

No. H054602

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA,
SIXTH APPELLATE DISTRICT

EUPHORIC LIFE, INC.,

Petitioner,

v.

DEPARTMENT OF CANNABIS CONTROL,

Respondent,

CANNABIS CONTROL APPEALS PANEL Case No. 2026-04-DCC-
0002

**PRELIMINARY OPPOSITION TO
PETITION FOR WRIT OF REVIEW**

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MEMORANDUM IN SUPPORT OF PRELIMINARY OPPOSITION

I. INTRODUCTION

Respondent Department of Cannabis Control (“Department”) submits this Preliminary Opposition (“Opposition”) to Petitioner Euphoric Life, Inc.’s (“Petitioner”) Petition for Verified Petition for Writ of Review, Alternative Petition for Writ of Mandate, and Request for Alternative Writ or Order to Show Cause (“Petition”).

The Petition arises from the Department’s determination to condemn misbranded cannabis and cannabis products in Petitioner’s possession at its licensed distributor premises. After the Department issued its Final Decision and Order (“Decision”) that Petitioner destroy the misbranded cannabis, instead of seeking a writ of review, as prescribed by Business and Professions Code section 26045¹, Petitioner filed a Petition for Writ of Administrative Mandate in the Superior Court, and simultaneously, appealed the Decision to the Cannabis Control Appeals Panel (“CCAP”), neither of which is the proper forum.

Now, after the statute of limitations for a Section 26045 writ of review has run, Petitioner is seeking relief in the forum prescribed in Section 26045. However, this request for relief is untimely and, on this basis, should be summarily denied. Petitioner is simultaneously contesting the CCAP’s Order to Dismiss (“Dismissal Order”) its appeal. This request should also

¹ All statutory references are to the Business and Professions Code, unless specified otherwise.

be summarily denied, as the CCAP's Dismissal Order is supported by Sections 26039.3 and 26045.

In the alternative, the Petition should be summarily denied as substantial evidence exists to support the Department's Decision. This is evident based on the record submitted and despite Petitioner's failure to provide this Court with the whole record.

Since Petitioner's challenge to the Department's Decision is untimely, the CCAP Dismissal Order is supported by law, and substantial evidence supports the Department's Decision, the Petition should be summarily denied.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. California's requirements to track and trace cannabis department inspections and condemnation of embargoed cannabis products.

In California, all cannabis is tracked and traced through the supply chain from seed to sale. (Bus. & Prof. Code, § 26067.) This is done by using unique identifier (UID) tags and entering the movement of cannabis and cannabis products in the California Cannabis Track and Trace system. (*Ibid.*) Tracking begins with the cultivation of the cannabis plant when UID tags are assigned to cannabis plants or groups of cannabis plants by licensed cultivators. (Bus. & Prof. Code, § 26069.) After licensees have harvested, processed, and packaged cannabis for sale, cannabis must continue to bear a label or tag with the UID code. (Bus. & Prof. Code, § 26067; Cal. Code Regs., tit. 4, §§ 15049, subd. (a), 17398, 17399.) When cannabis moves in commerce from one licensee to another, such as from a cultivator to a manufacturer

or distributor, each licensee must record these transfers in its respective CCTT account with reference to the assigned UID code. (Bus. & Prof. Code, § 26068; Cal. Code Regs., tit. 4, §§ 15049, subds. (b), (c), 15049.2.) Similarly, when a licensee transforms cannabis, such as by extracting THC from cannabis flower, the licensee must document this transformation in its CCTT account with reference to the UID code. (Cal. Code Regs., tit. 4, § 15049, subds. (b), (c).)

