

**IN THE CIRCUIT COURT OF PULASKI COUNTY
CIVIL DIVISION**

**2600 HOLDINGS, LLC d/b/a
SOUTHERN ROOTS CULTIVATION**

PLAINTIFF

v.

CASE NO. 60CV-21-582

**ARKANSAS DEPARTMENT OF FINANCE
AND ADMINISTRATION; ARKANSAS
ALCOHOLIC BEVERAGE CONTROL DIVISION;
and ARKANSAS MEDICAL MARIJUANA COMMISSION**

DEFENDANTS

PROPOSED RESPONSE TO MOTION FOR EXPEDITED RULING

Comes now Bennett Scott “Storm” Nolan, II (“Nolan”) and River Valley Production, LLC d/b/a River Valley Relief Cultivation (“River Valley”), Proposed Intervenors, by and through its undersigned counsel, in response to Plaintiff’s Motion to Expedited Ruling, states:

1. In response to the Court’s November 3, 2022, Order, the Alcoholic Beverage Control Division (“ABC”) of the Arkansas Department of Finance and Administration (“ADFA”) has set a hearing on Nolan’s license ten (10) calendar days away. The ABC is governed not just by the Order, but also by Arkansas Constitution, Article 2, Section 8 (Due Process), and likewise the Administrative Procedures Act.

2. The statutes of Arkansas, Ark. Code Ann. §§ 25-15-210(c), 212, give Nolan a right to a hearing before the ABC. ABC may thereupon revoke his license, and stay or suspend the revocation, until his appeal is heard. Another cultivator may have to be chosen from a new pool of applicants, able to commence production and sale of medicines that Arkansans need, such as those with Parkinson’s, glaucoma, PTSD, chronic pain, chemotherapy, et al. Their supply would stand

to be reduced 12½%, until a new cultivator can take Nolan’s place. ABC is charged with the public welfare in its decisions, and must consider the public and its access to medical treatment in decisions immediately to enforce, or otherwise to stay orders of revocation.

3. Plaintiff professes to be concerned with “waste,” but counsels haste. The unserved Nolan/River Valley parties have \$6 million in unsold marijuana (including work-in-progress) that will also waste if the Court accedes to Plaintiff’s demand. 75 employees would lose their jobs at a particularly sensitive time of year. Arkansas patients are already paying the highest prices in the nation. Plaintiff wants them to waste in pain, or else to waste their money, should a sudden supply shock (12½%) hit the market.

4. Plaintiff, as had been noted in another submission, cannot claim a license for itself, because it is not a “natural person,” as the Constitution, Amendment 98, Section 8(q)(2) requires. Thus, it cannot be prejudicial to 2600 Holdings, LLC, if the ABC holds the hearing. Even if a natural person (allied with 2600 Holdings, LLC) had himself/herself brought suit, it would be quickly shown by the attached exhibit (Exhibit “1”) that the location that 2600 Holdings, LLC, would rent, at “2600 Triangle Street in Jacksonville, Arkansas,” is itself less than 700 feet from the “Jacksonville North Public School District Transportation Complex” (see school buses at aerial photo of the facility). The public is rightly concerned that its school bus drivers have a safe place to operate from, and school bus personnel particularly need protection from such near proximity to marijuana cultivation is case of fire. With so many qualifying locations in Pulaski County and surrounding areas, it is surprising that 2600 Holdings, LLC, should have chosen one so near an essential facility of the Jacksonville schools.

5. The Arkansas Medical Marijuana Commission’s Rules, Section 3(13) define “school” to be a “building or facility operated by a public school district.” The difference between

a school bus facility and a juvenile detention facility is that the former is an essential facility actually owned and operated by a public school district, while the latter is owned and operated by the county and its law enforcement offices. If the people, in Amendment 98, had wanted to assure that adult jails and juvenile detention facilities not be within the 3,000-foot zone of safety that they specified, they could have. Plaintiff lacks even rudimentary standing, and may even be said to have “unclean hands”; yet, it entreats for extraordinary relief. Indeed, if 2600 Holdings, LLC, purports to represent the public in any way, one may question whether it is an adequate representation, given this circumstance.

6. Allowing Nolan and River Valley to assert their rights at the hearing on November 28, 2022, cannot injure Plaintiff’s interest: it has none. It cannot harm the public’s interest to have a hearing on November 28, 2022. The Court should do nothing more than it has: it decided an issue between 2600 Holdings, LLC, and the two State agencies. Nolan and River Valley are entitled under the Constitution and our statutes to appear and defend and make its arguments at the November 28, 2022 hearing, including about the public interest.

WHEREFORE, PREMISES CONSIDERED, Plaintiff’s Motion for Expedited Ruling should be overruled.

