Case Number: PC-2026-02802
Filed in Providence/Bristol County Superior Court
Submitted: 9/26/2026 4:28 PM
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Reviewer: J'Lyn D.

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT
BUSINESS CALENDAR

ANCORA PARTNERS, LLC
d/b/a FLOWER & POT,
Plaintiff,

v.

C.A. No. PC-2026-02802

RHODE ISLAND CANNABIS
CONTROL COMMISSION,
Defendant.

MEMORANDUM IN SUPPORT OF PLAINTIFF'S RENEWED MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

I. INTRODUCTION

Ancora asks this Court to require Defendant, the Rhode Island Cannabis Control Commission ("CCC" or "Commission"), to hold aside and not issue two cannabis retail licenses in Zone 4: one social equity license and one general retail license. Although Ancora ultimately seeks one license, preserving both alternatives will permit effective relief if Ancora prevails on its claims.

Ancora was the sole qualified applicant for the Zone 4 social equity license. It submitted a complete application on time, satisfied the zoning requirement, and provided the Commission with the facts showing that no competing applicant qualified. The Commission knew that Ancora was the sole qualified applicant. Ancora told it directly, and the CCC's own records support that fact. Yet the Commission neither approved Ancora nor gave it the substantive determination required within the ninety-day review period prescribed both by statute and the CCC's own regulations.

This case involves what amounts to bad faith by the Commission. The CCC left Ancora's application undecided, took no steps in pending federal litigation to protect Ancora (or any other applicant that was the sole qualified applicant for its license) and then advocated for legislation nullifying the pending applications instead of including them in the new process. As part of its advocation, it did not discuss or mention the "sole qualified" state of Ancora or other qualified applicants. It now invokes that legislation against Ancora, whose application remained pending because the Commission had not performed its required review and decision. Ancora

has come before this Court seeking enforcement of the approval it earned under the governing requirements.

The Court must decide whether these facts establish an enforceable right beyond an ordinary pending application and, if so, whether the later statute can lawfully extinguish it. The Commission's motion to dismiss is already scheduled for hearing. Ancora seeks interim preservation so that the Court can decide those issues without the Commission first exhausting the licenses needed to satisfy a favorable judgment.

II. BACKGROUND

The Commission approved the social equity certification and ownership structure through which Ancora applied. Ancora submitted its retail application, including its municipal zoning determination, on December 29, 2025. As discussed below, the CCC was bound – by both statute and regulation -- to review Ancora's application within 90 days of its submission. After the March 2, 2026 final zoning deadline, Ancora notified the Commission that it was the sole qualified Zone 4 social equity applicant and requested approval. The Commission did not decide Ancora's application within the ninety-day review period.

On April 8, 2026, the federal court enjoined the Commission's application and licensing process. Ancora commenced this action on May 26 and filed its original motion for temporary relief on June 8. Justice Darigan did not conduct a hearing or decide that motion. The matter now proceeds on the Business Calendar before this Court.

The later statute eliminated the disproportionately impacted area criterion under which Lisa Pontarelli had qualified as a social equity applicant. Ancora had relied on the Commission's certification and the requirement to choose one application category in Zone 4. It therefore seeks preservation of a general retail license as an alternative if the Court determines that the revised eligibility requirements prevent the social equity award.

On June 10, 2026, while this action was pending, the Legislature enacted R.I. Gen. Laws § 21-28.11-17.2. The federal court dissolved its injunction on August 14 and allowed the Commission to resume the revised process. *Jensen v. Rhode Island Cannabis Control Commission*, No. 1:24-cv-00191-MRD-AEM, Memorandum and Order, ECF No. 56, at 13

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(D.R.I. Aug. 14, 2026). The Commission now relies on the new statute in its motion to dismiss. That scheduled hearing will address the legal issues underlying Ancora's claims. Ancora brings the present motion to preserve an effective remedy as the CCC is now clear to award all licenses allotted by statute.

Ancora requests an initial temporary stay of the Zone 4 retail cannabis licensing process pending an expedited preliminary-injunction hearing. At a minimum, the Court should prohibit the Commission from awarding or otherwise committing one social equity license and one general retail license in Zone 4 until adjudication or further order. The Court should also require that the Commission provide notice to Zone 4 applicants of this action, Ancora's allegations, and the orders affecting the Zone 4 applications.

III. ANCORA COMPLIED ON TIME BUT THE COMMISSION LET THE NINETY-DAY DEADLINE PASS WITHOUT DECIDING

Ancora complied on time and became the sole qualified Zone 4 social equity applicant. It notified the Commission that no competing applicant had the required zoning approvals and it gathered proof from municipal zoning offices and presented it to the CCC. The commission took no action. David Rozen's affidavits affidavit describe Ancora's compliance, the municipal investigation, and the March submissions proving Ancora was solely qualified.. *Exhibit 36, ¶¶ 5–8, 14–15, 25; Exhibit 37, ¶¶ 4–8; Exhibit 38, ¶¶ 3–16*. The following facts support the Court's application of the governing law to Ancora's particular claim.

A. The renewed motion presents new evidence and a current need for relief.

The renewed motion rests on the original sworn account and additional evidence obtained after suit, including records produced through APRA and Rozen's review of public materials. *Exhibit 36; Exhibit 37, ¶¶ 1–3, 9–17*. Ancora's complaint seeks recognition of its timely qualification and sole-applicant position, selection or provisional approval subject to lawful final requirements, and preservation of its application and status pending adjudication. *Ancora's Complaint*, ¶¶ 60–83, 94–105, and Prayer for Relief, ¶¶ C–J.

The reopened licensing process now threatens the Court's ability to provide that relief.

B. Ancora established its social equity eligibility and submitted its zoning approval by the original deadline.

Ancora established its social equity basis through a verification process followed by affirmative Commission approval. Lisa Pontarelli sought certification in good faith under the disproportionately impacted area criterion and supplied information supporting her residential history. *Exhibit 31, pp. 1–3*. On November 14, 2025, the Commission notified Ms. Pontarelli that it had approved her Social Equity Applicant Status Certification and that she could apply for a social equity retail license. *Exhibit 01, pp. 1–2*. The certification established the social equity predicate. Ancora then had to satisfy the separate retail application requirements.

