[ORAL ARGUMENT NOT YET SCHEDULED]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PENNALT ORGANICS, INC., d/b/a PENN HEALTH GROUP, *Petitioner,* v. DRUG ENFORCEMENT ADMINISTRATION; TERRANCE C. COLE, in his official capacity as ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION; UNITED STATES DEPARTMENT OF JUSTICE; and TODD BLANCHE, in his official capacity as UNITED STATES ATTORNEY GENERAL, *Respondents.*	Case No. 26-1329

Karima T. Thompson
(D.C. Cir. Bar No. 66487)
Jason W. Meuth (*pro hac vice* forthcoming)
BUCHANAN INGERSOLL & ROONEY PC
1700 K Street NW, Suite 300
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Counsel for Petitioner PennAlt Organics, Inc.

I. INTRODUCTION

Respondents' defense rests on the false premise that the Guidance "changed nothing" and "merely recounts preexisting requirements." The Guidance itself refutes that premise. It announces, for the first time, that Drug Enforcement Administration ("DEA") registrants and Timely Applicants "may not lawfully engage in any schedule III medical marijuana activities" with entities that did not complete an application between April 28 and June 26, 2026 and that doing so "could be potential grounds for denial of a Timely Applicant's application or revocation of a certificate of registration." It prescribes a mandatory list of minimum "due diligence" steps and imposes a hard compliance deadline of November 29, 2026, after which discrete penalties will follow. A federal document that instructs regulated parties as to what activities they "may not lawfully" do, instructs how they must verify compliance, threatens denial and revocation for noncompliance, and sets a deadline is not a mere restatement of law. It is a final, binding rule. *See Appalachian Power Co. v. EPA*, 208 F.3d 1015, 1022-23, 1028 (D.C. Cir. 2000) (setting aside agency Guidance).

Respondents fail to address PennAlt's argument regarding the DEA's *own* website for applicants who sought to select the medical-marijuana manufacturer or distributor option. That website featured a notice stating that a *separate* Schedule III registration portal for cultivators, manufacturers, distributors, and laboratories

would be available "in the coming weeks." *See id.* The DEA did not make a specific portal for these entities accessible until October 5, 2026 – *more than three months* after the June 26, 2026 timely applicant window closed. PennAlt filed its Form 225-M promptly thereafter.

DEA attempts to cast its own failure to provide any medical-marijuana-specific application during the entire 60-day window (while it offered dispensaries a dedicated portal and Form 224-M) as an omission by medical-marijuana manufacturers. It also ignores that the Guidance had an immediate and dire effect on PennAlt, as PennAlt's Director of Operations Daniel Sax averred in his Affidavit and provides in the attached Declaration. The Respondents now seek to paper over the DEA's unlawful, retroactive final decision while ignoring the fair notice doctrine and the reliance interests of manufacturers like PennAlt. Absent a stay, PennAlt will be cut out of the Pennsylvania supply chain with no notice and comment. This is the exact type of arbitrary and capricious agency action prohibited by the Administrative Procedure Act ("APA"), and it exceeds the authority Congress conferred in the Controlled Substances Act ("CSA").

The Court should hold the Guidance unlawful and set it aside, and in the interim should stay its effectiveness under 5 U.S.C. § 705.

II. SUMMARY OF ARGUMENT

1. Jurisdiction and threshold issues. The Guidance is a "final decision" under 21 U.S.C. § 877 and final agency action under *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997). PennAlt satisfies both prongs of the legal standard for a "final decision." The Guidance serves as the DEA's definitive position on the scope of the timely-applicant waiver, and legal consequences flow from it: it threatens denial and revocation, mandates due diligence, and sets a firm compliance deadline. PennAlt's injuries—including the projected loss of 95% of its third-party customers—are directly traceable to the Guidance and redressable by this Court through a stay and vacatur. PennAlt's Petition is timely as to the Guidance and does not attack the April 28, 2026 Order. Furthermore, no exhaustion requirement applies, and, PennAlt in any event sought relief from DEA through a letter, which went unanswered, and through phone calls by counsel on November 23, 2026.

