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MICHAEL K. JEANES, Clerk  
By K Ballard  
K. Ballard, Deputy

**COPY**

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9  
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
**IN AND FOR THE COUNTY OF MARICOPA**

11 TOTAL HEALTH & WELLNESS, INC.,  
12 an Arizona non-profit corporation; TOTAL  
ACCOUNTABILITY PATIENT CARE,  
13 INC., an Arizona non-profit corporation;  
TOTAL ACCOUNTABILITY SYSTEMS  
14 I, INC., an Arizona non-profit corporation;  
NON PROFIT PATIENT CENTER, INC.,  
15 an Arizona non-profit corporation; GREEN  
HILLS PATIENT CENTER, INC., an  
16 Arizona non-profit corporation; HERBAL  
PHARMACY OF CENTRAL ARIZONA,  
17 INC., an Arizona non-profit corporation;  
HERBAL WELLNESS CENTER, INC., an  
18 Arizona non-profit corporation;  
NATURE'S HEALING CENTER, INC.,  
19 an Arizona non-profit corporation;  
NATURE'S WONDER, INC., an Arizona  
20 non-profit corporation; PREFERRED  
HERBS, INC., an Arizona non-profit  
21 corporation; KIND MEDS, INC., an  
Arizona non-profit corporation,  
22 plaintiffs,

Case No. CV2013-005901

**~~STIPULATION TO~~ TEMPORARY  
RESTRAINING ORDER**

(Assigned to the Honorable  
Randall Warner)

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vs.  
ARIZONA DEPARTMENT OF HEALTH  
SERVICES, an agency of the State of  
Arizona,  
defendant.

The parties, by and through undersigned counsel, stipulate to the following  
Temporary Restraining Order:

1. All dispensary registration certificates expire one year after date of issuance.  
A.R.S. §36-2804.06(A). Each of the plaintiffs named in the caption above (collectively  
“Plaintiffs”) claims to be the holder of a dispensary registration certificate valid for one year  
from the date of issuance, August 7, 2012. A.A.C. § R9-17-108(C).

2. The Medical Marijuana Program Rules require that a person holding a  
dispensary registration certificate submit to defendant Arizona Department of Health  
Services (“Department”) an application for approval to operate a dispensary at least sixty  
(60) calendar days before the expiration of the dispensary registration certificate. A.A.C. §  
R9-17-305(A).

3. The Medical Marijuana Program Rules require that a person holding a  
dispensary registration certificate submit to the Department an application for renewal of the  
dispensary registration certificate at least thirty (30) calendar days before the expiration of  
the dispensary registration certificate, and that as a condition of such application for renewal  
of the dispensary registration certificate, the applicant shall hold or shall have timely  
submitted an application for approval to operate a dispensary. A.A.C. §§ R9-17-308(A) &  
(B).

1           4.     Plaintiffs contend they have been delayed or prevented by the actions of others  
2 from timely submitting an application for approval to operate a dispensary, and they seek a  
3 temporary restraining order, preliminary injunction and other relief for the purpose of  
4 extending the sixty (60) day deadline, and ultimately the one year expiration deadline.

5           5.     The Department is willing to stipulate to a temporary restraining order for a  
6 short period of time to allow the parties to gather and present their evidence at a hearing on  
7 Plaintiffs' application for preliminary injunction.

8           6.     The parties agree that a hearing on Plaintiffs' application for preliminary  
9 injunction may and should be held before the expiration of Plaintiffs' dispensary registration  
10 certificates, which in the absence of further relief, will expire on August 7, 2013.

11          7.     It is agreed that the deadline for Plaintiffs to submit to the Department their  
12 applications for approval to operate a dispensary and their applications for renewal of their  
13 dispensary registration certificates is extended through the earliest of (A) further order of the  
14 Court, (B) further agreement of the parties, (C) the Court's ruling on Plaintiffs' application  
15 for preliminary injunction, or (D) August 6, 2013.

16          8.     A bond of \$0 shall be required to be posted by the Plaintiffs.

17          9.     The parties shall consult with the Court to set a hearing date and prehearing  
18 schedule for an evidentiary hearing on Plaintiffs' application for preliminary injunction.

19          10.    This stipulation and the temporary restraining order entered pursuant to this  
20 stipulation shall not extend the deadline for any person or entity, other than Plaintiffs, to file  
21 with the Department an application for approval to operate a dispensary or an application for  
22 renewal of a dispensary registration certificate.

1 DATED this 30<sup>th</sup> day of May, 2013.

<p>2 <b>CONANT LAW FIRM, PLC</b></p> <p>3 By: _____</p> <p>4 Paul A. Conant 2398 East Camelback Road Suite 925 Phoenix, Arizona 85016 Attorneys for plaintiffs</p>	<p><b>SHERMAN &amp; HOWARD</b></p> <p>By: _____</p> <p>Gregory Falls 201 East Washington Street Suite 800 Phoenix, Arizona 85004 Attorneys for defendant</p>
<p>7 <b>LAW OFFICES OF JERALD S. CHESLER,</b></p> <p>8 <b>P.C.</b></p> <p>9 By: _____</p> <p>10 Jerry Chesler P.O. Box 2987 Carefree, Arizona 85377 Attorneys for Intervenors</p>	

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13 *in open court*

14 IT IS THEREFORE ORDERED that, pursuant to stipulation of the parties set forth

15 above, the Court adopts the parties' stipulation as an Order of the Court effective immediately.

16 DATED this 31 day of May, 2013. Time: 9:40 a.m.

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18 **COPY**

19 Randall Warner, Judge  
Maricopa County Superior Court