



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

March 19, 2026

VIA NYSCEF

Ex Parte Office
Supreme Court, New York County

**Re: *David Feder v. New York State of Office of Cannabis Management,*
Index No. 153352/2026**

Dear Clerk:

The New York State Office of the Attorney General *intends* to represent the respondent New York State Office of Cannabis Management (“OCM”) in the above-captioned Article 78 upon proper service, where a temporary restraining order (“TRO”) is being sought on presentment of the order to show cause. **I write to notify the Court that OCM wishes to be heard to oppose the TRO application—by remote means if possible.**

Furthermore, OCM alerts the Court to two threshold issues that must be addressed prior to the presentment of the order to show cause. **First**, Petitioner has failed to notify—let alone name—necessary parties, who would be the subject of any TRO granted by this Court: New York Canna, Inc., NYCANNA, LLC, Acreage Holdings, Inc., Canopy USA, and Canopy Growth Corporation. *See, e.g.*, Proposed Order to Show Cause, p. 2 (subparts “b” and “c”) (NYSCEF No. 4) and Verified Petition, ¶ 6 (NYSCEF No. 1). **Second**, even a conclusory reading of these papers show that this Article 78 is an offshoot of a long-pending (and apparently highly acrimonious) lawsuit in the Commercial Division, *EPMMNY LLC v. NYCANNA LLC, et al.*, Index No. 655480/2018 (Sup. Ct. N.Y. Cnty.) (Hon. Andrea Masley), where most, if not all, of the un-named entities are litigants.

Accordingly, before moving any further on this matter, OCM respectfully requests that the necessary parties be notified pursuant to Rule 202.7(f) and either this case be assigned to Justice Masley or marked as a related case to the Commercial Division case.

In no way should this letter be construed as a notice of appearance or waiver of any rights, privileges or remedies. Thank you for your time and consideration.

Respectfully submitted,
/s/ James B. Cooney
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