2. Violation of the APA. The Guidance for the first time provided new prohibitions, new compliance regime, and new sanctions that do not appear anywhere in 21 C.F.R. § 1301.13(k)(7). It was issued without the notice and comment procedures required by 5 U.S.C. § 553. The Guidance is the epitome of an agency action "without observance of procedure required by law" and must be vacated. 5 U.S.C. § 706(2)(D). Furthermore, the Guidance is arbitrary and capricious. DEA failed to consider its own failure to make a manufacturer

application available during the window—and failed to account for reliance interests or to explain its departure from the status quo it created through the Order. 5 U.S.C. § 706(2)(A).

3. Excess of statutory authority and violation of the CSA. The CSA prescribes specific procedures for denying or revoking a registration. 21 U.S.C. §§ 823, 824. DEA cannot bypass those procedures, or narrow a waiver granted by the Attorney General under 21 U.S.C. § 822(d), through informal guidance. 5 U.S.C. § 706(2)(C).

4. No deference. After *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), Respondents' purported reading, through its Opposition, of the CSA receives no deference. Respondents' position on the Guidance is also post hoc, unpersuasive, and lacks the thoroughness required under *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944).

III. ARGUMENT

A. THIS COURT HAS JURISDICTION, AND PENNALT'S CHALLENGE IS JUSTICIABLE.

1. The Guidance Is a "Final Decision" Under 21 U.S.C. § 877.

Section 877 authorizes review in this Court of "final determinations, findings, and conclusions of the Attorney General" under the CSA. 21 U.S.C. § 877. Respondents agree that finality is governed by the two-part test of *Bennett v. Spear*: the action must (1) mark the consummation of the agency's decision-making process

and (2) be one by which "rights or obligations have been determined *or* from which legal consequences will flow." 520 U.S. 154, 178 (quotations omitted) (emphasis added). Both prongs are satisfied.

On the first prong, the DEA contends the Guidance did not consummate any decision-making process and merely provides "clarity." However, the Guidance states DEA's position in categorical terms, does not identify any further process through which its position might change, and is thus the last word on the scope of the timely-applicant waiver. Accordingly, the Guidance did not just "leave[] the world just as it found it." Opp. at 20 (citing *Valero Energy Corp. v. EPA*, 927 F.3d 532, 536 (D.C. Cir. 2019)). By way of contrast, *Valero*, concerned a document that "[did] not expose any regulated party to the possibility of an enforcement action or to enhanced fines or penalties." *Id.* Here, the Guidance directly promulgates enforcement actions and penalties as companies have until November 29, 2026 to ensure they are only doing business with DEA registrants. After this date, DEA will bar non-Timely Applicants from operating in the medical marijuana manufacturing industry. If DEA finds that a Timely Applicant has done business with a non-Timely Applicant, DEA will deny that entity's application or revoke a certificate of registration. This is a textbook enforcement consequence. *Valero* also stressed that the document in that case "makes clear that it has no binding effect on how EPA will conduct future reviews." *Id.* The Guidance, in contrast, directly explains how in the

future DEA will review applications based off whether entities conform with the requirements provided in the Guidance. And as the attached Declaration clearly demonstrates, numerous entities reached out to PennAlt following the DEA's Guidance with immediate requests and stated that pursuant to the "recent" Guidance, they are "now" required to conduct certain actions. *See* Sax Decl. ¶¶ 9-13 & Exs. A-E.

Furthermore, the Guidance, *inter alia*:

- declares that Timely Applicants and DEA registrants "may not lawfully engage in any schedule III medical marijuana activities" with entities that did not apply within the window (¶ 7);
- warns that such conduct "could be potential grounds for denial of a Timely Applicant's application or revocation of a certificate of registration" (¶ 8);
- prescribes "at a minimum" five specific due-diligence steps, including obtaining confirmations, verifying document control numbers, and maintaining records (¶ 8);
- and imposes a deadline requiring Timely Applicants to "establish compliant supply chains no later than November 29, 2026" (¶ 11).

