



December 13, 2024

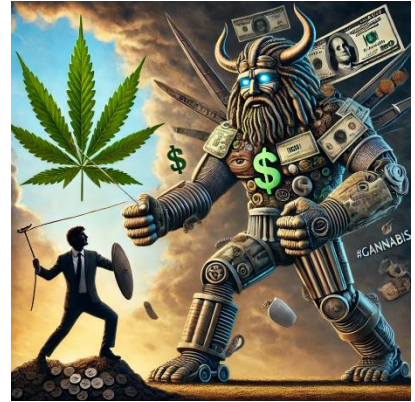
## Local Case Summary: MJ's Market vs. Town of Tyngsborough, Mass

Superior Court – Case No. 2384CV02794

Filed: December 11, 2023

Plaintiff: MJ's Market, Inc.

### Defendants:



Corporate and Individual Defendants	Town of Tyngsborough Select Board Members (in their official capacities)
<ul style="list-style-type: none"><li>➤ Joseph Husband of Mary Realty Trust</li><li>➤ Colette El Kareh, as Trustee and Individual</li><li>➤ Yellow House Cannabis LLC</li><li>➤ Sanctuary Medicinals, Inc.</li><li>➤ Urban-Gro, Inc.</li></ul>	<ul style="list-style-type: none"><li>➤ Ronald Keohane</li><li>➤ Eric Eldridge</li><li>➤ Katerina Kalabokis</li><li>➤ Mike Moran</li><li>➤ Ronald L. Schneider</li></ul>

### Core Allegations

#### 1. Contractual Violations

- **Breach of Contract (Count IV):** MJ's Market claims the Town breached the Host Community Agreement (HCA) by refusing to extend the agreement after encouraging the company to defend against a zoning appeal.
- **Declaratory Judgment (Count I):** MJ's Market seeks legal recognition of its rights under the HCA.

#### 2. Good Faith and Fair Dealing

- **Breach of Covenant of Good Faith and Fair Dealing (Count IX):** The Town allegedly acted in bad faith by misleading MJ's Market about extending the HCA, ultimately awarding it to a competitor.

#### 3. Unjust Enrichment

- **Count VII:** MJ's Market asserts that the Town and Defendants benefited from its investments while denying MJ's the chance to operate the dispensary.

### Dismissed Claims

- **Certiorari Review (Count II):** Dismissed because the Town's actions were administrative, not quasi-judicial.
- **Mandamus (Count III):** Dismissed as the Town's decision involved discretionary authority.
- **Massachusetts Consumer Protection Act Violation (Count VIII):** Dismissed due to government immunity.
- **Intentional Interference with Contractual Relations (Count XI):** Dismissed under municipal immunity from intentional tort claims.



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## Key Developments

- The court ruled the HCA waiver unenforceable due to legislative intent and public policy.
  - Retroactive application of Cannabis Control Commission regulations strengthened MJ's Market's position.
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## Next Steps

- **Discovery Phase:** MJ's Market will request all relevant communications from the Town to build its case.
  - **Potential Settlement Proposal:** Consideration of a \$10 million settlement and securing the first social-use cannabis license.
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## Conclusion:

The court's denial of the Town's Motion to Dismiss on key counts allows MJ's Market to proceed with its strongest claims. These include contract breaches, bad-faith dealings, and unjust enrichment allegations. MJ's Market remains committed to pursuing justice through legal channels and seeking a fair resolution.

## About MJ's Market

Founded in 2018, MJ's Market is a family-run cannabis business committed to serving its community with integrity and transparency. Despite being forced to shut down due to industry-driven legal battles, MJ's Market remains dedicated to advocating for fair competition and holding corporations accountable.

## Call to Action

MJ's Market invites supporters to amplify this story and stand with them in challenging anti-competitive practices and government favoritism. Together, we can ensure a fair playing field for all businesses, regardless of size.

**Join the Conversation:** [#CannabisGreed](#) [#GreedinGreen](#) [#FairnessInCannabis](#)

**For press inquiries, contact:** Heath at [heath@mjsmkt.com](mailto:heath@mjsmkt.com)