The members' choice of the social equity route determined how they organized and applied. Ancora's members considered both the social equity and general retail alternatives. They understood that Ancora could submit only one Zone 4 application and filing two applications, general and social equity, violated the Commissions regulations and guidance. The Commission warned that applying with different interest holders could result in disqualification and restricted further ownership changes while retaining social equity status. *Exhibit 01, p. 3*. They chose the social equity path, with Ms. Pontarelli as the qualifying majority owner. They organized around Ms. Pontarelli, and Mr. Rozen accepting a non-majority position despite being a major financial contributor. *Exhibit 36, ¶¶ 26–37*; *Exhibit 02, p. 22, FAQ No. 47*. The November 21, 2025 Operating Agreement assigned Pontarelli a 51% interest, Rozen a 44% interest, and Robert Coupe a 5% interest, and designated Pontarelli as the sole Managing Member. *Exhibit 21, §§ 3.1, 4.1*.

On December 15, 2025, the Commission approved Ancora's interest-holder change request and expressly permitted it to apply for a social equity retail license with the disclosed interest holders and corporate structure. Ancora relied on that approval and Ms. Pontarelli's certification when it submitted its social equity retail application. Ancora, because of the policies and regulations of the CCC, did not submit a parallel general retail application. *Exhibit 36, ¶¶ 26–37*.

The Commission received Ancora's social equity retail application on December 29, 2025, at 2:03:53 p.m. Its portal confirmation advised that review was underway and that the Commission would request additional information if needed. *Exhibit 07, p. 1*. Ancora included in its initial submission the December 17 letter of Cranston zoning official Stanley Pikul. That letter

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recognized retail cannabis as a by-right use at 1112 Reservoir Avenue under the applicable vested ordinance provisions, identified the prior development-plan and building-permit approvals, and distinguished the remaining state approvals, inspections, and certificate of occupancy. *Exhibit 04, pp. 1–2*. In short, as of December 2025 Ancora demonstrated full compliance with all regulatory criteria including zoning.

The Commission's own file copy contains the required forms and cover sheets for all nine items on its Part 2 application checklist, in checklist order, including the Cranston zoning determination filed as AUR Exhibit E(ii). *Exhibit 17, pp. 1–15*. Those records affirmatively support Ancora's position that it supplied every required application component by December 29, 2025..

The Commission allowed applicants until March 2, 2026, to submit final zoning documentation, including expiration of any special-use-permit appeal period. It retained December 29, 2025, as the deadline for other application requirements. *Exhibit 02, pp. 21–22*, *FAQ Nos. 40 and 44*. Ancora had already supplied its municipal zoning determination with its December application. The Court should find that Ancora met that threshold requirement before the extended zoning deadline (March 2, 2026). The CCC's own records show it was and is aware that Ancora was the sole qualified applicant as March, 2026.

C. Ancora was the sole qualified Zone 4 social equity applicant and gave the Commission specific notice.

Ancora investigated the competing locations by visiting and otherwise contacting municipal zoning offices and obtaining information from municipal officials. Its agents gathered the relevant zoning information within a day. Ancora did this work because the CCC did not. That information easily showed that none of the seven competing Zone 4 social equity applicants had met the final zoning requirement by March 2, 2026. Ancora's March 9 letter identified each competitor and the defect preventing qualification. *Exhibit 38, ¶¶ 5–11; Exhibit 10, pp. 1–2*.

Ancora's investigation concerned a finite set of proposed locations and municipal approvals that the Commission could itself have easily checked. Indeed, the CCC probably could have relied on the absence of zoning qualifications in the competing applicant's files. This would have been simple and likely would have taken less than an hour. Ancora identifies the municipal records it obtained and the information it supplied to the CCC in March. *Exhibit 38,*

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¶¶ *5–16*. Examples include the Cranston certificate, the Warwick determination for 1708 Elmwood Avenue, and the North Kingstown planning correspondence. *Exhibits 25–27*. The remaining Warwick letters identify the special-use-permit requirements at those locations. *Exhibits 28–30*.

Ancora pursued this inquiry in the ordinary course of its business. It was paying for premises it could not yet use and had other carrying costs. It wanted the licensing decision needed to begin operations. Ancora did not undertake the inquiry because it knew of the *Jensen* litigation. Its representatives conducted the inquiry as part of Ancora's normal business operations. Its representatives did not know of that lawsuit, and the Commission had not notified them. The March 9 letter requested approval as the sole qualified applicant. *Exhibit 10, pp. 1–2*.

Ancora followed the letter with supporting materials. On March 18, Ancora's agent David Pontarelli emailed Suzannah Skolnik and the Commission team the documents that Ancora had delivered in hard copy at the March 13, 2026 meeting. He expressly requested a response to the March 9 letter concerning the applicants' final zoning status as of March 2. Skolnik acknowledged receipt that afternoon. *Exhibit 08, pp. 1–3*. This acknowledgment establishes receipt of the follow-up competitor-zoning package showing no other qualified applicants. Ancora had already submitted its own zoning documentation with its original application. This clearly demonstrates the Commission's knowledge of Ancora's sole qualified status in March 2026.

The Commission knew that Ancora was the sole qualified Zone 4 social equity applicant. Ancora directly presented that fact, identified the competing applicants and their zoning deficiencies, supplied supporting information, and requested approval. The Commission acknowledged receipt. *Exhibit 38, ¶¶ 11–16; Exhibit 37, ¶¶ 4–8; Exhibit 08, pp. 1–3*. Its own internal records also identified the Zone 4 social equity license as requiring no lottery, as discussed below.

As noted, Ancora investigated the competing applicants as part of its normal operations and were not aware of the *Jensen* and related federal litigation. They were not aware of the possibility of an injunction interrupting the issuance of licenses. They were not aware because the Commission did not disclose the risks *Jensen* placed on applicants such as Ancora.

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Ancora also placed the Commission on notice of a second defect. On March 3, 2026, Ancora's counsel wrote that Green Dolphin LLC had submitted both a social equity application and a general retail application in Zone 4, contrary to 560-RICR-10-10-1, § 1.3.4(E)(1)–(2), which permits one application per zone and bars an interest holder from holding interests in more than one application per zone irrespective of license type. *Exhibit 19, pp. 1–2*. The record discloses no response to that objection and no action on it before the injunction. An applicant that filed in both categories was not a qualified Zone 4 social equity applicant under the Commission's own rule, independent of zoning.