None of those provisions appears in the Order or in 21 C.F.R. § 1301.13(k)(7). All are new obligations—the very definition of determining "rights or obligations." *Bennett*, 520 U.S. at 178. And the express threat of application denial and registration

revocation is a "legal consequence[]" in the most concrete sense. *Id.*; *see United States Army Corps of Engineers v. Hawkes Co., Inc.*, 578 U.S. 590, 598-600 (2016) (action final where it exposes regulated party to enforcement risk). *See also Frozen Food Express v. United States*, 351 U.S. 40, 44-45 (1956) (agency order determining which commodities were exempt was reviewable because it "has an immediate and practical impact" on regulated carriers). DEA itself characterizes the Guidance as signifying that DEA "will not take enforcement action based on supply-chain registration issues that occur before November 29, 2026." Opp. 18. An agency cannot simultaneously maintain that its document grants a safe harbor through a fixed date and that the same document has no legal consequences.

Nor does the Guidance's closing disclaimer—that it does "not have the force and effect of law"—alter the analysis. This Court has long held that such "boilerplate" does not control where the document's operative language is treated by the agency and regulated parties as binding. *Appalachian Power*, 208 F.3d at 1023.

2. PennAlt Has Article III Standing.

In addition to PennAlt's Emergency Motion's discussion of standing, PennAlt, through Sax's Affidavit and Declaration, provide further evidence of the Guidance's direct and predictable effects. PennAlt projects the loss of 95% of its third-party customers and faces potential layoffs of all 48 employees. *See* Sax. Aff.

Entities conducting business with PennAlt wrote immediately after the Guidance was issued, stating that it imposes *new* restrictions, and in no uncertain terms that they will need to cease business relationships with PennAlt. *See* Sax Decl. ¶¶ 9-13 & Exs. A-E. Injuries caused by the "determinative or coercive effect" of agency action on third-parties are fairly traceable to that action. *Bennett*, 520 U.S. at 169.

DEA's reliance on *Coalition for Humane Immigrant Rights v. Mullin*, 185 F.4th 1275 (D.C. Cir. 2026), is misplaced. *Mullin* is distinguishable because, here, a stay of the Guidance would directly redress PennAlt's injuries.

3. The Petition Is Timely and Does Not Collaterally Attack the Order.

DEA argues that challenges to the structure of the waiver are an untimely attack on the April 28 Order. The Order permitted timely applicants to operate "in conformity with a state-issued license." PennAlt does not contest the rescheduling of state-licensed medical marijuana to schedule III. PennAlt challenges the Guidance, and it filed its petition within 30 days of that decision. It was the Guidance that first announced that state-licensed counterparties stymied by DEA's own failure to provide a manufacturer form would be excluded from the closed system.

4. PennAlt's Claims Are Ripe.

PennAlt's claims are a paradigmatically ripe controversy. *Abbott Laboratories v. Gardner*, 387 U.S. 136, 149, 152-53 (1967). DEA does not argue otherwise. Nor does Section 877 impose any exhaustion requirement, Pet. ¶ 15, and

DEA identifies none. In any event, PennAlt sought an exception under 21 C.F.R. § 1307.03 and 21 U.S.C. § 822(d), or alternatively a stay, by letter dated November 16, 2026; DEA failed to respond by the requested November 20 date. DEA's suggestion that petitioners should await a future enforcement action would force PennAlt to gamble by violating the Guidance to obtain review—precisely the dilemma pre-enforcement review exists to avoid. *Hawkes*, 578 U.S. at 600.

B. THE GUIDANCE IS ARBITRARY, CAPRICIOUS, AN ABUSE OF DISCRETION, AND NOT IN ACCORDANCE WITH LAW UNDER 5 U.S.C. § 706(2)(A).

The Guidance is a violation of the APA and CSA because effectively amends 21 C.F.R. § 1301.13(k)(7) in an arbitrary and capricious manner and without notice and comment. That provision, promulgated through the Order, authorizes timely applicants to engage in the "manufacture, distribution, and/or dispensing" of medical marijuana "in conformity with a state-issued license." Opp. 2, 15 (quoting 91 Fed. Reg. at 22722). It says nothing about restricting counterparties, about due-diligence obligations, or about a November 29 compliance deadline. The Guidance supplies all of these. Guidance ¶¶ 7-11. DEA itself concedes that the November 29 date reflects a choice to "allow early applicants to ensure their compliance." Opp. 18.

