

CROWN DISTRIBUTING LLC;	§	IN THE DISTRICT COURT
AMERICA JUICE CO., LLC	§	
CUSTOM BOTANICAL DISPENSARY, LLC;	§	
1937 APOTHECARY, LLC	§	
	§	
Plaintiffs	§	
	§	
v.	§	
	§	TRAVIS COUNTY, TEXAS
TEXAS DEPARTMENT OF STATE HEALTH	§	
SERVICES;	§	
JOHN HELLERSTEDT, in his official capacity as	§	
Commissioner of the Texas DSHS	§	
	§	
Defendants.	§	345TH DISTRICT COURT

ORDER ON TEMPORARY INJUNCTION

On this day, the Court considered the Application of Plaintiffs Crown Distributing LLC; America Juice Co., LLC; Custom Botanical Dispensary, LLC; and 1937 Apothecary, LLC (together “Plaintiffs”) for a Temporary Injunction, as well as Plaintiffs’ Petition and the evidence and other material submitted with the Application and Petition and hearing, and considering the evidence presented and admitted at the temporary injunction hearing on September 14, 2020, the Court GRANTS-IN-PART and DENIES-IN-PART Plaintiffs’ Application.

The Court finds that Plaintiffs have demonstrated a probable right to relief sufficient to warrant the issuance of a temporary injunction in this matter. Therefore, the Defendants in this matter are temporarily enjoined from enforcing 25 Tex. Admin. Code § 300.104 (“the Rule”), assessing any fines from violation of the Rule, or otherwise penalizing any entity in any way from violating the Rule.

Defendants stipulated that Plaintiffs would suffer irreparable harm and did not challenge Plaintiffs’ Application for Temporary Injunction on any ground other than Plaintiffs’ probable

right to relief. The Court finds that Plaintiffs have met their burden to demonstrate that they have been injured or will be injured due to Defendants' adoption and enforcement of the Rule, that Defendants' actions are causing damage to Plaintiffs' business, including immediate and irreparable injury such as revenue lost or costs incurred by not being able to manufacture, process, distribute or sell smokable hemp products. Plaintiffs cannot be adequately compensated in damages because there is no monetary relief that can be obtained from Defendants. Such injuries would be compounded should Defendants not be immediately enjoined from enforcing the Rule. This Temporary Injunction prevents Plaintiffs from suffering irreparable harm until the Court can decide the Plaintiffs' constitutional and other claims.

The Court further finds that a balance of the equities between Plaintiffs and Defendants favors issuing temporary injunctive relief. The Court finds that by issuing the temporary injunction, Defendants will not suffer any damages or harm, or if any such damages or harm is suffered it will be slight and will be protected by the bond ordered herein.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that Defendants and all other persons or entities in active concert or participation with Defendants who receive actual notice of this Order by personal service or otherwise are enjoined as follows: Defendants shall not, directly or indirectly, enforce 25 Tex. Admin. Code § 300.104, assessing any fines from violation of 25 Tex. Admin. Code § 300.104, or otherwise penalize any entity or person in any way from violating 25 Tex. Admin. Code § 300.104.

IT S FURTHER ORDERED, ADJUDGED, and DECREED that any request for temporary injunction beyond what was restrained in the Court's Temporary Restraining Order entered in this matter on August 20, 2020 is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that this Order shall remain in effect until conclusion of trial in this matter, which shall be set on February 1, 2021.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Plaintiffs shall post with the Clerk of this Court a bond in the amount of \$ 0.

The Clerk of the Court shall, upon filing of this signed Order, issue a Temporary Injunction in conformity with the law and the terms of this Order.

SIGNED on September 18, 2020, 2020, at 2:45 pm.



HONORABLE JUDGE PRESIDING