NOTICE OF DOCKET ENTRY	DOCKET NUMBER 26 MISC 000403	Commonwealth of Massachusetts Land Court Department of the Trial Court

CASE NAME

Halona Mui , et al., Plaintiff(s)

v.

City of Malden , et al., Defendant(s)

NOTICE ISSUED TO	COURT ADDRESS & PHONE NUMBER
Blake M Mensing, Esq. Cable Fleisher and Sosebee PLLC 90 Conz St Northampton, MA 01060	Land Court Three Pemberton Square Room 507 Boston, MA 02108 (617)788-7470

Notice is hereby given that the following docket entry has been made in the above captioned matter:

Event Resulted: Case Management Conference scheduled on:
09/08/2026 02:00 PM
Has been: Hybrid Initial case management conference and early intervention held. Attorney Blake Mensing appeared on behalf of Halona Mui and Misty Mountain Shop LLC ("Mui," "Misty Mountain," and collectively, the "Plaintiffs"). Attorneys Alicia McNeil and Prasanna Rajasekaran appeared on behalf of the City of Malden and the members of the City of Malden City Council (the "City Council," and collectively, the "City Defendants"). Attorney Roberto Di Marco appeared in person on behalf of DMS Trinity, LLC ("DMS"). Court is in receipt of the Complaint, Corporate Disclosure of Misty Mountain Shop, LLC, Plaintiff's Notice of First Amended Complaint, First Amended Complaint, Exhibit A of the Amended Complaint, Case Management Conference Joint Statement, and DMS Trinity, LLC's Addendum to the Joint Case Management Conference Statement.

By way of background, Plaintiffs appeal pursuant to G.L. c. 40A § 17 from a decision of the City Council granting DMS' request to eliminate a special condition of its Marijuana Special Permit, specifically a condition which prohibits transfer to another operator of the retail marijuana establishment. DMS seeks to transfer its Marijuana Special Permit to Beach House Cannabis LLC ("Beach House") at 36 Charles Street, Malden (the "Property"). Plaintiffs contend, inter alia, that such transfer violates the Malden Zoning Ordinance under section 12.12.190(H)(1). DMS and the City Defendants contend that section 12.12.190 is inapplicable in light of this court's Decision and Clarified Judgment in 22 MISC 000076 Benevolent Botanicals LLC, et al. v. City of Malden, et al. (Rubin, J.), and that Malden's general zoning bylaws instead should govern the procedures regarding conditions and transfer of a special permit.

Court first inquired as to whether Beach House and the Property's owner, Charles Street Realty Trust, should be joined as parties to this action. Following colloquy, Plaintiffs to file a second amended complaint naming Beach House and Charles Street Realty Trust as parties.

Court and counsel discussed the complexities of the Plaintiffs' claims in light of the Decision and Clarified Judgment issued in 22 MISC 000076 Benevolent Botanicals LLC, et al. v. City of Malden, et al. (Rubin, J.), specifically with regard to which bylaw should govern DMS' marijuana special permit, which was granted prior to the court's Decision and Clarified Judgment in 22 MISC 000076. Following colloquy, court encouraged the parties to consider engaging mediation to avoid the time, risk, and expense of protracted litigation, with counsel requesting additional time to consider the most efficient path to resolving this action. Further case management

DATE ISSUED: 09/08/2026	**RECORDER:** Deborah J. Patterson

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NOTICE OF DOCKET ENTRY	DOCKET NUMBER 26 MISC 000403	Commonwealth of Massachusetts Land Court Department of the Trial Court

cc:

Sweet, Esq., Jason E Foster, Walker and Di Marco 350 Main St Malden MA 02148
Di Marco, Esq., Roberto Luigi Foster, Walker and Di Marco, P.C. 350 Main St Third Floor Malden MA 02148
Foster, Esq., Jennifer Martin Foster, Walker and Di Marco, P.C. 350 Main St Third Floor Malden MA 02148
Mooney, Esq., Christopher City of Malden 215 Pleasant St Suite 420 Malden MA 02148
Heath, Esq., Quinn R Cable, Fleisher and Sosebee, PLLC 476 Windsor St Apt 1 Cambridge MA 02141
Rajasekaran, Esq., Prasanna V Rajasekaran Law LLC 88 Broad St Boston MA 02110
Samee, Esq., Zaheer Frisoli Associates, P.C. 25 Burlington Mall Rd Suite 307 Burlington MA 01803
McNeil, Esq., Alicia Ann Law Offices of Alicia A. McNeil 15 Lincoln St Suite 190 Wakefield MA 01880

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NOTICE ISSUED TO	COURT ADDRESS & PHONE NUMBER
Quinn R Heath, Esq. Cable, Fleisher and Sosebee, PLLC 476 Windsor St Apt 1 Cambridge, MA 02141	Land Court Three Pemberton Square Room 507 Boston, MA 02108 (617)788-7470

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NOTICE ISSUED TO	COURT ADDRESS & PHONE NUMBER
Alicia Ann McNeil, Esq. Law Offices of Alicia A. McNeil 15 Lincoln St Suite 190 Wakefield, MA 01880	Land Court Three Pemberton Square Room 507 Boston, MA 02108 (617)788-7470

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City of Malden , et al., Defendant(s)

NOTICE ISSUED TO	COURT ADDRESS & PHONE NUMBER
Christopher Mooney, Esq. City of Malden 215 Pleasant St Suite 420 Malden, MA 02148	Land Court Three Pemberton Square Room 507 Boston, MA 02108 (617)788-7470