DEA's argument that the Guidance merely clarifies existing rules is unavailing. Interpretive rules "advise the public of the agency's construction of the statutes and rules which it administers," *Perez v. Mortgage Bankers Ass'n* 575 U.S.

92, 97 (2015), but they cannot impose new obligations. The Guidance does not merely construe § 1301.13(k)(7); it prescribes mandatory conduct and sanctions that the regulation does not contain. Because DEA issued the Guidance without notice and an opportunity for comment, it was promulgated "without observance of procedure required by law" and must be set aside. 5 U.S.C. §§ 553, 706(2)(D). Where an agency imposes sanctions on regulated parties based on an interpretation that was not "ascertainably certain" from the regulations, fair notice is lacking. *General Electric Co. v. EPA*, 53 F.3d 1324, 1328-29 (D.C. Cir. 1995).

C. THE GUIDANCE EXCEEDS DEA'S STATUTORY AUTHORITY AND VIOLATES THE CSA UNDER 5 U.S.C. § 706(2)(C).

PennAlt does not dispute that the CSA establishes a registration-based framework. But the CSA also prescribes how that framework operates. Congress authorized the Attorney General to waive the registration requirement where "consistent with the public health and safety," 21 U.S.C. § 822(d), and the Attorney General exercised that authority through notice-and-comment rulemaking in the Order. Opp. 8. DEA, acting through informal guidance, may not narrow the scope of a waiver the Attorney General granted by regulation.

Likewise, the CSA specifies the grounds and procedures for denying an application or suspending or revoking a registration, including notice and an opportunity for a hearing. 21 U.S.C. §§ 823, 824. The Guidance announces new grounds for denial and revocation—transacting with state-licensed entities that

awaited a manufacturer form—without any statutory basis and outside the procedures Congress required. Guidance ¶ 8; Pet. ¶¶ 29-30. That is action "in excess of statutory jurisdiction, authority, or limitations," 5 U.S.C. § 706(2)(C), and "not in accordance with law," *id.* § 706(2)(A).

Furthermore, it should be noted that PennAlt has offered to act in accordance with the spirit of the Order and DEA Guidance pending review of its application. In the letter to the DEA, PennAlt specifically stated that pursuant to any exception, it would, *inter alia* maintain records consistent with 21 C.F.R. Part 1304, in addition to its state records, including the DEA registration number or DCN of each counterparty and records of all due diligence conducted, and make them available to DEA on request; consent to DEA inspection of its facility; and make no interstate transfers. *See* Emergency Mot. Ex. B. Therefore, Respondents' alarmist tone that Petitioners "would like to buy and sell controlled substances without authorization" is completely without merit.

D. DEA'S INTERPRETATION IS NOT ENTITLED TO DEFERENCE.

To the extent DEA seeks deference, none is owed. *See Loper Bright*, 603 U.S. at 412-13. The meaning of 21 U.S.C. §§ 822-824 and the limits of DEA's authority are questions for this Court.

The Court should also reject outright Respondents' contention that Petitioners' harms are self-inflicted. The harms are a result of DEA's failure to

provide a manufacturer-specific application during the applicable window. Losses that threaten the very existence of a business are irreparable. And the balance of equities and public interest favor preserving the status quo pending review: a stay would maintain the regime that existed under the Order, would not prejudice DEA, and would protect patient access to medical treatment. There is no public interest in the perpetuation of unlawful agency action.

IV. CONCLUSION

For the foregoing reasons, PennAlt respectfully requests that the Court stay the effectiveness of the Guidance and/or vacate and set aside the Guidance.

Dated: November 24, 2026

Respectfully submitted,
Karima T. Thompson
(D.C. Cir. Bar No. 66487)
Jason W. Meuth (*pro hac vice* forthcoming)
BUCHANAN INGERSOLL & ROONEY PC
1700 K Street NW, Suite 300
Washington, D.C. 20006
(202) 452-7900

Counsel for Petitioner PennAlt Organics, Inc.

CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(C) because, excluding the parts exempted by Federal Rule of Appellate Procedure 32(f), it contains 2,587 words. This document complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)-(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman.

/s/ Karima T. Thompson

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system, which will serve all registered counsel.

