

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.	§	345 TH DISTRICT COURT

**TEMPORARY RESTRAINING ORDER**

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 Restraining Order, as well as Plaintiffs’ Petition and the evidence and other material submitted with the Application and Petition.

To preserve the status quo as it existed on August 1, 2020, based upon the pleadings and arguments of counsel, the Court finds that immediate and irreparable injury and damage will result to Plaintiffs unless Defendants are temporarily restrained 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.

The Court finds that Plaintiffs 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, having to relocate

or shut down part of Plaintiffs' businesses, possibly losing market share, and brand erosion. 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 restrained from their activities.

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 restraining order herein, 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:

1. 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.
2. This Order restores the status quo as it existed on August 1, 2020. It does not permit or sanction any activity that was illegal as of or prior to that date.

This prohibition lasts until the date of the temporary injunction hearing ordered below, or until further notice of the Court.

Actual notice of this temporary restraining order shall be made by personal service in accordance with the Texas Rules of Civil Procedure.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that this Order shall expire at 11:59 p.m. on September 2, 2020, unless extended or earlier terminated by further order of this Court.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that a hearing on Plaintiffs' Application for Temporary Injunction shall commence on September 2, 2020 at 9:00 a.m. in the 261<sup>st</sup> Judicial District of Travis County, Texas.

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

SIGNED on August 20, 2020, at 6:54 p.m.

  
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HONORABLE JUDGE PRESIDING