D. The Commission itself recognized that the Zone 4 social equity award required no lottery.

The Commission's own records corroborate Ancora's contention that qualified competition did not prevent the Zone 4 social equity award. On April 8, at 2:41 p.m., Wentz wrote to Aveledo: "I also highlighted the places where we wouldn't need a lottery. It has now increased to five licenses that could be given out 2 general (Z3) and 3 SE (Z3,4,5)." *Exhibit 09, p. 2*. In context, "SE" refers to social equity licenses, and "Z3,4,5" refers to Zones 3, 4, and 5. Read with Ancora's March submission, this contemporaneous assessment supports allocating the Zone 4 social equity license without a competitive drawing.

E. The ninety-day deadline expired by March 30, 2026, and the Commission chose not to decide.

Ancora submitted its complete application, including its own zoning determination, on December 29, 2025. The Commission received it that day. *Exhibit 07, p. 1*; *Exhibit 04, pp. 1–2*; *Exhibit 36,* ¶¶ 5–8, 14–15, 25. The later zoning deadline gave competing applicants additional time. It was not a reason to, nor did it require, postponing the Commission's review of Ancora's already complete application.

The ninetieth calendar day after receipt was March 29, 2026. Allowing for the next-business-day rule, the deadline ran on March 30.[1] The Commission sent neither the required acknowledgment of a satisfactory and complete application nor a rejection specifying its reasons. *See R.I. Gen. Laws § 21-28.11-17.1(a)(1)–(2); 560-RICR-10-10-1, § 1.5(G)(3)(b)(1)–(2) (eff.*

[1] March 29, 2026 fell on a Sunday. Even allowing the next business day, March 30, the decision was due before the April 8 injunction. See 560-RICR-10-05-1, § 1.11(A) (providing a next-business-day rule for periods governed by the Commission's procedural regulation).

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May 1, 2025); Exhibit 03, p. 28. The April 8 injunction came after that deadline and does not explain the failure to decide within it. In fact, to date, the Commission has not revealed why it delayed in reviewing Ancora's application. It has presented no facts justifying its departure from the prescribed 90-day review deadline.

Rozen's supplemental affidavit describes public testimony showing that the Commission had ***decided*** to wait for litigation to be decided. Again, at the time, applicants such as Ancora were unaware of the risks posed by the *Jensen* litigation because the Commission had not communicated anything about that litigation.[2] At the March 31, 2026 Senate Finance Committee hearing, Cannabis Office Administrator Michelle Reddish stated in substance that the Commission was not then in a position to decide its application process because of "pending litigation." Rozen reviewed that recording after this action began. Exhibit 37, ¶¶ 2, 11–14. The issue here is the Commission's failure to perform the required review and determination before April 8. The separate legal issue concerning actual award is addressed in Section VI.

The Commission nevertheless made other decisions affecting the same applications. Rozen recounts Chief of Policy Carla Aveledo's testimony that the Commission had refused another extension of the zoning deadline and treated that issue as separate from the litigation. Exhibit 37, ¶¶ 13–14. It held applicants to the March 2 requirement while leaving Ancora's application undecided.

The Commission's records show that "review" occurred, but review activity did not supply the decision owed to Ancora. *Exhibit 06; Exhibit 12*. Ancora maintains that its application satisfied the governing requirements. It received no notice identifying a deficiency or rejecting the application within the required period. Internal review notes are not a substitute for the required communication to the applicant.

The Commission's adopted timeline contemplated a ninety-day review beginning January 1, 2026 with necessary lotteries occurring in May. *Exhibit 37, ¶ 9*; *Exhibit 13, pp. 4–5, 9–10*. Its April 17 minutes describe the process before the injunction, as Rozen recounts. *Exhibit 37, ¶ 10;*

[2] After the filing of this suit, Mr. Rozen spoke with Jeffrey Jensen, who was involved in the *Jensen* litigation. Mr. Jensen stated that the CCC was, essentially, arrogant in its handling of that litigation and proceeded in a way that exposed applicants such as Ancora to a worst possible outcome. The CCC could have settled that litigation in a manner that cost the Commission nothing and protected existing applicants. However, it would not negotiate or entertain compromise. Ancora will attempt to develop this theme factually during discovery.

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Exhibit 15, p. 3. A later selection date did not excuse failure to decide whether Ancora's individual application satisfied the requirements within its review period.

Ancora complied, supplied the competing applicants' zoning information, and demanded action. The Commission knew Ancora's sole-qualified status but gave it neither the required acknowledgment nor a reasoned rejection. Those facts support preserving the licensing remedy while the Court decides whether the Commission improperly withheld an approval Ancora had earned.

F. The restarted process makes a reservation necessary now.

The restarted process creates a present need to preserve the disputed licenses. After this action began, the Legislature enacted the statutory reset and the federal court dissolved its injunction. *Jensen v. Rhode Island Cannabis Control Commission*, No. 1:24-cv-00191-MRD-AEM, Memorandum and Order, ECF No. 56, at 13 (D.R.I. Aug. 14, 2026). The Commission can again advance applications toward awards.

The Commission's July presentation announced the new process and the voiding of prior applications. Its application materials identify an August 7 opening and a November 23, 2026 deadline. *Exhibit 37*, ¶ 15; Exhibit *16, pp. 3–5*; *Exhibit 11, p. 1*. The Court should reserve the disputed licenses before competing commitments impair its ability to provide effective relief.

IV. ANCORA'S PRIMA FACIE SHOWING WARRANTS PRESERVATION PENDING A MERITS DECISION

Ancora has made the showing required to preserve the disputed licenses pending adjudication. A preliminary injunction requires a reasonable likelihood of success, presently threatened or imminent irreparable harm for which no adequate legal remedy exists, favorable equities including the public interest, and preservation of the status quo. A prima facie showing of likelihood of success suffices and certainty of success is unnecessary. *Fund for Community Progress v. United Way of Southeastern New England*, 695 A.2d 517, 521 (R.I. 1997).[3]

Ancora presents evidence of timely compliance, sole qualified applicant status, notice to the Commission, and the Commission's failure to make any decision within the ninety-day

[3] R.I. R. Evid. 101(b)(3) exempts applications for a temporary restraining order from the Rules of Evidence, while preserving the rules governing privileges and work product. Ancora supports this request with affidavits and identified source materials.

period the statute and the regulation required. It seeks to preserve the finite licensing opportunity that a favorable judgment would require. The requested reservation leaves the final award for adjudication and permits the Court to tailor interim relief to the evidence. The Court should apply the prima facie standard to Ancora's merits showing and decide the reservation request without requiring Ancora first to obtain a final judgment establishing entitlement to the license.

