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December 23, 2024

Honorable Sharon Graff  
Albany County Supreme Court  
Albany County Courthouse  
16 Eagle Street Albany,  
New York 12207  
(Via NYSCEF and Email)

Re: *Matter of Organic Blooms, LLC., et al. v. NYS Cannabis Control Board, et al.*  
Albany County Supreme Court  
Index No. 904497-24

Dear Justice Graff,

Our offices represent the Petitioners in this proceeding. I write in response to the Respondent's formal request for clarification of the Court's Preliminary Injunction, dated December 20, 2024. It is the Petitioners' position that the Court's Order is clear on its face but is being overread.

**A. Respondents are mistakenly conflating provisional applications and provisional licenses.**

First, Petitioners requested a pause to further processing of *applications* for initial licensure, not the further processing of *licenses* that have already been approved. While Petitioners initially sought that invalid licenses be revoked, the Court's Order is clearly limited to only the processing of provisional applications.

This clarification alone would address the overwhelming majority of Respondents' concerns regarding the scope of the Injunction. Under this reading, the Injunction allows Respondents to continue processing:

1. All non-provisional applications in the November and December queues;
2. CAURD applications that sent municipal notification forms to OCM prior to 11/17/23,
3. Public convenience and advantage requests for applicants from (1) or (2), above.

4. Any amendment requests, location approval requests, or other processing of ***already licensed entities*** (regardless of CAURD, provisional, or non-provisional status) whose licenses were approved prior to the Injunction.

This clarifies that anyone with a license and a location in hand would not be stopped from moving forward and opening under this Injunction, even if the licensee originally applied provisionally or as a CAURD applicant.

Similarly, it would allow any applicants who applied non-provisionally to move forward, since they are a part of “(1)” above, even if they have lost their applied-with locations in the meantime.

B. Respondents improperly handled municipal notification during the 2023 application window, so timing deficiencies of municipal notification by non-provisional applicants should be disregarded.

Petitioners’ position is that no further clarification of the Order is needed and any timing deficiencies regarding municipal notification should be disregarded for non-provisional applicants. Sadly, there were multiple improper acts by Respondents in handling municipal notification for the 2023 application window:

1. Respondents voided attempts to provide municipal notification prior to the announcement of the 2023 application window, despite Section 76(1) providing for notification up to 270 days before applying;
2. Respondents announced the 2023 application window on September 12, 2023, but did not provide 30 days’ notice of the opening of the window, so any applicants who applied between October 4th and October 12th would necessarily not have been able to provide the 30 days required by Section 76(1); and
3. As referenced in Petitioners’ Reply Affidavit, Exhibit F (docket # 44), on October 11, 2023, Respondents sent out an email during the application window providing improper guidance regarding municipal notification as required under Section 76(1).

As such, any deficiencies in the timing of municipal notification forms for non-provisional applicants should be disregarded.

In sum, the language of the Court's Order and Preliminary Injunction is clear and needs no further clarification than the above.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Spanos', is written over a horizontal line.

Thomas G. Spanos  
Attorney for Petitioners

cc: Counsel of record (via *NYSCEF* filing)