/s/ Karima T. Thompson

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PENNALT ORGANICS, INC., d/b/a PENN HEALTH GROUP, *Petitioner,* v. DRUG ENFORCEMENT ADMINISTRATION; TERRANCE C. COLE, in his official capacity as ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION; UNITED STATES DEPARTMENT OF JUSTICE; and TODD BLANCHE, in his official capacity as UNITED STATES ATTORNEY GENERAL, *Respondents.*	Case No. 26-1329

DECLARATION OF DANIEL SAX

I, Daniel Sax, pursuant to 28 U.S.C. .§ 1746, and based upon my personal knowledge and information made known to me in the course of my employment, hereby make the following declaration with respect to the above-captioned matter:

1. I am the Authorized Representative of PennAlt Organics, Inc. ("PennAlt") d/b/a Penn Health Group. I am more than eighteen years of age and am competent to make this Declaration.

2. I am currently the Director of Operations at PennAlt where I regularly oversee the obtaining of permits and licenses for PennAlt.

3. I make this Declaration to supplement the Affidavit signed and notarized on November 20, 2026, to provide additional specifics regarding the injury that PennAlt is facing and will continue to face as a direct result of the guidance the Drug Enforcement Agency ("DEA") issued on October 30, 2026.

4. In the ordinary and regular course of business and as a regular business practice, PennAlt routinely reviews developments in the medical marijuana field in accordance with the law.

5. Based on the foregoing, I am authorized to make this Declaration. I make this Affidavit based on my personal knowledge described above, and based on my knowledge of the severe harms PennAlt shall experience if the DEA enforces its guidance document.

6. Between June 26 and October 5, 2026, PennAlt received no communication from DEA suggesting that it had missed any deadline or that it was not in compliance with the Order or other federal laws.

7. On October 30, 2026, DEA issued its guidance document titled "Timely Applicant Information for Medical Marijuana Applicants" (the "Guidance"). This was the first time PennAlt had ever heard from DEA about PennAlt possibly being in noncompliance with the Order.

8. Within days of the Guidance's publication, my team received official emails from third-party customers seeking specific information and notifying us that, due to the Guidance, they would be prevented from continuing to do business with PennAlt.

9. On November 4, 2026, PennAlt received an email from a buying manager of one entity with the subject line: "Verification Requirements for Medical Marijuana Activities – Required Confirmation of Entity." It stated, *inter alia*:

Good morning,

> To ensure continued compliance with federal regulations and recent DEA guidance, Trulieve must confirm the regulatory status of every entity with whom we conduct medical marijuana activities. Below are the key reasons for this requirement and the documentation we must obtain from your organization: . . . .
>
> **Importance and Next Steps**
> Please note, failure to provide this information may restrict or suspend our ability to conduct medical marijuana transactions with your organization. This process ensures that all partners remain compliant with both federal and state regulations, protecting the integrity of the medical marijuana supply chain.

Attached to this Declaration as **Exhibit A** is a true and correct copy of this e-mail.

10. On November 11, 2026, PennAlt received an email from a manager of one entity with the subject line: "DEA Timely Applicant Verification." It stated, *inter alia*::

> Hi All,
>
> To ensure continued compliance with federal regulations and recent DEA guidance, Curaleaf must confirm the regulatory status of every entity with whom we conduct medical marijuana activities. Below are the key reasons for this requirement and the documentation we must obtain from your organization: . . . .
>
> **Importance and Next Steps**
> Please note, failure to provide this information may restrict or suspend our ability to conduct medical marijuana transactions with your organization. This process ensures that all partners remain compliant with both federal and state regulations, protecting the integrity of the medical marijuana supply chain.
> Thank you for your prompt cooperation and attention to these requirements.

Attached to this Declaration as **Exhibit B** is a true and correct copy of this e-mail.

11. On November 11, 2026, PennAlt received an email from the manager of one entity with the title: "DEA Verification Request." It stated, *inter alia*:

> Good afternoon,
>
> In connection with recent guidance published by the DEA, we are now required to confirm the status of all other entities that are registered with the DEA or are otherwise considered a "Timely Applicant" by the DEA (meaning an entity that submitted an application for registration with the DEA by or on June 26, 2026). . .