In California’s licensed cannabis marketplace, at any point between harvest and retail sale, cannabis in any form that does not bear a UID code is by definition “misbranded.” (Bus. & Prof. Code, § 26039.5, subd. (a)(4).) The Department is authorized to embargo misbranded cannabis, preventing its movement through the licensed supply chain. (Bus. & Prof. Code, § 26039.3, subd. (a); Cal. Code Regs., tit. 4, § 17801.5, subd. (a).) Once embargoed, the licensee is afforded the opportunity to show that the cannabis and/or cannabis products are from a licensed source and if the misbranding can be corrected the embargo can be lifted. (Bus. & Prof. Code § 26029.5, subd. (c).) If, however, the misbranding cannot be corrected, then the cannabis and cannabis product shall be destroyed. (*Ibid.*)

B. Department inspections and condemnation of embargoed cannabis products.

Petitioner holds California Cannabis Distributor License Number C11-0000305-LIC, issued by the Department. (Exhibit (“Ex.”) 8 to Pet., at p. 38.) In August 2024, the Department conducted an inspection of Petitioner’s licensed cannabis

distribution premises. (Ex. 8 to Pet., at pp. 39.) During the inspection, Department staff identified packaging and labeling violations, which raised concerns as to the origin of the cannabis and cannabis products. (Ex. 8 to Pet., at pp. 39.) Among the violations Department staff identified were the presence of bags of cannabis flower and cannabis pre-roll cigarettes at the licensed premises that did not have UID tags. (Ex. 8 to Pet., at p. 39.) Based upon these findings, on August 27, 2024, the Department issued a Notice to Comply to Petitioner, describing the Department's findings. (Ex. 2 to Pet., at p. 9; Ex. 8 to Pet., at 39.) Petitioner provided a timely response to the Department's Notice to Comply and a plan for correcting the violations. (Ex. 8 to Pet., at 39.) Specifically, Petitioner put UID labels on its freezers, and labeled bags or containers within those freezers with UID codes as well. Petitioner also destroyed all of the pre-roll cannabis cigarettes that lacked individual UID labels, and re-trained staff members to ensure that no pre-roll cannabis cigarettes were without proper UID labels. (Ex. 8 to Pet., at pp. 39-40.)

On April 29, 2025, the Department conducted another inspection at Petitioner's licensed cannabis distribution facility. (Ex. 2 to Pet., at pp. 8-9; Ex. 8 to Pet., at 40.) At this inspection, Department staff again identified packaging and labeling violations, which again raised concerns as to the origin of the cannabis and cannabis products found on Petitioner's licensed premises. (Ex. 8 to Pet., at pp. 41.) Petitioner's cannabis and cannabis products were not properly tagged and labeled, and they did not have UID codes. Thus, the Department was unable to

determine whether the cannabis and cannabis products originated from a licensed source. (Ex. 8 to Pet., at. pp. 50-52.)

Because, at the time of the inspection, Petitioner was unable to provide documentation to show that the unlabeled cannabis and cannabis products came from a licensed source, the Department embargoed the unsourced cannabis and cannabis products. (Ex. 8 to Pet., at pp. 41-42.) This inability to substantiate the source of the cannabis and cannabis products is a serious violation, as it prevents the Department from determining the safety of the product, and whether it has gone through the proper laboratory testing for harmful chemicals such as pesticides, mold, heavy metals, and cannabinoid content. The Department embargoed the unsourced cannabis and cannabis products, which included 357.22 pounds of unlabeled fresh frozen cannabis and 23 unlabeled jars that contained unfinished manufactured products, which totaled 33.02 pounds, as well as 3,708 individual units of unlabeled pre-rolls. (Ex. 3 to Pet., pp. 19-22; Ex. 8 to Pet., at. pp. 42-43.)

As part of the embargo process, Petitioner was afforded an opportunity to provide documentation as to the legal source of the cannabis and cannabis products. (Ex. 8 to Pet., at pp. 44-45.) However, Petitioner failed to provide any substantiation that the embargoed cannabis and cannabis products were from a licensed source. (Ex. 8 to Pet., at p. 45.) Because of Petitioner's failure to provide the required substantiation, Petitioner was given the opportunity to voluntarily destroy the unsourced cannabis and cannabis products. (Ex. 8 to Pet., at p. 46.) Petitioner declined to

do so, instead choosing to appeal the Department's embargo determination. (Ex. 8 to Pet., at pp. 44-46.)

