

# Public Update on Status of Pending Litigation

# The Cases

*Justyna Jensen v. RI CCC, et al.*, 1:24-cv-00191, Filed May 15, 2024

*John Kenney v. RI CCC, et al.*, 1:24-cv-00252, Filed June 26, 2024

*Justin Palmore v. RI CCC, et al.*, 1:25-cv-00622, Filed November 24, 2025

# Causes of Action

*Jensen and Palmore:*

- Dormant Commerce Clause
- Equal Protection Clause
- Declaratory Judgment

*Kenney:*

- Dormant Commerce Clause
- Declaratory Judgment

# Challenged Provisions of RI Cannabis Act

- Definition of “Applicant” in § 21-28.11-3(3)
- Language in § 21-28.11-10.2(b)(2), “Minimum qualifications . . . proof that the applicant . . . is a resident of the state.”
- Definition of “Disproportionately impacted area” in § 21-28.11-3(23)
- Definition of “Member of an impacted family” in § 21-28.11-3(34)
- Definition of “Social equity applicant” in § 21-28.11-3(39)

## Case Travel

# *Jensen*

**May 15, 2024:** Plaintiff files complaint

**June 10, 2024:** Plaintiff files motion for preliminary injunction

**July 22, 2024:** CCC files motion to dismiss complaint and objection to motion for preliminary injunction

**February 6, 2025:** Federal District Court grants CCC's motion to dismiss, dismisses Plaintiff's complaint and denies Plaintiff's motion for preliminary injunction; Plaintiff files notice of appeal to First Circuit

**November 25, 2025:** First Circuit issues opinion reversing District Court order and requiring District Court to issue decision "on both merits and remedies at least forty-five days before the date on which the Commission intends to issue retail licenses pursuant to the Act."

**January 15, 2026:** District Court sets expedited briefing schedule for CCC's renewed motion to dismiss and Plaintiff's motion for a preliminary injunction

**January 30, 2026:** CCC files supplemental motion to dismiss and objection to preliminary injunction

**February 20, 2026:** Plaintiff files motion in support of preliminary injunction and opposition to motion to dismiss

**March 20, 2026:** Remote hearing and oral argument held

**April 8, 2026:** District Court issues memorandum and order denying CCC's motion to dismiss and enjoining CCC's application and licensing process

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# Case Travel

## *Kenney*

**June 26, 2024:** Plaintiff files complaint

**September 25, 2024:** Plaintiff files amended complaint

**November 8, 2024:** CCC files motion to dismiss amended complaint

**February 6, 2025:** Federal District Court grants CCC's motion to dismiss, dismisses amended complaint

**February 19, 2025:** Plaintiff files notice of appeal to First Circuit

**November 25, 2025:** First Circuit issues opinion reversing District Court order “for prompt consideration and resolution of plaintiff’s claims,” and requires District Court to issue decision “at least forty-five days before the date on which the Commission intends to issue retail licenses pursuant to the Act.”

**January 6, 2026:** Plaintiff files motion for preliminary injunction

**January 15, 2026:** Expedited briefing schedule set by the Court

**January 30, 2025:** CCC files supplemental motion to dismiss and objection to preliminary injunction

**March 20, 2026:** Remote hearing and oral argument held

**April 8, 2026:** District Court issues memorandum and order denying CCC's motion to dismiss and enjoining CCC's application and licensing process

## Case Travel

# *Palmore*

**November 24, 2025:** Plaintiff files complaint

**February 20, 2026:** CCC files motion to dismiss complaint

**March 5, 2026:** Plaintiff files objection to CCC's motion to dismiss

**March 20, 2026:** Remote hearing and oral argument held

**April 8, 2026:** District Court memorandum and order issued denying CCC's motion to dismiss and enjoining CCC's application and licensing process

# District Court Memorandum and Order

## Effect

CCC's motions to dismiss the *Jensen*, *Kenney* and *Palmore* complaints denied

*Jensen* and *Kenney* motions for preliminary injunction granted, enjoining CCC from:

- Enforcing R.I. Gen. Laws § 21-28.11-3(3) (definition of “Applicant”), § 21-28.11-3(23) (definition of “Disproportionately impacted area”), § 21-28.11-3(34) (definition of “Member of an impacted family”), § 21-28.11-3(39) (definition of “Social equity applicant”), and § 21-28.11-10.2(b)(2), and the corresponding Rules and Regulations adopted by the Cannabis Control Commission.
- Proceeding with the current application or licensing period, which includes
  - (1) holding the lottery to select applicants, and
  - (2) processing any applications submitted under the current licensing period

## District Court Memorandum and Order

# What comes next

- Appeal of preliminary injunction order filed to lift or modify stay
- Cases will continue through the litigation process
- Continue to monitor legislation which may result in statutory changes
- CCC will be reaching out to current applicants with next steps

**Website:** [www.ccc.ri.gov](http://www.ccc.ri.gov)

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