V. ANCORA HAS A REASONABLE LIKELIHOOD OF ESTABLISHING AN ENFORCEABLE RIGHT TO RELIEF

Ancora has a reasonable likelihood of establishing that the Commission unlawfully withheld an earned approval and that this Court can provide a licensing remedy. Timely compliance, sole qualification, notice, and the absence of a decision matter because they support application of the compelled-approval and wrongful-delay authorities discussed below. The discretion provisions and statutory reset may require adjudication, but they do not make the Commission's conclusory description of Ancora's application as "pending" conclusive.

A. The statute commanded a decision within ninety days, and the Commission made none.

The Commission could not postpone its decision deadline by declining to decide. Upon receipt of a complete social equity application and any required fee, the regulation required it to determine qualification and, within ninety days, acknowledge a satisfactory and complete application or send a rejection stating specific reasons.[4] 560-RICR-10-10-1, § 1.5(G)(3)(b)(1)–(2) (eff. May 1, 2025); Exhibit 03, p. 28. The statute imposed the same duty. R.I. Gen. Laws § 21-28.11-17.1(a)(1)–(2).

That duty runs to the individual complete application upon receipt. The later selection schedule did not suspend it. For Ancora, the Commission had to provide the required determination by the end of March. It could not leave the application unanswered, then rely on that unresolved status as though no decision had been required. Ancora does not contend that expiration of ninety days issued a license by operation of law. Its claim to approval rests on its

[4] Section 1.5(G)(3) provides: "Upon receipt of a complete social equity retail license application and any required application fee, the Commission shall: … b. Determine whether the applicant and the premises qualify for the license and has complied with the provisions of the Cannabis Act and these rules, and, within ninety (90) days: (1) Acknowledge that the application is satisfactory and complete; or (2) Send the applicant a notice of rejection setting forth specific reasons why the license application is rejected, unsatisfactory, deficient or fails to comply with application requirements." 560-RICR-10-10-1, § 1.5(G)(3)(b)(1)–(2) (eff. May 1, 2025); Exhibit 03, p. 28.

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timely compliance, sole-qualified status, and the absence of a lawful basis to withhold the corresponding approval.

The regulation defines complete applications as those satisfying all applicable application requirements and requires the Commission to determine completeness before further evaluation. 560-RICR-10-10-1, § 1.5(F)(2) (eff. May 1, 2025); *Exhibit 03, p. 27*. Read with § 1.5(G)(3)(b), it does not permit the Commission to avoid the receipt-based deadline merely by withholding its acknowledgment.[5] Ancora's filings to the Commission, its communications to the Commission and Rozen's account support the conclusion that the CCC simply failed to communicate, even in the face of its own regulation. *Exhibit 17, pp. 1–15*; *Exhibit 36, ¶¶ 5–8, 14–15, 25.* An agency's silence is not proof of anything, and, in this case, it certainly should not work against Ancora.

The regulations also distinguish qualification, selection, provisional approval, and final licensure. They confine selection to qualified applicants and reserve later conditions for provisional licenses before operations begin. 560-RICR-10-10-1, §§ 1.5(G)–(I) (eff. May 1, 2025). This Court should not allow the Commission to collapse those stages and insist that Ancora prove entitlement to immediate operation merely to preserve the allocated license that should have preceded final operational approval.

Ancora has not yet obtained discovery establishing when the Commission decided to defer decisions, which applications were complete and when, or how it separated individual review from the later award schedule. Those matters can be developed without postponing protection of the available remedy. Ancora's present showing concerns its own complete submission and the Commission's failure to provide the required determination. The Court should evaluate the claimed approval at the appropriate licensing stage while preserving lawful conditions for final licensure.

B. Ancora's sole-qualified-applicant status eliminated the need to await a competitive drawing.

The Court should find that the absence of qualified competition removed the asserted need to await a lottery for the Zone 4 social equity allocated license. The March 9 letter

[5] The Commission has not provided detail as to when it decided to ignore the 90-day review rule. It has not acknowledged that Ancora's application was completed as of December 29, 2025. Ancora expects that discovery will shed some light on these issues.

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identified every competing applicant's failure to satisfy the final zoning deadline. The April 8 internal email independently identified Zone 4 social equity as a category requiring no lottery. *Exhibit 10, pp. 1–2*; *Exhibit 09, pp. 1–2*. These records support Ancora's contention that the Commission had everything it needed to know that Ancora was the sole qualified applicant and issue the corresponding license approval without delaying for a lottery that served no purpose for the Zone 4 Social Equity license.

The Commission's own prior practice confirms that an award without a drawing is administratively possible. In October 2025, it found New Leaf complete and qualified as the sole remaining qualified applicant in the pertinent compassion-center zone and approved a provisional license without a lottery. *Exhibit 14, p. 15*. This is consistent with the Commissions internal records discussed above. The Commission did not require a lottery where the number of qualified applicants is less than or equal to the allotted licenses for which they applied.

The CCC made it clear that it would not hold a lottery in situations where the number of available allotted licenses was equal to or exceeded the number of qualified applicants. *Second Rozen Affidavit, ¶ 22 (Exhibit 37); Exhibit 34, p. 20.* Ancora's argument rests on the combined facts: it satisfied the applicable requirements, no qualified competitor remained, the Commission knew those facts, and the Commission withheld a decision rather than identify a lawful basis to reject the application. The Court should determine whether, under that selection framework and those facts, the corresponding approval had become obligatory.

C. Rhode Island law authorizes the Court to compel an earned approval.

This case is now at a preliminary stage with an undeveloped factual record. On an appropriate factual record, this Court has the power to order the Commission to grant the allocated license and approval Ancora earned if the evidence establishes that only the ministerial act remained. In *Johnson & Wales College v. DiPrete*, *448 A.2d 1271, 1276–77 (R.I. 1982*), the Supreme Court upheld an order requiring an occupancy permit after officials delayed action and relied on intervening restrictions to defeat an otherwise lawful use. Once the governing requirements were satisfied, issuance became ministerial. The Court reached that result by applying *Wood v. Lussier*, *416 A.2d 690 (R.I. 1980),* where mandamus issued to direct a building inspector to grant a permit because the application conformed to all legal requirements. The official could not use the later imposed permit process to obstruct the lawful project.

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In *Newbay Corp. v. Annarummo*, *587 A.2d 63, 66–67 (R.I. 1991),* the Supreme Court likewise upheld compelled issuance where the applicant satisfied valid requirements and the agency withheld approval based on an additional requirement it had not lawfully adopted. These decisions establish that an agency's refusal to issue a license or approval does not end the inquiry. Courts have the power to determine whether the agency's denial of a license or approval is supported by a lawful basis.