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NOTICE ISSUED TO	COURT ADDRESS & PHONE NUMBER
Prasanna V Rajasekaran, Esq. Rajasekaran Law LLC 88 Broad St Boston, MA 02110	Land Court Three Pemberton Square Room 507 Boston, MA 02108 (617)788-7470

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Roberto Luigi Di Marco, Esq. Foster, Walker and Di Marco, P.C. 350 Main St Third Floor Malden, MA 02148	Land Court Three Pemberton Square Room 507 Boston, MA 02108 (617)788-7470

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Mooney, Esq., Christopher City of Malden 215 Pleasant St Suite 420 Malden MA 02148
Heath, Esq., Quinn R Cable, Fleisher and Sosebee, PLLC 476 Windsor St Apt 1 Cambridge MA 02141
Rajasekaran, Esq., Prasanna V Rajasekaran Law LLC 88 Broad St Boston MA 02110
Samee, Esq., Zaheer Frisoli Associates, P.C. 25 Burlington Mall Rd Suite 307 Burlington MA 01803

DATE ISSUED: 09/08/2026	**RECORDER:** Deborah J. Patterson

NOTICE OF DOCKET ENTRY	DOCKET NUMBER 26 MISC 000403	Commonwealth of Massachusetts Land Court Department of the Trial Court

CASE NAME

Halona Mui , et al., Plaintiff(s)

v.

City of Malden , et al., Defendant(s)

NOTICE ISSUED TO	COURT ADDRESS & PHONE NUMBER
Jennifer Martin Foster, Esq. Foster, Walker and Di Marco, P.C. 350 Main St Third Floor Malden, MA 02148	Land Court Three Pemberton Square Room 507 Boston, MA 02108 (617)788-7470

Notice is hereby given that the following docket entry has been made in the above captioned matter:

Event Resulted: Case Management Conference scheduled on:
09/08/2026 02:00 PM
Has been: Hybrid Initial case management conference and early intervention held. Attorney Blake Mensing appeared on behalf of Halona Mui and Misty Mountain Shop LLC ("Mui," "Misty Mountain," and collectively, the "Plaintiffs"). Attorneys Alicia McNeil and Prasanna Rajasekaran appeared on behalf of the City of Malden and the members of the City of Malden City Council (the "City Council," and collectively, the "City Defendants"). Attorney Roberto Di Marco appeared in person on behalf of DMS Trinity, LLC ("DMS"). Court is in receipt of the Complaint, Corporate Disclosure of Misty Mountain Shop, LLC, Plaintiff's Notice of First Amended Complaint, First Amended Complaint, Exhibit A of the Amended Complaint, Case Management Conference Joint Statement, and DMS Trinity, LLC's Addendum to the Joint Case Management Conference Statement.

By way of background, Plaintiffs appeal pursuant to G.L. c. 40A § 17 from a decision of the City Council granting DMS' request to eliminate a special condition of its Marijuana Special Permit, specifically a condition which prohibits transfer to another operator of the retail marijuana establishment. DMS seeks to transfer its Marijuana Special Permit to Beach House Cannabis LLC ("Beach House") at 36 Charles Street, Malden (the "Property"). Plaintiffs contend, inter alia, that such transfer violates the Malden Zoning Ordinance under section 12.12.190(H)(1). DMS and the City Defendants contend that section 12.12.190 is inapplicable in light of this court's Decision and Clarified Judgment in 22 MISC 000076 Benevolent Botanicals LLC, et al. v. City of Malden, et al. (Rubin, J.), and that Malden's general zoning bylaws instead should govern the procedures regarding conditions and transfer of a special permit.

Court first inquired as to whether Beach House and the Property's owner, Charles Street Realty Trust, should be joined as parties to this action. Following colloquy, Plaintiffs to file a second amended complaint naming Beach House and Charles Street Realty Trust as parties.

Court and counsel discussed the complexities of the Plaintiffs' claims in light of the Decision and Clarified Judgment issued in 22 MISC 000076 Benevolent Botanicals LLC, et al. v. City of Malden, et al. (Rubin, J.), specifically with regard to which bylaw should govern DMS' marijuana special permit, which was granted prior to the court's Decision and Clarified Judgment in 22 MISC 000076. Following colloquy, court encouraged the parties to consider engaging mediation to avoid the time, risk, and expense of protracted litigation, with counsel requesting additional time to consider the most efficient path to resolving this action. Further case management

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conference scheduled for September 23, 2026 at 2:30P.M., at which time court to discuss further whether a motion to dismiss might be appropriate and/or possibly a motion to clarify the Decision and Clarified Judgment in 22 MISC 000076. Hon. Diane R. Rubin, Presiding

DATE ISSUED: 09/08/2026	**RECORDER:** Deborah J. Patterson

NOTICE OF DOCKET ENTRY	DOCKET NUMBER 26 MISC 000403	Commonwealth of Massachusetts Land Court Department of the Trial Court

cc:

Sweet, Esq., Jason E Foster, Walker and Di Marco 350 Main St Malden MA 02148
Mensing, Esq., Blake M Cable Fleisher and Sosebee PLLC 90 Conz St Northampton MA 01060
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CASE NAME

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NOTICE ISSUED TO	COURT ADDRESS & PHONE NUMBER
Jason E Sweet, Esq. Foster, Walker and Di Marco 350 Main St Malden, MA 02148	Land Court Three Pemberton Square Room 507 Boston, MA 02108 (617)788-7470

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