal would be unable to meet its continuing financial obligations of:
  1. Office and equipment leases;

2. Real estate/property leases; and
3. Employment contracts.<sup>1</sup>

**ARGUMENT**

Temescal incorporates, adopts, and endorses the Arguments set forth by the Appellants.

**CONCLUSION**

Temescal incorporates, adopts, and endorses the Conclusion set forth by the Appellants.

Temescal seeks an Order of this Court granting it intervention as a matter of right in the Circuit Court for Baltimore City.

Respectfully submitted,



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<sup>1</sup> All of these facts are set forth in the Affidavit of Ted Rebholz filed in support of its Motion to Intervene filed in the Circuit Court and incorporated into the Record Extract.



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**CERTIFICATION OF WORD COUNT  
AND COMPLIANCE WITH RULE 8-112**

1. Appellant Temescal's Brief contains 710 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 stated in Rule 8-112.



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>RD</sup> of June, 2017, a copy of the foregoing Brief of Proposed Intervenor was sent by first-class mail, postage prepaid, to:

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