Ancora asserts that principle, applied to the appropriate licensing stage in March 2026, requires the CCC to issue a license to Ancora. Its timely compliance, sole-qualified status, and the absence of a lottery supply the factual basis for determining whether only a ministerial approval remained. The distinction matters. This Court's declaratory and equitable authority permits it to decide whether Ancora earned an approval, even though the Commission never issued it. *See R.I. Gen. Laws §§ 9-30-1, 42-35-7; Newbay Corp. v. Annarummo*, *587 A.2d 63, 65–67 (R.I. 1991).* The Court may preserve lawful final licensing conditions while enforcing an approval it finds was wrongfully withheld.

D. Statutory discretion does not excuse failure to perform the Commission's required duties.

The Court should reject the Commission's reliance on general licensing discretion as a complete answer to unlawful delay. Statutes governing cannabis licensing provide discretion ***within stated criteria*.** R.I. Gen. Laws § 21-28.11-17 makes it clear that there is no general right to a license and that qualification as a licensee does not guarantee issuance of one. Section 21-28.11-17.1(b) makes any approval "subject to the rules and regulations promulgated by the commission" and conditions it on six enumerated requirements, including compliance with those regulations, the 500-foot school buffer, and consent to inspection. The CCC does not have absolute discretion and must abide by governing statutes and regulations.

The Commission had a duty to review and decide a complete application within the prescribed period. Ancora identified its sole qualifying position and requested action before the injunction. The Commission's own staff then recognized that the Zone 4 social equity allocated license needed no lottery. *Exhibit 10, pp. 1–2*; *Exhibit 09, pp. 1–2*. A reservation of discretion does not convert a decision to wait past the statutory deadline into a reasoned exercise of that discretion, and it does not answer whether Ancora's satisfaction of the governing requirements

and sole-qualified status left any lawful discretionary basis to withhold the corresponding approval.

The Commission's June submission states that it had not made final completeness or qualification determinations. *Exhibit 35, Affidavit of Erica Ferrelli*, ¶¶ 9–14, *Defendant's Exhibit B* to its June 12, 2026 Objection. That account only confirms the absence of a decision. It does not establish a lawful reason for withholding one. Indeed, the CCC has been silent about its reasoning. The Court should hold that the general discretion provisions do not foreclose review of Ancora's claim of unlawful administration and should preserve the available remedy while it determines whether the Commission lawfully withheld approval.

E. The Commission's wrongful delay supports enforcing the approval under the law that governed when Ancora earned it.

The Court should evaluate Ancora's claim to an earned approval under the governing pre-injunction framework and prevent the Commission from using its own wrongful delay to defeat that claim. *Johnson & Wales College v. DiPrete*, *448 A.2d 1271, 1276–77 (R.I. 1982*), recognizes relief where official delay and intervening restrictions obstruct an otherwise lawful approval. The decision involved invalid ordinances and established misconduct. It shows that the Courts are sometimes the only way for a private citizen to prevail in the face of wrongful government conduct, such as when a government actor subverts a process designed to be open and fair. It supplies an analogy for relief from wrongful delay.

Persuasive authority further recognizes the distinction between an ordinary pending application and a right that government conduct prevented from maturing. In *Faymor Development Co. v. Board of Standards & Appeals*, *45 N.Y.2d 560, 565–67 (1978),* the court granted relief where neighborhood interference and neglect of public officials prevented completion of the work needed to protect an existing permit before a change in zoning. In *Matter of Amsterdam-Manhattan Associates v. Joy*, *42 N.Y.2d 941, 942 (1977),* the court required application of the earlier rule after more than fifteen months of unjustified administrative delay, even without requiring a finding of bad faith.

Ancora's evidence supports the application of that principle here. Ancora submitted its application by the original deadline, its competitors failed the final zoning deadline, and it demanded approval before the injunction. The Commission's April 8 internal communication

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recognized the absence of a lottery requirement. *Exhibit 07, p. 1*; *Exhibit 10, pp. 1–2*; *Exhibit 09, pp. 1–2*. The Court should find that wrongful delay can support relief preserving an approval earned under the earlier framework and should adjudicate that claim before permitting the Commission to eliminate the available license.

F. The Court should preserve Ancora's accrued claim and adjudicate the reset statute's validity as applied to it.

Ancora contends that the statutory reset cannot lawfully extinguish both its previously earned approval and every avenue to obtain judicial relief for the Commission's prior failure to grant it.[6] The June 10 enactment added R.I. Gen. Laws § 21-28.11-17.2. Subsection (a) nullifies the earlier processes while subsections (b) and (c) direct new processes. Subsection (d) addresses loss of social equity eligibility and related claims, and subsection (e) broadly addresses actions connected with nullified application or certification processes. R.I. Gen. Laws § 21-28.11-17.2(a)–(e), as enacted by 2026 R.I. S. 3313, § 2, pp. 23–24 (eff. June 10, 2026). The Court must decide the reach and validity of those provisions as applied to Ancora's accrued-right claim. Ancora contends that its accrued-right claim is more than a pending application. Ancora asks the Court to determine whether its compliance and sole-qualified status made the corresponding approval obligatory before the reset, despite the Commission's failure to act. If so, the Court must then determine whether the new statute reaches that earned right and whether extinguishing it would be constitutional. The label "pending" does not decide those questions.

Ancora filed this action before the statutory reset to enforce an approval it contends it had already earned. Rhode Island's general savings statute protects accrued rights and previously commenced civil proceedings, subject to contrary legislative intent. R.I. Gen. Laws § 43-3-22. *Dunbar v. Tammelleo*, *673 A.2d 1063, 1065–67 (R.I. 1996),* distinguishes established awards from an applicant's expectancy. In addressing that claim, the Court rejected vesting upon the filing of a completed application and upheld application of an intervening amendment where the administrator acted within a reasonable time. *Id. at 1066–67*. Ancora relies on more than filing an application. Ancora asserts full compliance, sole-qualified status, the expired mandatory

[6] This is especially true if the CCC withheld information – such as the status of Ancora and other qualified applicants – when its agents and employees lobbied and testified as part of the CCC's push for the legislation without any allowance for those applicants that had qualified. It would amount to a government agency not fulfilling its duty and then eliminating an existing lawsuit by not telling the "whole truth." This, too, is an issue that will be developed during discovery.

review period, and the absence of a lawful basis to withhold approval. Those facts support its argument that an approval had become obligatory before the reset. The compelled-approval and wrongful-delay authorities support enforcement of an approval unlawfully withheld on those facts, rather than vesting based on filing alone.

