



**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**ALABAMA ALWAYS, LLC,** )  
)  
**Plaintiff,** )  
)  
**v.** )  
)  
**STATE OF ALABAMA MEDICAL** )  
**CANNABIS COMMISSION,** )  
)  
**Defendant.** )  
)  
)  
)

**Consolidated**  
**Case Number: 03-CV-2023-000231**

**SOUTHEAST CANNABIS COMPANY, LLC’S MOTION TO DISSOLVE TRO AND  
MOTION FOR EXPEDITED SETTING TO RESUME PRELIMINARY HEARING  
WITHIN THE MEANING OF THE ALABAMA OPEN MEETINGS ACT**

Intervenor-Defendant SOUTHEAST CANNABIS COMPANY, LLC (“SCC”) hereby moves this Court pursuant to *Ala. R. Civ. P.* 65(b) and Ala. Code § 36-25A-9 to dissolve the TRO in place in this matter (Doc. 180, as extended by Docs. 279 and 311), and requests that this Court expeditiously provide a setting to resume the preliminary hearing within the meaning of the Alabama Open Meetings Act (OMA), which commenced on August 28, 2023, resumed on September 6, 2023, and was continued generally by this Court on September 12, 2023 (Doc. 311).

The TRO has been in place now for over 40 days, since August 21, 2023, far beyond the 10-day limit contemplated by Alabama law. To the extent that SCC’s consent, as an Intervenor-Defendant in this matter, is required to further extend the TRO, such consent is hereby withdrawn. Moreover, the statutory procedure set forth in Ala. Code § 36-25A-9 for allegations of violations of the Open Meetings Act (OMA) prescribes an aggressive timeline for resolution of such allegations, requiring “a final order on the merits ... within 60 days after the preliminary hearing unless a longer period is consented to by all parties and the court.” Ala. Code § 36-25A-9(e) (emphasis added). SCC does not consent to any such extension, and requests an expedited setting

to resume the OMA hearing that commenced on August 28, 2023, such that a final order on the merits, if necessary, can be issued on or before October 27, 2023 as required by law.

The OMA requires an aggressive timeline for resolution of such matters in recognition of the impact such allegations have on the public at large and on “third parties who have changed their position or taken action in good faith reliance upon the challenged action of the governmental body....” Ala. Code § 36-25A-9(f). The public at large is being impacted by Plaintiffs’ baseless OMA allegations and the resulting extended TRO because the timeline for Alabamians to gain access to medical cannabis is being delayed in direct correlation. Further, 20+ entities that have been granted a license to operate medical cannabis businesses in Alabama are being delayed in obtaining the issuance of those licenses.

WHEREFORE, premises considered, Southeast Cannabis Company, LLC respectfully requests that this Honorable Court dissolve the TRO and expeditiously set a date to resume the OMA preliminary hearing.

Respectfully submitted,

*/s/ A. Patrick Dungan*

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**CERTIFICATE OF SERVICE**

I hereby certify that, on October 4, 2023, I served a true copy of the foregoing on all counsel of record electronically via AlaCourt.

*/s/ A. Patrick Dungan*  
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A. PATRICK DUNGAN