C. Condemnation hearing and the department's final decision and order.

Thereafter, on October 20, 2025, a Condemnation of Embargoed Cannabis Product(s) ("Condemnation Proceeding") was initiated by the Department against Petitioner. (Ex. 8 to Pet., at pp. 38.) The Condemnation Proceeding sought an order from the Office of Administrative Hearings authorizing destruction of the cannabis owned and possessed by Petitioner that was subject to the Department-ordered embargo. (Ex. 8 to Pet., at pp. 38.) Specifically, the Department sought destruction of the cannabis and cannabis products on the grounds that Petitioner had failed to label and package the cannabis and cannabis products as required by law, rendering the cannabis and cannabis products misbranded under the law, and that Petitioner failed to demonstrate an ability to correct these errors. (Ex. 8 to Pet., at pp. 38.) The Department also sought its statutorily permitted investigative and prosecutorial costs. (Ex. 8 to Pet., at pp. 38.)

A full evidentiary hearing was held on February 5 and 12, 2026, before the Office of Administrative Hearings before Administrative Law Judge ("ALJ") Julie E. Cox. The Department presented evidence supporting its allegations that Petitioner failed to comply with labeling and packaging requirements, failed to provide documentation of the origin of the cannabis and cannabis products, and failed to submit a written plan to release

the embargoed cannabis. (Ex. 8 to Pet., at pp. 37-55.) Petitioner was afforded the opportunity to present evidence, including the testimony of Petitioner's Head of Operations and its Managing Owner. (Ex. 8 to Pet., at pp. 37-55.) The ALJ found that Petitioner failed to provide most of the records described and found the Managing Owner's testimony regarding Petitioner's explanation for failing to provide complete documentation "not credible," and even if the Managing Owner's confusion was genuine, it would be "unreasonable." (Ex. 8 to Pet., at p 47.)

After two days of hearing, the ALJ issued a Proposed Decision. (Ex. 8 to Pet., at pp. 37-55.) On March 5, 2026, The Department adopted the Proposed Decision as its Decision. The Department's Decision became effective on April 6, 2026. (Ex. 9 to Pet., at pp. 57-59.)

The Decision found that condemnation of the misbranded cannabis and cannabis goods was appropriate, and that correcting the misbranding was not possible in this instance. (Ex. 8 to Pet., at pp. 50-52.) Specifically, based on the lack of documentation and labeling, there was no method through which Petitioner could reconstruct its chain of custody to restore compliance within the California Cannabis Track and Trace system. (Ex. 8 to Pet., at pp. 50-52.) In summary, the evidence established that Petitioner possessed cannabis and cannabis goods that could not be traced to a licensed source. (Ex. 8 to Pet., at pp. 50-52.)

Based on this determination, the only appropriate outcome was the destruction of the misbranded cannabis. (Ex. 8 to Pet., at

p. 52.) Petitioner was ordered to pay \$35,965.65 to the Department to reimburse it for its reasonable costs incurred to investigate and prosecute the matter. (Ex. 8 to Pet., at p. 52.)

D. Petitioner’s superior court petition for writ of administrative mandate.

On March 23, 2026, Petitioner filed a Verified Petition for Writ of Administrative Mandamus in the Santa Clara Superior Court. (*Euphoric Life v. Dept. of Cannabis Control* (Sup. Ct. of Santa Clara Co., 2026) Case No. 26CV489817.) Petitioner concurrently filed an ex parte application for stay of enforcement of the Decision. (Ex. 21 to Pet., p. 133.)

The Department opposed Petitioner’s ex parte application on the grounds that the Superior Court lacked jurisdiction to hear the underlying Petition. (Ex. 13 to Pet., at p. 78.) On April 17, 2026, the Superior Court denied Petitioner’s ex parte application for a stay, finding that it lacked “jurisdiction to proceed under Business & Professions Code section 26045.” (Ex. 14 to Pet., at p. 93.)