Ancora recognized that Defendant will argue that the new statute defeats its claims. *Brennan v. Kirby*, 529 A.2d 633, 641–42 (R.I. 1987), recognizes that specific legislative intent can overcome the general savings rule. This Court has the power to determine whether Ancora was merely a pending applicant or a party that had earned an enforceable right to the corresponding approval prior to the statutory reset. That is the purpose of this suit. Ancora asks the Court to preserve its accrued claim under the savings rule to the extent the enacted text permits and, if the reset reaches that claim, to decide whether its extinguishment is constitutional as applied.

Article 1, section 5 of the Rhode Island Constitution independently protects access to judicial relief. In *Zab v. Rhode Island Department of Corrections*, 269 A.3d 741, 747–50 (R.I. 2022), the Supreme Court enforced that protection against a statutory denial of court access. Ancora invokes the same principle against use of the action bar to prevent adjudication of its existing claim or review of the enactment asserted to extinguish it. That guarantee preserves Ancora's access to a judicial determination..

The Commission's description of Ancora as a pending applicant does not answer whether Ancora had earned an enforceable approval or whether the new law can validly extinguish that claim. Those are issues for the Court, including at the already scheduled hearing on the motion to dismiss. Ancora asks the Court to preserve the two alternative licenses while it decides them. The present affidavits and governing authorities support the required prima facie showing; a reservation will keep the Commission's allocation of licenses from making a favorable ruling ineffective.

G. The required category election supports reserving a general retail license as alternative relief.

The Court should preserve a Zone 4 general retail license because the Commission required Ancora to forgo a simultaneous application in that category. The regulation permitted only one application per geographic zone and restricted interests in multiple applications within a

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zone irrespective of license type. 560-RICR-10-10-1, § 1.3.4(E)(1)–(2) (eff. May 1, 2025). The Commission's published guidance confirmed that restriction. *Exhibit 02, p. 22*, FAQ No. 47; *Exhibit 03, pp. 15–16*.

Ancora relied on the required election, the Commission's social equity certification, and its approval of the disclosed ownership structure. It submitted only a social equity application and did not apply in the general category. Rozen's previously filed affidavit explains Ancora's understanding that it could not pursue both categories within Zone 4. *Exhibit 36, ¶¶ 26–37; Exhibit 01, p. 3*. The executed Operating Agreement documents the majority ownership necessary for the selected route. *Exhibit 21, §§ 3.1, 4.1*.

Ancora raised the consequences of that election before the injunction. On March 3, 2026, its counsel objected in writing that Green Dolphin LLC had submitted both social equity and general retail applications in Zone 4 contrary to § 1.3.4(E)(1)–(2). The letter explained that Ancora had followed the one-application rule and elected the social equity category. *Exhibit 19, pp. 1–2*. Ancora's reliance on the required election was thus documented contemporaneously, before the State changed the eligibility criteria.

Ancora's understanding of that rule is documented earlier still. On October 17, 2025, more than two months before the application deadline, Rozen submitted a public comment to the Commission that described the "apparent prohibition on submitting the same property for both" license categories, explained that applicants were therefore deciding which single lottery to enter, and asked the Commission to "consider allowing dual submissions (social equity and adult use) for a single property." *Exhibit 32, pp. 2–3*. The Commission did not adopt that suggestion, and it did not tell applicants that both categories were open to them. Ancora then applied in one category only. The election was not a position developed for this litigation. It was the course the Commission's rule required, and Ancora had asked the Commission to change that rule before it applied.

Rhode Island recognizes that authorized affirmative governmental conduct inducing detrimental action or forbearance can support equitable estoppel. *Ferrelli v. Department of Employment Security*, 261 A.2d 906, 909–10 (R.I. 1970). Here, the relevant conduct includes the published restriction on dual applications, the Commission's affirmative certification and ownership determinations, and Ancora's resulting choices (internal organization and application)

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made in reliance. Ancora relies on that conduct to support protection of the general license if the revised law prevents the social equity award.

The Court should find that the required election and Ancora's concrete reliance support preserving a general retail license as an alternative equitable remedy. Preserving only a social equity license would expose Ancora to the loss of every usable remedy if the Court concludes that the revised statutory criteria created during the pendency of this case prevent a social equity award. The Court should reserve one license in each category simultaneously while it decides the lawful consequences of the Commission's required choice. Ancora seeks one ultimate license, and the Court can release the unnecessary alternative when adjudication establishes which relief the law permits.

VI. THE DISSOLVED FEDERAL INJUNCTION DOES NOT PREVENT THE REQUESTED PRESERVATION ORDER

The Court may enter the requested preservation order without conflicting with a federal licensing injunction. The August 14 order dissolved the injunction and allowed the Commission to resume applications, lotteries, and issuance under the amended law. *Jensen v. Rhode Island Cannabis Control Commission*, No. 1:24-cv-00191-MRD-AEM, Memorandum and Order, ECF No. 56, at 13 (D.R.I. Aug. 14, 2026). No continuing licensing restraint in that order prevents this Court from reserving the specified Zone 4 allocated licenses.

The earlier appellate direction remains relevant to the historical claim. The First Circuit required a district-court ruling at least forty-five days before anticipated license issuance. *Jensen v. Rhode Island Cannabis Control Commission*, 160 F.4th 18 (1st Cir. 2025) (No. 25-1132, slip op. at 3, 19). Ancora was not a party to that appeal; the Commission was. Ancora seeks to enforce the review, qualification, and corresponding approval the Commission should lawfully have completed before the April injunction. Its claim does not require the Commission to have disregarded the appellate direction governing actual issuance.

The dissolution order did not adjudicate Ancora's state-law entitlement or approve every feature of the former eligibility scheme. This Court can reserve available licenses now and determine a lawful basis for ultimate relief later. The reservation requires no reinstatement of a discriminatory eligibility restriction and no immediate license award. The Court should reject the

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former federal injunction as a basis for denying preservation of the two alternative allocated licenses.

VII. EXHAUSTION OF ZONE 4 LICENSES WOULD CAUSE HARM THAT MONEY CANNOT REPAIR

Ancora faces irreparable harm if the Commission commits all available Zone 4 licenses while this action remains pending. Ancora seeks a legally limited license for its prepared Cranston site. Exhaustion could leave a favorable judgment dependent on a future vacancy, displacement of third-party awards, or relief that no longer allows Ancora to enter the market as contemplated. The Court should protect the available licensing capacity before those barriers arise.