Respectfully Submitted,

BENNETT SCOTT “STORM” NOLAN, II, and
RIVER VALLEY RELIEF PRODUCTION, LLC,
d/b/a RIVER VALLEY RELIEF CULTIVATION

/s/ Matthew T. Horan

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River Valley Production, LLC, d/b/a River Valley
Relief Cultivation*

CERTIFICATE OF SERVICE

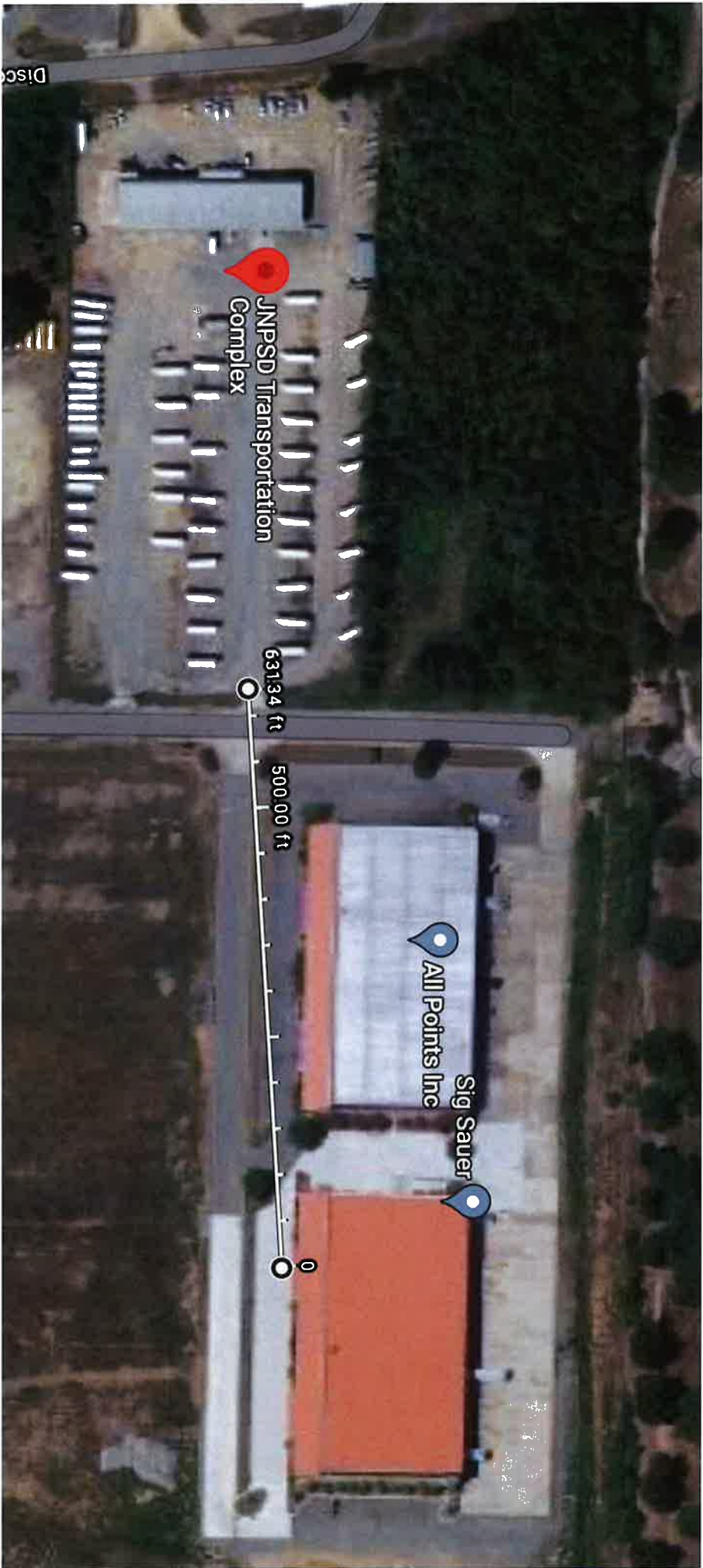
I, Matthew T. Horan, do hereby certify that on this 18th day of November, 2022, I filed the foregoing via the E-Flex electronic filing system, which shall send notification of the filing to any participants.

s/ Matthew T. Horan
Matthew T. Horan



Tenant: 2600 Holdings LLC and or its assigns

I, Preston Robinson, on behalf of Tango Properties TBP, LLC hereby state that I am the authorized signer for the property located at 2600 Triangle Street in Jacksonville, Arkansas 72076 (the "Premises") acknowledge and consent to the use of the premises as a medical marijuana cultivation facility. This acknowledgement further affirms that I, as Landlord, intend to execute a lease agreement with 2600 Holdings LLC should this company be awarded State of Arkansas Medical Marijuana Cultivation License.