On May 6, 2026, the Department filed a Demurrer to Petitioner’s Superior Court Petition. (Ex. A to Request for Judicial Notice (“RJN”) in support of Opp.) The grounds for the Demurrer were that the Superior Court lacked jurisdiction and the fact that Petitioner had another action pending (the CCAP appeal discussed in section E, below) involving the same parties and same causes of action. (Code Civ. Proc., § 430.10, subds. (a) and (c).) Petitioner did not file an opposition. On August 10, 2026, the Superior Court entered an order sustaining the Department’s

demurrer without leave to amend. (Ex. B to RJN.) Then, on August 11, 2026, the Superior Court entered judgment dismissing the Petition for Writ of Administrative Mandate. (Ex. C to RJN.)

E. Petitioner's CCAP appeal of the department's final decision.

Concurrently with Petitioner's Superior Court Petition, on April 16, 2026, Petitioner filed a Notice of Appeal of the Department's Decision with the CCAP. On April 20, 2026, the Department received CCAP's acknowledgement of Notice of Appeal and enforcement of automatic stay. (Ex. 16 to Pet., at p. 97.) On April 24, 2026, the Department filed a Motion to Dismiss on the grounds that as a matter of law, a condemnation order is not reviewable by the CCAP. (Ex. 17 to Pet., at pp. 100-106.)

On May 21, 2026, the CCAP heard oral arguments on the Department's Motion to Dismiss (Ex. 21 to Pet., at p. 134.) On June 25, 2026, the CCAP issued an order granting the Department's Motion to Dismiss. (Ex. 21 to Pet., at p. 139.) In its Order, the CCAP ruled:

“This Panel finds that it lacks jurisdiction to hear an appeal from the Final Decision ordering condemnation of Petitioner's cannabis product and has no authority to extend the automatic stay beyond the effective date of this order.” (Ex. 21 to Pet., at p. 139.)

In granting the Department's Motion to Dismiss, the CCAP found that Section 26043, subdivision (a), enumerates what administrative proceedings must precede any appeal brought

before the CCAP. (Ex. 21 to P. at p. 136.) Condemnation hearings are not among those enumerated proceedings.²

III. ARGUMENT

A. CCAP’s dismissal order is appropriate, as CCAP is not statutorily permitted to hear an appeal on a condemnation order.

The Court should summarily deny the challenge to the CCAP’s dismissal, as no statutory authority exists that would permit the CCAP from hearing an appeal on a condemnation order.

The Department’s authority to embargo misbranded cannabis and cannabis products derives from Section 26039.3 and California Code of Regulations, title 4, section 17801.5.³

² The proceedings that can be appealed to the CCAP include a hearing on the suspension, revocation, or probation of a license based on violations of cannabis law (see Bus. & Prof. Code, § 26031); a hearing on a citation resulting in a fine (see Bus. & Prof. Code, § 26031.5); a hearing on the denial of a license application (see Bus. & Prof. Code, § 26058); a hearing on the denial of a license based on provisions related to character and criminal convictions (see Bus. & Prof. Code §§ 480-489); or a hearing on the suspension or revocation of a license based on tax delinquencies, noncompliance with support orders, and similar provisions (see Bus. & Prof. Code, §§ 490-494.6). (Bus. & Prof. Code, § 26043(a).) They do not include proceedings ordering condemnation of cannabis product under section 26039.3, subdivision (f), or Department rule 17801.5, subsection (d)(2). (Ex. 21 to P. at p. 136-137.)

³ “The Department may embargo cannabis or cannabis products to prevent their sale, disposal, or removal from the location when the Department has probable cause to believe the cannabis or cannabis products are adulterated or misbranded or the sale would otherwise be in violation of the Act or this division.” (Cal. Code Reg., tit. 4, § 17801.5.)

