

At a Term, Part ____, of the Supreme Court
of the State of New York, held in and for the
County of Albany, at the County Courthouse
thereof, located at 16 Eagle Street, Albany,
NY 12207, on the 24th day of
September, 2025

Present: Hon. **KERI E. SAVONA**
ACTING JUSTICE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

CONBUD, THE CANNABIS PLACE, REZIDUE,
SUMMIT CANNA, LLC, HUSH, HIGH FADE, ELISE
PELKA, LLC, HOUSING WORKS CANNABIS CO.,
COMMON COURTESY DISPENSARY, LLC,
TOASTREE, LLC, MONARCH NYC, LLC, LUXE
LEAF BOUTIQUE, LLC

Petitioners,

-against-

NEW YORK STATE CANNABIS CONTROL BOARD,
NEW YORK STATE OFFICE OF CANNABIS
MANAGEMENT, JESSICA GARCIA, in her official
capacity as Chairwoman of the New York State Cannabis
Control Board, and FELICIA A. B. REID, in her official
capacity as Acting Executive Director of the New York
State Office of Cannabis Management,

Respondents.

**ORDER GRANTING
PRELIMINARY
INJUNCTION**

Index No. 908591-25

Upon reading and filing the Order to Show Cause, dated August 18, 2025, together with the Affirmation of Jorge L. Vasquez, Jr., affirmed on August 15, 2025, and exhibits annexed thereto, the Affirmation of Coss Marte, affirmed on August 13, 2025, the Affirmation of Deniz Ozkurt, affirmed on August 14, 2025, the Affirmation of Osbert Orduna, affirmed on August 14, 2025, the Affirmation of Michael Montas, affirmed on August 12, 2025, the Affirmation of Nubia Ashley, affirmed on August 12, 2025, the Affirmation of Celes Walters, affirmed on August 13,

2025, the Affirmation of Elise Pelka, affirmed on August 13, 2025, the Affirmation of Chico Gibbons, affirmed on August 13, 2025, the Memorandum of Law, filed on August 15, 2025, and the Verified Petition and Complaint, verified on August 15, 2025, all in support of Petitioners' motion for a preliminary injunction, and no opposition to the motion having been filed, and upon all pleadings and proceedings heretofore had herein, and the motion having regularly come on to be heard, and after due deliberation having been held thereon;

NOW, IT IS HEREBY ORDERED that the motion is granted in part and only to the extent of the following, without any award of costs, fees, or disbursements to any party as against another, that until February 15, 2026:

1. Respondents shall calculate the distance between adult-use cannabis retail dispensary locations and school grounds consistent with the methods and standards described at Paragraph 23 of OCM's *Guidance for Adult-Use Retail Dispensaries* (revised March 11, 2024), which is annexed hereto as **Exhibit A**, when determining compliance with proximity requirements in relation to school grounds set forth at Cannabis Law § 72(6);
2. The distance calculation method set forth in Paragraph 1 shall apply to (a) applications for the renewal of licenses expiring on or before February 15, 2026, and (b) any other applications made by an existing licensee, provisional licensee, or other applicant for an adult-use retail dispensary license submitted to Respondents on or before February 15, 2026;
3. Unless Respondent moves to vacate or modify this injunction at an earlier date, by agreement of the parties, the injunction expires on February 15, 2026, without further order of the Court; and

IT IS HEREBY FURTHER ORDERED that the motion is otherwise denied without prejudice to renew on or after January 15, 2026.

ENTER,

Dated: 9/24, 2025

Keri E. Savona
HON. KERI E. SAVONA