Attached to this Declaration as **Exhibit C** is a true and correct copy of this e-mail.

12. On November 12, 2026, PennAlt received an email from the Chief of Staff (Legal & Regulatory) of an entity. It stated, *inter alia*::

> Good morning,
>
> I'm reaching out on behalf of the team at Green Thumb Industries. Pursuant to the Federal Drug Enforcement Administration's recent guidance for timely applicants, we are reaching out to request documentation evidencing ongoing compliance with their requirements. At your earliest convenience, but prior to 11/20/26, we would be appreciative if you can respond with the following for each medical marijuana dispensing or manufacturing DEA application you submitted within the Commonwealth of Pennsylvania: . . .

Attached to this Declaration as **Exhibit D** is a true and correct copy of this e-mail.

13. On November 16, 2026, PennAlt received an email from the general manager of one entity with the title: "DEA Supply Chain Diligence." It stated, *inter alia*:

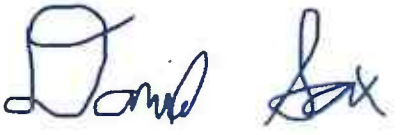
> Dear retail/wholesale partner,
>
> On October 30, 2026, the DEA issued guidance on Timely Applicants for Schedule III medical marijuana. It provides that Timely Applicants (state-licensed entities that submitted a complete DEA registration application between April 28, 2026, and June 26, 2026) and DEA registrants may conduct Schedule III medical marijuana activities only with other Timely Applicants and DEA registrants. The guidance directs Timely Applicants and registrants to confirm the status of every entity they transact with and to have compliant supply chains in place and due diligence documented by November 29, 2026.
>
> To meet this requirement, we must verify the regulatory status of each entity with which we conduct medical marijuana activities. Please provide the following, as applicable: . . . .
>
> **Importance and Next Steps**
>
> Regrettably, it is possible that a failure to provide the above information may inhibit our ability to conduct medical marijuana transactions with your company. This process helps ensure all partners remain compliant with federal and state requirements and protects the integrity of the medical marijuana supply chain.

Attached to this Declaration as **Exhibit E** is a true and correct copy of this e-mail.

14. With assistance of counsel, PennAlt submitted a request to the DEA under 21

C.F.R. § 1307.03, seeking an exception from the sanctions under the Guidance. As of this date, PennAlt has not received any response from DEA regarding PennAlt's request.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Name: Daniel Sax
Title: Director of Operations/Authorized Representative, PennAlt Organics, Inc. d/b/a Penn Health Group

Executed on November 24, 2026

EXHIBIT A

From: July Shay
Cc: Alexander Ostrowski; Compliance; Zachary Petruska
Subject: Verification Requirements for Medical Marijuana Activities – Required Confirmation of Entity Status
Date: Wednesday, November 4, 2026 10:12:06 AM
Attachments: image001.png
Trulieve DEA Registration Application Index - 11.03.26.xlsx
Importance: High

Good morning,

To ensure continued compliance with federal regulations and recent DEA guidance, Trulieve must confirm the regulatory status of every entity with whom we conduct medical marijuana activities. Below are the key reasons for this requirement and the documentation we must obtain from your organization:

Why Status Confirmation Is Required

1. **DEA & Federal Compliance**
   - Under new DEA rules (21 CFR 1301.13(k)(7)), only entities that submitted complete, timely applications for DEA registration between April 28, 2026 and June 26, 2026 ("Timely Applicants"), or those already possessing a DEA registration, may engage in schedule III medical marijuana activities.
   - Engaging with entities not meeting these established requirements, i.e., not Timely Applicants or DEA registrants, risks denial of application or revocation of registration.
2. **Mandatory Due Diligence**
   - The DEA has directed all Timely Applicants and registrants to take adequate steps to verify the status of all business partners to ensure the legality of each transaction.
   - Due diligence is required to maintain compliant supply chains and must be completed and documented by November 29, 2026.