However, while Section 26039.3 allows for an order of destruction, it does not provide for an appeal to the CCAP. Section 26043 is also not applicable, as a condemnation order is not one of the actions listed in Section 26043. Section 26043 applies to actions related to licenses, not to the condemnation of misbranded or adulterated cannabis and cannabis products. Section 26043 subdivision (a) states:

“After proceedings pursuant to Section **26031**, **26031.5**, or **26058**. . .any person aggrieved by the decision of the department denying the person's application for any license, denying the person's renewal of any license, placing any license on probation, imposing any condition on any license, imposing any fine on any license or licensee, assessing any penalty on any license, or canceling, suspending, revoking, or otherwise disciplining any license as provided for under this division, may appeal the department's written decision to the panel.”

(Bus. & Prof. Code, § 26043 (a), emphasis added.)

Section 26043 is clear that condemnation orders issued pursuant to Section 26039.3 are not one of the enumerated actions listed in section 26043 that are appealable to the CCAP. For this reason, the CCAP correctly concluded that “proceedings ordering condemnation of cannabis product” are not included in Section 26043, and thus “This panel must therefore grant the Department’s Motion to Dismiss.” (Ex. 21 to Pet., at p. 137.)

Moreover, Section 26045, subdivision (a) does not grant the CCAP jurisdiction, as it “serves to *divest* jurisdiction, not grant it.” (Ex. 21 to Pet., at p. 137, emphasis in original.)

Section 26045. Subdivision (a) states:

(a) No court of this state, except the Supreme Court and the courts of appeal to the extent

specified in this chapter, **shall have jurisdiction to review, affirm, reverse, correct, or annul any order, rule, or decision of the department** or to suspend, stay, or delay the operation or execution thereof, or to restrain, enjoin, or interfere with the department in the performance of its duties, but a writ of mandate shall lie from the Supreme Court or the courts of appeal in any proper case.

(Bus. & Prof. Code, § 26045, subd. (a); emphasis added)

As such, the Petition should be summarily denied.

B. Petitioner's writ of the department's decision should be summarily denied on statute of limitations grounds.

The Petition attempts to contest the Department's Decision, however Petitioner is too late. The statutory framework governing writs contesting the Decision of the Department is found in Section 26039.3, and Government Code sections 11521 and 11523.

Section 26039.3 states that condemnation proceedings are subject to "...appropriate notice to, and the opportunity for a hearing with regard to, the person or licensee affect in accordance with **Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code**". (Bus. & Prof. Code, § 26039.3, subd. (f); emphasis added).

The underlying hearing was held pursuant to the Administrative Procedures Act, commencing with Government Code section 11500. Government Code section 11521 controls the

Department's ability to reconsider the decision; it provides in pertinent part:

- (a) The power to order a reconsideration **shall expire 30 days after the delivery or mailing of a decision to a respondent, or on the date set by the agency itself as the effective date of the decision if that date occurs prior to the expiration of the 30-day period** or at the termination of a stay of not to exceed 30 days which the agency may grant for the purpose of filing an application for reconsideration. If additional time is needed to evaluate a petition for reconsideration filed prior to the expiration of any of the applicable periods, an agency may grant a stay of that expiration for no more than 10 days, solely for the purpose of considering the petition. If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied.

....

(Gov. Code, § 11521, subd. (a).) (emphasis added)

Government Code section 11523 operates as a statute of limitations, and instances of noncompliance cannot be excused because “[s]tatutes of limitations “are, of necessity, adamant rather than flexible in nature,” and are “upheld and enforced regardless of personal hardship.” [Citation.]” (*Kupka v. Board of Administration* (1981) 122 Cal. App. 3d. 791, at 794-795.)

Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure, subject, however, to the statutes relating to the particular agency. Except as otherwise provided in this section, the petition shall be **filed within 30 days after the last day on which reconsideration can be ordered.** (Gov. Code, §11523; emphasis added)

Here, the Department's Decision became final 30 days after it was delivered to Petitioner on March 5, 2026. (Ex. 9 to Pet., at

pp. 57-59.) Thus, the last day that reconsideration of the Department's Decision could be ordered was April 6, 2026. The instant Petition was filed on July 22, 2026, 77 days later. Government Code section 11523 is explicit that a petition for writ of mandate must be brought within 30 days after the last day reconsideration of the final decision could be ordered. This requirement is jurisdictional and without any exceptions. (*Harrow v. Department of Defense* (2024) 601 U. S. 480.) Since the 30-day period in which the Department's Decision ran prior to the filing of the Petition, Petitioner is now attempting to revive an untimely challenge by combining it with a writ petition challenging the CCAP's Dismissal Order. However, this attempt should be unsuccessful. Petitioner's writ petition falls outside the statute of limitations and, therefore, should be summarily denied.

C. In the alternative, the petition should be denied because substantial evidence supports the department's decision.

The record in the case supports that the Department proceeded in the manner required by law and the Decision is supported by substantial evidence. It should be noted that the exhibits which Petitioner lodged with this Court, while not the whole record as required by Section 26046, subsection (a)(4)⁴,

⁴ "(a) The review by the court shall not extend further than to determine, based on the whole record of the department as certified by the panel, whether:... (4) The findings in the department's decision are supported by substantial evidence (continued...)"

provide substantial evidence to support the findings in the Department's Decision.

1. Department's decision is supported by substantial evidence.

Here, substantial evidence supports the Department's Decision. As the Decision documents, the Department conducted an inspection of Petitioner's licensed premises in April 2025. At that inspection, Department staff identified various labeling and packaging violations, which raised concerns as to the origin of the cannabis and cannabis products found on Petitioner's licensed premises. Specifically, the Department identified cannabis and cannabis products consisting of 357.22 pounds of unlabeled fresh frozen cannabis and 23 unlabeled jars that contained unfinished manufactured products, which totaled 33.02 pounds, and 3,708 individual units of unlabeled pre-rolls that were misbranded. (Ex. 3 to Pet., pp. 19-22; Ex. 8 to Pet., at pp. 42-43.) Because of this misbranding, the Department could not establish the source of that cannabis and cannabis products. (Ex. 8 to Pet., at p. 44.) These findings were supported by the following Exhibits: Initial Embargo Notice (Ex. 1 to Pet., at pp. 5-6.); Report of Investigation – Compliance Inspection (Ex. 2 to Pet., at pp. 8-17.), and Supplemental Notice of Embargo (Ex. 3 to Pet., at pp. 19-22.)

in the light of the whole record.” (Bus. & Prof. Code, § 26046, subd. (a)(4).)

While Petitioner submitted a timely correction plan proposal to the Department, it lacked significant and relevant information. (Ex. 8 to Pet., at pp. 44-46.) Namely, the specific UID codes that Petitioner proposed to apply to the embargoed items. (Ex. 8 to Pet., at pp. 44-46.) In addition, Petitioner submitted no documents to the Department along with the proposed correction plan proposal. Specifically, Petitioner submitted no documents to establish that the cannabis and cannabis products ever had been labeled with UID tags. (Ex. 8 to Pet., at pp. 44-46.) Neither did Petitioner provide a draft remediation proposal to the Department regarding any of the embargoed cannabis products. (Ex. 8 to Pet., at pp. 44-46.)

In addition, Petitioner's Manager provided testimony, which was deemed as not credible, to explain the lack of UID tags. (Ex. 8 to Pet., at p 47.) While Petitioner's Manager testified regarding having documents and what they contained, Petitioner was unable to provide documentation to show that the unlabeled cannabis and cannabis products originated from a licensed source. (Ex. 5 to Pet., at pp. 28-29.)

The substantial evidence before this court supports the Department's Decision condemning Petitioner's cannabis and cannabis products, and therefore, the Petition should be summarily denied.

