

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

3C, LLC d/b/a 3Chi, and	)	
MIDWEST HEMP COUNCIL, INC.,	)	CASE NO. 1:23-cv-1115
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
ATTORNEY GENERAL TODD ROKITA,	)	
in his official capacity, and	)	
THE STATE OF INDIANA,	)	
	)	
Defendants.	)	

**PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs, 3C, LLC d/b/a 3Chi (“3Chi”), and Midwest Hemp Council, Inc., (collectively, “Plaintiffs”), by counsel, and pursuant to Federal Rule of Civil Procedure 65, hereby move this Court to issue a preliminary injunction against Defendants, Attorney General Todd Rokita, in his official capacity, and the State of Indiana. No expedited discovery is anticipated in this matter at this time, and there are no factual issues to resolve given that the case raises primarily legal issues. Plaintiffs therefore request that the Court set this matter for oral argument as soon as convenient for the Court and grant their Motion.

As set forth more fully in the Complaint for Declaratory and Injunctive Relief and the supporting memorandum accompanying this Motion, there is a reasonable likelihood that Plaintiffs will succeed on the merits of their claims at trial because the Official Opinion violates the Supremacy and Commerce Clauses of the United States Constitution, as well as established Indiana law.

Specifically, the federal Agriculture Improvement Act of 2018 preempts the Official Opinion, which therefore violates the Supremacy Clause because it attempts to alter and

misapply the definition of hemp so as to criminalize it and place it back on the controlled substances list, and because it places in impermissible restriction on the transportation of hemp through Indiana. This prohibition on the possession and transport of hemp and hemp extracts through Indiana also violates the Commerce Clause by outlawing the interstate commerce of hemp declared legal under federal law. Finally, the Official Opinion violates Indiana's Senate-Enrolled Act 52, which adopts the same broad definition of hemp as the 2018 Farm Bill and permits for the sale, distribution, manufacturing, and possession of all low THC hemp extracts that are below .3% Delta-9 THC on a dry weight basis.

The remaining elements for a preliminary injunction are also satisfied here. Plaintiffs have, and will, suffer irreparable harm for which there is no adequate remedy at law if they cannot obtain the requested injunctive relief, as they continue to suffer from inability to obtain financing, preclusion of the transport, manufacture, possession, or sale of low THC hemp products, and the threat of prosecution. The weighing of harms falls in favor of Plaintiffs and the granting of this injunction serves the public interest because unconstitutional actions by state actors are *per se* harmful and against the citizens' best interests.

WHEREFORE, Plaintiffs, by counsel, for the reasons further set forth in the Complaint and accompanying Memorandum in Support of Motion for a Preliminary Injunction, request that this Court set a hearing on its Motion for Preliminary Injunction, and after such hearing, enter a preliminary injunction that enjoins Defendants (including other persons in concert or participation with them, including but not limited to law enforcement personnel and prosecutors' offices, including the Indiana State Police and Indiana Prosecuting Attorneys Council) from taking any steps to criminalize or prosecute the sale, possession, manufacture, financing, or distribution of low THC hemp extracts that are below .3% Delta-9 THC on a dry weight basis.

Dated: June 26, 2023

Respectfully submitted,

/s/ Paul D. Vink

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