

The September 8 Land Court event in the latest cannabis case turned into a “[h]ybrid Initial case management conference and early intervention...”. The proceeding carried on for more than an hour, which surprised a few people who attended.

Land Court Docket Entry, September 9, 2026

26 MISC 000403 Mui, Halona , et al. v. City of Malden , et al. RUBIN

Source: <https://www.masscourts.org/>

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 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