2. Relevant evidence not included in petitioner's exhibits.

The Department believes that the exhibits lodged by Petitioner provide substantial evidence to summarily deny the

Petition. However, the exhibits lodged with this Court do not comprise the entirety of record, as required pursuant to Section 26046, subsection (a)(4).

Specifically, and perhaps intentionally, Petitioner did not include the hearing transcript upon which the Department's Decision relied. The missing hearing testimony includes that of Petitioner's Head of Operations and its Managing Owner. This testimony was considered in arriving at the Decision, as the testimony of the Managing Owner regarding Petitioner's explanation for failing to provide complete documentation was "not credible," and that even if the Managing Owner's confusion was genuine, it would be "unreasonable." (Ex. 8 to Pet., at p 47.) This testimony is not part of the record before this Court, and while the Department believes sufficient grounds exist to summarily deny the Petition, the failure to include the hearing transcript, and thus the whole record, of the underlying hearing is an additional ground upon which the Petition should be summarily denied.

D. Modification of costs award.

In preparing this Opposition, the Department discovered an inadvertent error had been made in the costs ordered to be paid by Petitioner. The amount for attorney's fees should be \$23,397. This amount was included in the times sheets attached to the Certification of Prosecution Costs ("Certification."). (Ex. 10 to Pet., p. 69.) A different amount (\$25,984.75) was inadvertently included on the Certification. (Ex., 10, p. 62.) Therefore, adding correct attorney fees of

\$23,397 to the Department's costs of \$9,980.90, the cost award should be modified to \$33,379.90. Since the Decision and Order found that the original cost request was "reasonable"⁵, pursuant to Section 26039.3, subdivision (f)(1), this amended amount, which is \$2,585,75 less the awarded amount, should also be considered reasonable. (Ex. 8 to Pet., at p. 48.)

IV. CONCLUSION

Petitioner missed its window to appeal the Department's Decision. Instead of appealing in the proper venue (the Supreme Court or courts of appeal), Petitioner attempted appeal to the Superior Court and the CCAP. These appeals were not permitted by statute. So, in attempt to correct previous mistakes, Petitioner now files this Petition. For the reasons discussed, this Petition should be summarily denied on jurisdictional grounds. In addition, substantial evidence exists to support the Department's Decision. Therefore, the Court should summarily deny the Petition.

⁵ "The licensee or owner of the affected cannabis or cannabis product shall pay fees and reasonable costs, including the costs of storage, testing, and supervision, incurred by the department in investigating and prosecuting the action taken pursuant to this section." (Bus. & Prof. Code, § 26039.3, subd. (f)(1).)

Respectfully submitted,

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August 13, 2026

CERTIFICATE OF COMPLIANCE

I certify that the attached Preliminary Opposition To ")
Petition for Verified Petition for Writ of Review, Alternative
Petition for Writ of Mandate, and Request for Alternative Writ or
Order to Show Cause uses a 13-point Century Schoolbook font
and contains 4,631 words.

ROB BONTA

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August 13, 2026

DECLARATION OF SERVICE BY E-MAIL and U.S. MAIL

Case Name: **Euphoric Life, Inc. v. DCC**

Case No.: **H054602**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. My business address is: 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004. My electronic service address is Jose.Katigbak@doj.ca.gov. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On August 13, 2026, I served the attached:

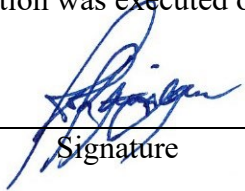
- **PRELIMINARY OPPOSITION TO PETITION FOR WRIT OR REVIEW**
- **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PRELIMINARY OPPOSITION TO PETITION FOR WRIT OF REVIEW**

by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Nooshin Dalili
Dalili Law Group
1004 Willow Street
San Jose, CA 95125
E-mail Address: nooshin@dalililaw.com
Counsel for Petitioner Ahmad Rafii

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on August 13, 2026, at San Francisco, California.

Jose Katigbak
Declarant



Signature