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5 Attorney for Interveners Soothing Options, Inc.  
and Health for Life, Inc.

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
7 **IN AND FOR THE COUNTY OF MARICOPA**

8 TOTAL HEALTH AND WELLNESS, INC, )  
9 an Arizona nonprofit corporation; et. al. )

10 Plaintiffs,

11 vs.

12 ARIZONA DEPARTMENT OF HEALTH  
13 SERVICES, an agency of the State of  
Arizona;

14 Defendants

Case No: CV2013-005901

**MOTION TO INTERVENE BY  
SOOTHING OPTIONS, INC., an Arizona  
nonprofit corporation, and HEALTH  
FOR LIFE, INC., an Arizona nonprofit  
corporation**

15  
16  
17 Pursuant to Arizona Rules of Civil Procedure ("ACRP"), Rule 24, applicants  
18 Soothing Options, Inc., an Arizona nonprofit corporation, and Health For Life, Inc. an  
19 Arizona nonprofit corporation, (collectively "Interveners"), by and through the  
20 undersigned counsel, hereby apply to intervene into the above captioned action. This  
21 Motion is supported by the facts and law stated below:

22 J. PARTIES

23 Interveners are nonprofit corporations formed under Title 10 of the Arizona  
24 Revised Statutes ("ARS"). They have been issued registration certificates by Defendant  
25 Arizona Department of Health Services ("AZDHS") to open medical marijuana  
dispensaries, pursuant to ARS Title 36, Chapter 28.1, with Soothing Options, Inc.

1 receiving CHAA 64 and Health for Life, Inc. receiving CHAA 65. The Plaintiffs in this  
2 action also are holders of such certificates.

3 Defendant is a governmental entity which is an agency of the State of Arizona  
4 which administers Arizona's medical marijuana program.

## 5 II. JURISDICTION AND VENUE

6 This Court has jurisdiction in this matter pursuant to ARS Section 12-123 and  
7 Article 6, Section 14 of the Arizona Constitution. Venue is proper pursuant to ARS  
8 Section 12-401.

## 9 III. FACTUAL DISCUSSION

10 The Interveners, like the Plaintiffs, are holders of certificates issued by AZDHS to  
11 open medical marijuana dispensaries, pursuant to ARS Title 36, Chapter 28.1. The  
12 Interveners have been subject to the same conditions and seek the same relief as the  
13 Plaintiffs in this action.

14 Specifically, Interveners have been subject to delays in financing and have faced  
15 refusals from potential landlords and property sellers based on the uncertainty created  
16 by the State of Arizona (the "State") and Maricopa County (the "County") in their pursuit  
17 of the White Mountain litigation. On information and belief, Interveners have been  
18 subject to additional delays and refusals based on the public statements of the State  
19 and County and the chilling effect caused by those public statements.

20 Like the Plaintiffs, Interveners seek an extension of time to apply for authority to  
21 operate their medical marijuana program dispensaries from AZDHS. The need for  
22 these extensions was not caused by a lack of diligence by Interveners, but rather by the  
23 actions of the State and County.

## 24 IV. LEGAL DISCUSSION

25 This intervention is authorized by ACRP Rule 24. Rule 24(a) "Intervention of  
Right" requires Interveners' application to be granted because "...the disposition of this  
action may as a practical matter impair or impede the applicant's ability to protect that

1 *interest....*" In the instant case, the Interveners' rights would be impacted by the  
2 disposition of this matter.

3 Rule 24(b) "Permissive Intervention" permits Interveners' application to be  
4 granted because the "*applicants claim or defense and the main action have a question*  
5 *of law or fact in common.*" Clearly, both of these subsections of Rule 24 would apply to  
6 this case.

7 WHEREFORE, for the reasons stated herein, Interveners request the following:

8 A. An order adding them as Plaintiffs to this action, CV2013-00590;

9 B. And, such other and or further relief as may be justified under the  
10 applicable facts and circumstances.

11  
12 **RESPECTFULLY SUBMITTED** this 30<sup>th</sup> day of May, 2013.

13  
14 **JERALD S. CHESLER, P.C.**

15  
16 s/s Jerald S Chesler  
17 Jerald S. Chesler  
Attorney for Interveners

18 Original e-filed through TurboCourt  
19 this 30<sup>th</sup> day of May, 2013

20 COPY mailed, emailed and/or faxed to:

21 The Honorable Randall H. Warner  
22 101 W. Jefferson  
Phoenix, AZ 85003-2205  
23 Judge of the Superior Court

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6 by: s/s Jerald S Chesler