

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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CARMINE FIORE, WILLIAM NORGARD,
STEVE MEJIA, and DOMINIC SPACCIO,

Plaintiffs,

-against-

NEW YORK STATE CANNABIS CONTROL
BOARD, NEW YORK STATE OFFICE OF
CANNABIS MANAGEMENT, TREMAINE
WRIGHT, in her official capacity as the Chairwoman
of the New York State Cannabis Control Board, and
CHRIS ALEXANDER, in his official capacity as
Executive Director of the New York State Office of
Cannabis Management,

Defendants.
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: Index No. **907282-23**

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: Motion Seq. No. 1

: ~~PROPOSED~~ ORDER TO
: SHOW CAUSE FOR
: PRELIMINARY INJUNCTION
: AND TEMPORARY
: RESTRAINING ORDER

Upon the accompanying Memorandum of Law, dated August 2, 2023, the Affidavit of Carmine Fiore, sworn to on July 31, 2023, together with the exhibits annexed thereto, the Affidavit of William Norgard, sworn to on August 1, 2023, together with the exhibit annexed thereto, the Affirmation of Patrick J. Smith, sworn to on August 2, 2023, together with the exhibits annexed thereto, and all prior pleadings and proceedings hereto, and sufficient cause appearing therefore, and it appearing that there is genuine urgency and that immediate and irreparable injury, loss, or damage will result unless the Defendants NEW YORK STATE CANNABIS CONTROL BOARD ("CCB"), NEW YORK STATE OFFICE OF CANNABIS MANAGEMENT ("OCM"), TREMAINE WRIGHT, in her official capacity as the Chairwoman of the New York State Cannabis Control Board ("Wright"), and CHRIS ALEXANDER in his official capacity as

Executive Director of the New York State Office of Cannabis Management (“Alexander,” together with CCB, OCM and Wright, “Defendants”) are restrained before a hearing can be had, it is:

ORDERED that any party to this action appear before a judge to be assigned, located at 16 Eagle Street, Albany, New York 12207* on AUGUST 11, 2023, at 10:00a.m., or as soon thereafter as counsel can be heard, to show cause why an order should not be entered granting Plaintiffs’ CARMINE FIORE, WILLIAM NORGARD, STEVE MEJIA, and DOMINIC SPACCIO (the “Plaintiffs”) urgent application for a temporary restraining order and preliminary injunction against Defendants pursuant to Article 63 of the New York Civil Practice Law and Rules, enjoining Defendants from awarding or further processing any more conditional adult-use retail dispensary (“CAURD”) licenses and/or conferring operational approval upon any more provisional or existing CAURD licensees until such time as this Court adjudicates the motion and cross-motion for summary judgment filed in *Coalition for Access to Regulated & Safe Cannabis v. New York State Cannabis Control Board*, Index No. 902390-23 (Sup. Ct. Albany County) (the “Coalition Suit”); and it is further

ORDERED that, pending the hearing and determination of this application, Defendants, their agents and employees, are hereby restrained from awarding or further processing any more CAURD licenses and/or conferring operational approval upon any more provisional or existing CAURD licensees ~~until such time as this Court adjudicates the motion and cross-motion for summary judgment filed in the Coalition Suit;~~ and it is further **pending further order of this court.**

ORDERED that a copy of this Order and the papers upon which it is based shall be served by Plaintiffs upon all parties by electronically filing the same via NYSCEF on or before AUGUST 7, 2023, and that said service shall be deemed sufficient; and it is further

907282-23

ORDERED that opposition papers, if any, shall be served by electronically filing the same via NYSCEF on or before TBD, 2023.

ORDERED that reply papers, if any, shall be served by electronically filing the same via NYSCEF on or before TBD, 2023.

Date: August 7, 2023
Albany, NY

ENTER:


Hon. Kevin R. Bryant, J.S.C.

***Pre-argument submissions to be filed by uploading
to NYSCEF on or before August 9, 2023 at 5:00 p.m.
Schedule for further submissions, if any,
to be determined at oral argument on
August 11, 2023 at 10:00 in person at the
*Ulster County Supreme Courthouse,
285 Wall Street, Kingston, New York 12401***