The revised criteria eliminate the approved social equity basis on which Ancora organized and applied. The Commission certified Lisa Pontarelli under Criterion 1, the disproportionately impacted area criterion, and approved the ownership structure through which Ancora pursued the license. *Exhibit 01, pp. 1, 3–4*; *Exhibit 31, pp. 1–3*. The amended statute removed that criterion and the definition of a disproportionately impacted area. R.I. Gen. Laws § 21-28.11-3, as amended by 2026 R.I. S. 3313, § 1, pp. 4, 6–7. Ms. Pontarelli's residential history has not changed but the eligibility standard has. The criterion under which the Commission certified her no longer exists under the revised statute.

Reapplication under the revised criteria does not restore the certified status on which Ancora applied, and it does not undo the members' election of the social equity category or the ownership arrangement the Commission approved. *Exhibit 21, §§ 3.1, 4.1*. The Court should preserve both categories so that it can provide effective relief if the revised criteria prevent Ancora from receiving the social equity license it claims under the former framework.

Rozen's affidavit documents more than $500,000 in expenditures connected with Ancora's pursuit of the license and its business preparations, together with its continuing willingness to proceed. *Exhibit 36, Affidavit of David Rozen (June 2, 2026), ¶¶ 6–16, 19–21*. Those expenditures show commitment and reliance on a prescribed regulatory process that was to be effected in a proper and reasonable way by the controlling agency. The irreparable injury is the threatened loss of a usable licensing remedy. Money cannot itself supply the regulatory authorization needed to use the prepared site and conduct the proposed business.

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The executed agreements further document Ancora's financial commitments. The November 21, 2025 promissory note names Ancora as the borrower, identifies Rozen as the lender, and states an initial principal amount of $350,000 for startup, construction, and operating expenses. Pontarelli signed for Ancora as its Managing Member. *Exhibit 22, §§ 1–2 and signature page*. The Company's borrowing arrangement confirms that it committed financing to the project while pursuing the regulatory approval it still seeks.

Ancora also committed to the specific premises identified in its application through the July 14, 2023 lease and the December 2025 amendment. The amendment sets pre-opening minimum base rent at $7,500 per month. *Exhibit 23, §§ 1–2*; *Exhibit 24, § 3*. The original lease permits termination before operations if Ancora has not obtained the required licenses and approvals, without an early termination fee. *Exhibit 23, § 39*. Exercising that right would surrender Ancora's contractual right to the application site. Continuing to pursue the project entails retaining the premises while seeking the authorization to operate. The Court should preserve that licensing opportunity while it determines Ancora's entitlement.

The statutory reset's restrictions on damages and rights of action further undermine any suggestion that Ancora can safely await exhaustion and then collect an adequate substitute. R.I. Gen. Laws § 21-28.11-17.2(d)–(e). The application-fee refund likewise provides Ancora no relief: the Commission waived its fee as an approved social equity applicant, so Ancora has no application fee to recover. *Exhibit 01, p. 1*; 560-RICR-10-10-1, § 1.5(E)(1) (eff. May 1, 2025); *Exhibit 03, p. 27*. A refund provision worth nothing to Ancora cannot replace its lost licensing opportunity or its foregone choice of the general category.

The risk of license exhaustion arises from an active process. The Commission has reopened retail applications and announced a November 23, 2026 deadline. *Exhibit 11, p. 1*. That later retail deadline does not restore the eliminated social equity criterion on which Ancora relied. An expedited hearing will permit the Court to tailor the restraint to the actual timing while the licenses remain available.

The governing standard requires presently threatened or imminent injury that legal remedies cannot adequately repair. *Fund for Community Progress v. United Way of Southeastern New England*, 695 A.2d 517, 521 (R.I. 1997). Exhaustion would impair the licensing remedy itself. Reimbursement cannot replace the authority to operate. The Court should find that loss

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irreparable and enter a reservation before the Commission's allocation of licenses makes effective relief unavailable.

VIII. THE EQUITIES AND PUBLIC INTEREST FAVOR PRESERVATION

Preserving the disputed licenses protects an effective judicial remedy while imposing a limited restraint on the Commission. The Commission left Ancora's application undecided and later advocated the statutory reset. It did this without regard to Ancora's rights and good faith and while remaining silent as to Ancora's status, this suit, and denying less damaging alternatives. *Exhibit 37, ¶ 21; Exhibit 33*. That sequence supports equitable scrutiny and preservation of the available remedy while the Court decides Ancora's entitlement. The Court can protect Ancora's claimed approval and reduce later disruption through a temporary Zone 4 stay, a continuing reservation of the two alternative licenses, and notice of the operative orders.

Ancora's reliance gives the requested restraint additional equitable weight. It followed the Commission's required category election and obtained approval of its social equity ownership structure. Preserving both alternatives allows the Court to address the consequences of that reliance and the later eligibility change before competing awards foreclose relief.

A. A temporary Zone 4 stay will prevent the renewed process from overtaking this adjudication.

The Court should initially stay further processing of Zone 4 retail applications and allocation of Zone 4 retail licenses while it conducts an expedited preliminary-injunction hearing. That geographic and temporal limit protects the licensing opportunities at issue while the Court determines the necessary continuing restraint. It leaves the licensing process in other zones unaffected.

The Court can confine the initial stay to the period needed for a prompt hearing. If the evidence shows that application review can continue without impairing relief, the Court can permit that work while maintaining the simultaneous reservation described below. The Court should impose the initial stay and then retain the restraint needed to prevent exhaustion of Ancora's possible remedies.

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B. Reserving one license in each category imposes a limited burden and protects distinct remedies.

The Court should find that temporarily reserving two unawarded licenses imposes a smaller burden than allowing the Commission to eliminate every usable licensing remedy. Ancora risks losing the means to obtain the approval this action seeks. Under such a minimum reservation, the Commission may continue its remaining lawful licensing work while it holds one license in each category. It could review all licenses that are pending and be in a position to make appropriate decisions as soon as the restraint permits. The reservation confers no operating authority and excuses no health, safety, inspection, or operational requirement.

Both reservations must operate simultaneously. A direction to retain either a social equity license or a general license would let the Commission argue against one theory of relief before the Court decides it. Maintaining both reservations would allow the parties to conduct discovery so that the facts regarding that theory of relief can be presented to and inform this Court. Reserving the social equity license protects Ancora's accrued-entitlement claim. Reserving a general license protects the alternative claim arising from the required category election and the intervening eligibility change. Ancora seeks only the single license the Court determines it may lawfully obtain.

