

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Green Analytics North, LLC d/b/a :
Steep Hill PA, Hanging Gardens, LLC, :
Pennsylvania Medical Solutions, LLC, :
Curaleaf PA, LLC, AES Compassionate :
Care, LLC, Standard Farms, LLC and :
Parea BioSciences, LLC, :
Petitioners :
v. :
Pennsylvania Department of Health, :
Respondent : No. 104 M.D. 2023

PER CURIAM

ORDER

AND NOW, this 4th day of March, 2023, upon consideration of Petitioners’ application for emergency relief entitled “Application for Special Relief in the Nature of an *Ex Parte* Preliminary Injunction” (Application), wherein Petitioners seek to prevent the immediate enforcement of the Pennsylvania Department of Health’s (DOH) newly promulgated Section 1171a.29(c)(1)-(2) of its Regulations, 28 Pa. Code § 1171a.29(c)(1)-(2), which became immediately effective this date upon publication in the Pennsylvania Bulletin, and the Court being satisfied based on the averments contained in the pleadings that Petitioners will sustain immediate and irreparable injury before notice can be given or a hearing held regarding Section 1171a.29(c)(1)-(2) of DOH’s Regulations, *see* Pa.R.Civ.P. 1531(a), said Application is GRANTED.

DOH is temporarily enjoined from enforcing Section 1171a.29(c)(1)-(2) of its Regulations. Subsequent to the filing of this Order, the Court will schedule a conference call with the parties to discuss the continuance of this special injunction and/or a hearing related to Petitioners' simultaneously filed "Application for Special Relief in the Nature of a Preliminary Injunction." DOH is required to notify growers/processors of the stay of its implementation of Section 1171a.29(c)(1)-(2) of DOH's Regulations within 24 hours of receipt of this Order, but no later than noon on Monday, March 6, 2023.

In accordance with Pennsylvania Rule of Civil Procedure 1531(b)(1), Petitioners shall file a bond in the amount of \$100.00 with the Prothonotary of the Commonwealth Court, naming the Commonwealth as obligee, no later than noon on Monday, March 6, 2023.

Petitioners shall promptly serve a copy of this Order upon DOH and thereafter file a proof of service with the Court.