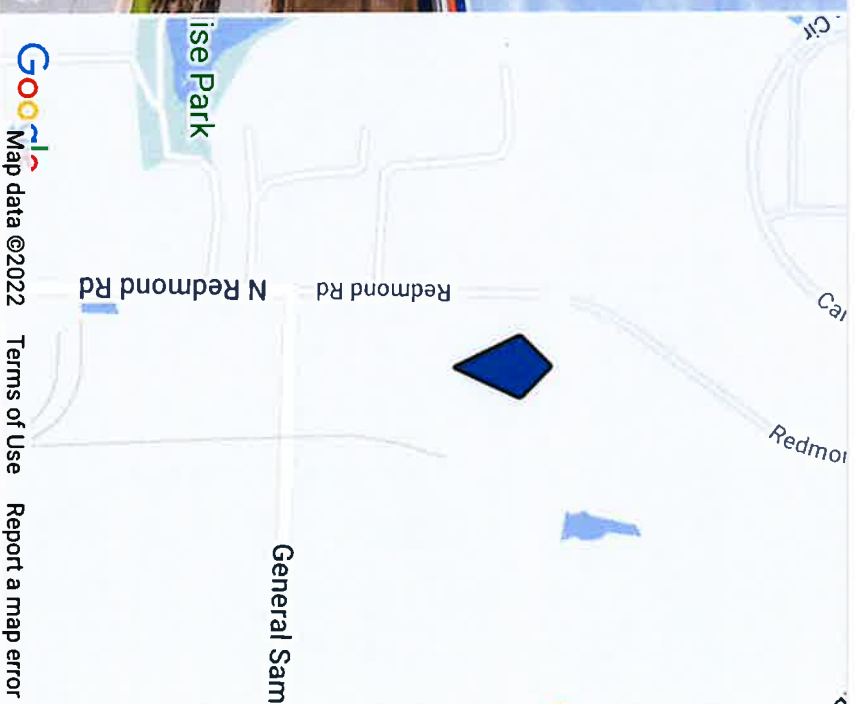


Disc

2600 Triangle St Jacksonville, AR 72076

Property For Lease

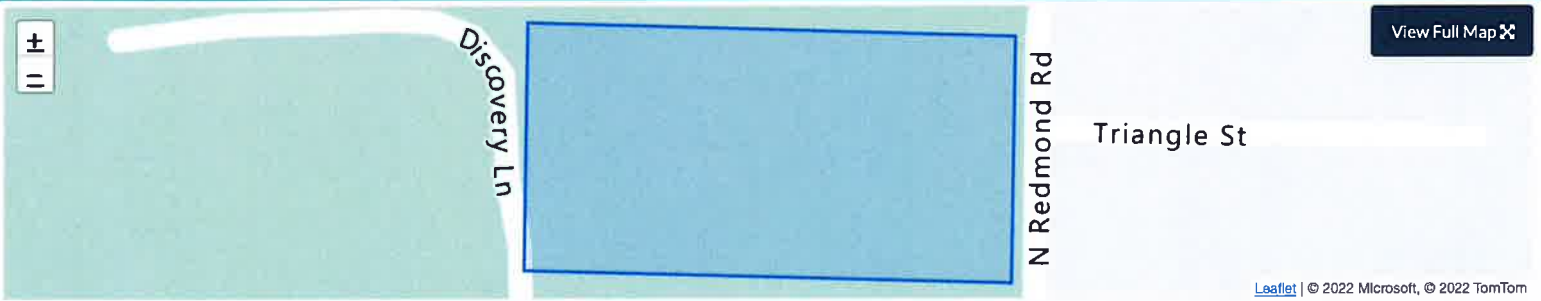
Commercial Real Estate / Arkansas / Jacksonville / 2600 Triangle St, Jacksonville, AR 72076



Basic Information

Parcel Number: 22J0010000102
 County Name: Pulaski County
 Property Address: JACKSONVILLE NORTH PULASKI SCHOOL DISTRICT
 2300 REDMOND RD
 JACKSONVILLE, AR 72076-0000
[Map This Address](#)
 Mailing Address: JACKSONVILLE NORTH PULASKI SCHOOL DISTRICT
 1414 W MAIN ST
 JACKSONVILLE AR 72076
 Total Acres: 5.21
 Timber Acres: 0.00
 Sec-Twp-Rng: 13-3N-11W
 Lot/Block: /
 Subdivision: 3N-11-13
 Legal Description: PT SW NW & NW SW MPDA COM SE COR NW SW TH N0°32'E1241.44' FOR POB TH N88°29'W719.40' N0°32'E336' S88°29'E719.40' S0°32'W336' TO POB 13 3N 11W
 School District: 009 JAX JNPSD
 Homestead Parcel?: No
 Tax Status: **EXEMPT-SCHOOL**
 Over 65?: No

Parcel Boundary



Land Information

Land Type	Quantity	Front Width	Rear Width	Depth 1	Depth 2	Quarter
COMSQFT	226,947 sqft					

Valuation Information

[view prior year information](#)

Entry	Appraised	Assessed
Land: ⓘ	34,050	6,810
Improvements: ⓘ	283,300	56,660
Total Value: ⓘ	317,350	63,470
Taxable Value: ⓘ		63,470
Millage:		0.0614
Estimated Taxes: ⓘ		\$3,897.06
Assessment Year:		2021

Sales History ⓘ

Filed	Sold	Price	Grantor	Grantee	Book	Page	Deed Type
7/22/2016	6/29/2016	0	PULASKI COUNTY SPECIAL SCHOOL DISTRICT	JACKSONVILLE NORTH PULASKI COUNTY SCHOOL DISTRICT	2016	045298	SWD(SPECIAL WARRANTY DEED)