The public interest favors compliance with published licensing requirements and effective judicial review before the Commission makes conflicting awards. The Court can expedite adjudication and release either reservation once it becomes unnecessary. The Court should therefore find that the equities and public interest favor holding both alternative allocated licenses, with one ultimate license available to satisfy the judgment.

C. Notice will protect Zone 4 applicants from avoidable reliance and later disruption.

The Commission should notify every current Zone 4 retail applicant of this litigation and provide the Court's orders affecting Zone 4 processing or allocated licenses. It should provide the same notice to later applicants when they enter the process. The notice should describe the pending action and the operative restraints accurately, without representing that Ancora has already prevailed.

Notice enables applicants to assess further expenditures with knowledge of the dispute and the actual restraints. It also reduces reliance on the assumption that every allocated license is

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free of a pending claim. The Court should require the Commission to provide this notice as an ancillary measure protecting the orderly licensing process and reducing avoidable third-party disruption.

IX. A PROHIBITION ON COMMITTING THE RESERVED LICENSES PRESERVES THE STATUS QUO

The Court should treat the core reservation as a prohibition against disposing of the disputed licensing capacity. Available, unallocated Zone 4 licenses presently permit an effective judgment on Ancora's pending claim. Preventing their commitment preserves that condition without completing Ancora's application review or authorizing it to operate.

Ancora recognizes that a mandatory injunction compelling affirmative action requires a very clear right and great urgency. *King v. Grand Chapter of Rhode Island Order of the Eastern Star*, 919 A.2d 991, 995, 1001 (R.I. 2007). Compelling immediate issuance would implicate that heightened standard. The present motion principally seeks a restraint against awarding or committing identified capacity. In that sense, it is not a mandatory injunction at this stage. Identifying the reserved categories and notifying applicants support enforcement of that restraint.

The Court should prohibit the Commission from awarding, provisionally allocating, transferring, converting, or otherwise committing either reserved license in a way that makes it unavailable to satisfy this action. This is the core of the injunctive relief sought by Ancora as it is the protection it needs as it litigates its claims before this Court.

The ancillary request – notice to applicants – is mandatory but minimally invasive. The benefits of such notice would far outweigh the inconvenience of providing notice to pending applicants. Nonetheless, this aspect of the suggested injunctive relief is separate and apart from the core protection and should be evaluated on its own merits under the standards relating to mandatory injunctions. Even if notice is not ordered, this Court should preserve the core prohibition so the Commission cannot exhaust the remedy while the Court decides entitlement.

X. THE COURT SHOULD ENTER A SPECIFIC ORDER AND SET AN EXPEDITED HEARING

The Court should enter a specific order protecting both alternative licenses, require notice of its restraints, and set an expedited preliminary-injunction hearing. Ancora requests the following relief, tailored to preserve the disputed licensing capacity:

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1. Temporarily restrain the Commission from further processing, selecting, approving, or allocating Zone 4 adult-use retail applications pending an expedited preliminary-injunction hearing, and continue an appropriately tailored Zone 4 restraint thereafter pending adjudication or further order.

2. At a minimum, require the Commission to reserve simultaneously one Zone 4 social equity retail license and one Zone 4 general retail license. Prohibit the Commission from awarding, provisionally allocating, transferring, converting, or otherwise committing either reserved license in a manner that would make it unavailable to satisfy a judgment in this action.

3. Require the Commission to identify the reserved capacity by category and confirm its availability in a filing with the Court. The reservation should persist until adjudication of the merits or further order and should protect two alternative paths to one ultimate license rather than authorize an award of two licenses to Ancora.

4. Require the Commission to notify current Zone 4 applicants of this action and furnish the orders affecting their applications within the period the Court sets, provide equivalent notice to later applicants, and circulate subsequent orders that materially change the restraints.

5. Set an expedited preliminary-injunction hearing and a focused schedule for the evidence necessary to determine Ancora's application completeness, the competing applicants' timely zoning status, the Commission's review and decision-making, and the effect of the intervening statute. To the extent appropriate, the Court may advance and consolidate the merits hearing under Super. R. Civ. P. 65(a)(2), with notice adequate to preserve the parties' opportunity to present their cases.

6. Retain authority to modify the scope or duration of the restraint, release a reservation that adjudication makes unnecessary, and grant further relief needed to protect an effective judgment.

XI. CONCLUSION

Ancora was the sole qualified Zone 4 social equity applicant. The Commission knew it, received Ancora's demand for action, and failed to provide the determination required by the end of March. It has never explained the basis of its delay to Ancora. It then advocated a statutory

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reset and now invokes that reset against an application its own inaction left pending. These facts support Ancora's claim that the Commission withheld an approval it had earned.

The Court will address the Commission's statutory defense at the scheduled motion-to-dismiss hearing. The compelled-approval, wrongful-delay, and accrued-right principles discussed above give Ancora a substantial legal basis for asserting that its claim involves more than an ordinary pending application. Interim reservation preserves a usable remedy while the Court decides those issues.

The changed social equity criteria also make preservation of the general retail alternative necessary. Ancora seeks only one ultimate license. The Court should keep both lawful alternatives available until it determines which remedy Ancora may obtain.

The Court should temporarily restrain the Zone 4 process pending an expedited hearing and, at a minimum, require the Commission to reserve simultaneously one Zone 4 social equity retail license and one Zone 4 general retail license until adjudication or further order. It should require notice to affected applicants and retain authority to tailor the restraint. Both allocated licenses must remain available so that the Court can award the single license Ancora proves it is legally entitled to receive.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I certify that on September 26, 2026, I filed this document through the Court's electronic filing system and served counsel of record through that system.

s/Daniel P. McKiernan
Daniel P. McKiernan

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LIST OF CASE AUTHORITIES

Brennan v. Kirby, 529 A.2d 633 (R.I. 1987).

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Zab v. Rhode Island Department of Corrections, 269 A.3d 741 (R.I. 2022).

EXHIBIT REFERENCES

Exhibits cited in this memorandum are identified in Plaintiff's separately filed Exhibit List in Support of Renewed Motion for Temporary Restraining Order and Preliminary Injunction. Exhibit numbers refer to that consolidated submission. Page references identify pages within the cited exhibit; affidavit references identify numbered paragraphs.