Documentation We Require from Your Organization

Please provide, as applicable, the following:

1. **DEA Timely Applicant Control Number (DCN):**
   - Evidence of your status as a Timely Applicant (i.e., confirmation of complete DEA application submission within the relevant timeframe), including your DCN.
2. **DEA Submission Confirmation:**
   - A copy of the Marijuana Dispensary Information Submission confirmation you received from the DEA at the time of application.
3. **DEA Certificate of Registration:**
   - If you are already a DEA registrant, provide your DEA certificate of registration for schedule III medical marijuana activities.
4. **State Medical Marijuana License:**
   - A copy of your state medical marijuana license, along with verification that it is current and active.
5. **Business Type:**

- Please specify whether you are operating as a manufacturer, distributor, or dispenser.

Importance and Next Steps

Please note, failure to provide this information may restrict or suspend our ability to conduct medical marijuana transactions with your organization. This process ensures that all partners remain compliant with both federal and state regulations, protecting the integrity of the medical marijuana supply chain.

Thank you for your prompt cooperation and attention to these requirements.

Thank you,
July Shay
National Wholesale Buying Manager
(505) 801-8556
july.shay@trulieve.com



The information contained in this message may be privileged, confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify your representative immediately and delete this message from your computer.

EXHIBIT B

From: Zan Rabney
To: Jillian Skulsky; Paige Wilson
Subject: DEA Timely Applicant Verification
Date: Wednesday, November 11, 2026 10:13:25 AM
Attachments: image523816.png
image603811.png

Hi All,

To ensure continued compliance with federal regulations and recent DEA guidance, Curaleaf must confirm the regulatory status of every entity with whom we conduct medical marijuana activities. Below are the key reasons for this requirement and the documentation we must obtain from your organization:

Why Status Confirmation Is Required

1. **DEA & Federal Compliance**
   - Under new DEA rules (21 CFR 1301.13(k)(7)), only entities that submitted complete, timely applications for DEA registration between April 28, 2026 and June 26, 2026 ("Timely Applicants"), or those already possessing a DEA registration, may engage in schedule III medical marijuana activities.
   - Engaging with entities not meeting these established requirements, i.e., not Timely Applicants or DEA registrants, risks denial of application or revocation of registration.
2. **Mandatory Due Diligence**
   - The DEA has directed all Timely Applicants and registrants to take adequate steps to verify the status of all business partners to ensure the legality of each transaction.
   - Due diligence is required to maintain compliant supply chains and must be completed and documented by November 29, 2026.

Documentation We Require from Your Organization

Please provide, as applicable, the following:

1. **DEA Timely Applicant Control Number (DCN):**
   - Evidence of your status as a Timely Applicant (i.e., confirmation of complete DEA application submission within the relevant timeframe), including your DCN.
2. **DEA Submission Confirmation:**
   - A copy of the Marijuana Dispensary Information Submission confirmation you received from the DEA at the time of application.
3. **DEA Certificate of Registration:**
   - If you are already a DEA registrant, provide your DEA certificate of registration for schedule III medical marijuana activities.
4. **State Medical Marijuana License:**
   - A copy of your state medical marijuana license, along with verification that it is current and active.
5. **Business Type:**
   - Please specify whether you are operating as a manufacturer, distributor, or dispensary (type of DEA registration applied for).
6. **If no DEA registration was applied for, please let us know.**

Please respond back by EOD 11/17 with this information, and include the following contacts

(Jillian.Skulsky@Curaleaf.com, and Paige.Wilson@Curaleaf.com)

Importance and Next Steps

Please note, failure to provide this information may restrict or suspend our ability to conduct medical marijuana transactions with your organization. This process ensures that all partners remain compliant with both federal and state regulations, protecting the integrity of the medical marijuana supply chain. Thank you for your prompt cooperation and attention to these requirements.

Thank you!

Best,
Zan

Curaleaf

Zan Rabney

Manager, Merchandising | Retail Planning
Zan.Rabney@curaleaf.com |
curaleaf.com | 250 Harbor Drive 3rd Floor Stamford CT 06902

EXHIBIT C

From: Eric Rodrigo
Cc: Commercial Team
Subject: DEA Verification Request
Date: Wednesday, November 11, 2026 4:36:05 PM
Attachments: image.png

Good afternoon,

In connection with recent guidance published by the DEA, we are now required to confirm the status of all other entities that are registered with the DEA or are otherwise considered a "Timely Applicant" by the DEA (meaning an entity that submitted an application for registration with the DEA by or on June 26, 2026). In accordance with this requirement, please provide us with the following:

1. Confirmation of all DEA Control ID(s) associated with applications submitted to the DEA for your grower/processor (manufacturing), dispensary, or distribution locations.
2. Alternatively, if you have received DEA registration at an applied-for location, please provide a copy of that registration.
3. A copy of state license(s) associated with the locations you've applied for (or received) registration with the DEA.

Please provide this information no later than one week from the date of this email. Should you require the same information from us please contact: commercialteam@jushico.com.

Thank you in advance for your time and cooperation.

Eric Rodrigo
Manager, Commercial Operations
C: (570) 730-1255
www.jushico.com

EXHIBIT D

From: Becca Rutenberg
To: Becca Rutenberg
Cc: ania.capaldo@gtigrows.com; Deanna Lampo
Subject: PA - Green Thumb Industries - DEA Request
Date: Thursday, November 12, 2026 10:49:57 AM
Attachments: unnamed.png

Good morning,

I'm reaching out on behalf of the team at Green Thumb Industries. Pursuant to the Federal Drug Enforcement Administration's recent guidance for timely applicants, we are reaching out to request documentation evidencing ongoing compliance with their requirements. At your earliest convenience, but prior to 11/20/26, we would be appreciative if you can respond with the following for each medical marijuana dispensing or manufacturing DEA application you submitted within the Commonwealth of Pennsylvania:

1. Current state medical marijuana license
2. DEA Control Number and entity to which to attach it

If you have questions on how best to comply with this request, please don't hesitate to reach out to me directly.

Many thanks!

Becca
-

Becca Rutenberg
Chief of Staff - Legal & Regulatory
Green Thumb Industries
c | 610-675-5958

EXHIBIT E

From:	Brian Marquette
Cc:	CrescoPAsalesteam; Nicole Moll; Caitlin.Welge; Peyton Brennock; Philip Blok; Scott Golden; John Sullivan; Lane Goggin; Elizabeth Atkinson; DEA Registrations; Andrew Rayl
Subject:	DEA Supply Chain Diligence
Date:	Monday, November 16, 2026 12:11:20 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png Cresco PA DEA Info.zip Cresco PA Licenses.zip
Importance:	High

Dear retail/wholesale partner,

On October 30, 2026, the DEA issued guidance on Timely Applicants for Schedule III medical marijuana. It provides that Timely Applicants (state-licensed entities that submitted a complete DEA registration application between April 28, 2026, and June 26, 2026) and DEA registrants may conduct Schedule III medical marijuana activities only with other Timely Applicants and DEA registrants. The guidance directs Timely Applicants and registrants to confirm the status of every entity they transact with and to have compliant supply chains in place and due diligence documented by November 29, 2026.

To meet this requirement, we must verify the regulatory status of each entity with which we conduct medical marijuana activities. Please provide the following, as applicable:

1. **DEA Timely Applicant Control Number and Submission Confirmation (DCN)**
   - Evidence of your status as a Timely Applicant (confirmation of a complete DEA application submitted within the relevant timeframe), including your DCN.
2. **DEA Certificate of Registration**
   - If you are already a DEA registrant, a copy of your certificate of registration for Schedule III medical marijuana activities.
3. **State Medical Marijuana License**
   - A copy of your state medical marijuana license, along with verification that it is current and active.
4. **Business Type**
   - Please specify the type of DEA registration you applied for.

Please respond by **EOD November 23, 2026** and copy the following contacts: dearegistrations@crescolabs.com

To facilitate your company's gathering of the above information, we are also including proof of our registrations and current/valid state licenses.

Importance and Next Steps

Regrettably, it is possible that a failure to provide the above information may inhibit our ability to conduct medical marijuana transactions with your company. This process helps ensure all partners remain compliant with federal and state requirements and protects the integrity of the medical marijuana supply chain.

Thank you for your prompt cooperation and attention to this matter.

Brian Marquette | General Manager - PA & FL
2112 Penn Avenue | Pittsburgh, PA 15222
Mobile: (724) 719-5570
www.crescolabs.com



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