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October 14, 2026

The Honorable Vernon D. Oliver
United States District Court Judge
United States District Court
450 Main Street, Hartford, Connecticut 06103

Re: Smith v. Lamont et al, Civil Action No. 3:25-CV-01728 (VDO)

Dear Judge Oliver:

We submit this response to Defendant's Motion for Prefiling Conference as direct by this Court.

I. Introduction

Smith Brant Smith respectfully objects to Defendant's October 6, 2026 request for a prefilng conference to seek permission to file another motion to dismiss. The Defendant has already litigated a motion to dismiss directed to Smith's claims, and the Amended Complaint does not add any new causes of action. Rather, the Amended Complaint adds focused factual allegations that directly address the pleading deficiencies identified in this Court's September 22, 2026 Order. Those limited allegations clarify the source of Smith's injury, the relationship between that injury and the challenged licensing scheme, the relief that would redress the injury, and the interstate commerce in which Smith intends to participate.

Specifically, the Amended Complaint alleges that Connecticut has issued no non-Social Equity Applicant marijuana cultivator licenses, has never conducted a lottery for such licenses, and has not scheduled any future lottery. It further alleges that Smith has been unable to apply for or obtain a cultivation license, intends to sell or distribute cannabis products outside Connecticut, and is ready, willing, and able to participate in lawful interstate cannabis commerce. The Amended Complaint also identifies cannabis products that may lawfully enter interstate commerce as hemp but that Connecticut classifies as marijuana and subjects to its marijuana-licensing requirements. Finally, the new federal rescheduling of marijuana from Schedule I to Schedule III to be sold as medicine¹, and Connecticut's new laws that allow out of state medical patients to purchase Connecticut grown medical marijuana², all support Smith's standing to challenge RERACA.

¹ See <https://www.govinfo.gov/content/pkg/FR-2026-04-28/pdf/2026-08176.pdf>.

² Beginning October 1, 2026, qualifying patients and their caregivers registered in another state or jurisdiction may purchase medical cannabis at a licensed hybrid retailer or dispensary facility in



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These allegations materially strengthen Smith's claims. They identify an existing barrier to Smith's market participation, connect that barrier to the structure and operation of Connecticut's licensing program, and explain how the program restricts Smith's intended interstate commercial activity. Defendant's proposed motion largely disregards these allegations and construes the requested relief too narrowly. Another motion to dismiss would repeat issues already litigated and delay the action rather than advance its efficient resolution.

II. Procedural History and Argument

Smith commenced this action in October 2025. In January 2026, Defendant and the previously named defendants moved to dismiss the original Complaint. On September 22, 2026, the Court granted the motion to dismiss. Smith filed his Amended Complaint against Commissioner Cafferelli on September 28, 2026. The Amended Complaint retains the same Dormant Commerce Clause claims and requests declaratory and injunctive relief, but adds limited focused factual allegations addressing each deficiency identified by the Court.

First, to address traceability and redressability pleading deficiency, the Amended Complaint alleges that Smith exceeds the Social Equity Applicant income threshold, does not satisfy the disproportionately impacted area residency requirements, and consequently has been unable to apply for or obtain a cultivation license. Second, to address the absence of an alleged injury to interstate economic interests, the Amended Complaint alleges that Smith intends to sell or distribute cannabis products outside Connecticut and is ready, willing, and able to cultivate cannabis and participate in lawful interstate cannabis commerce. It further alleges that Connecticut classifies certain federally defined hemp products as marijuana and requires a state marijuana cultivation license to cultivate those products, even though such products may lawfully participate in interstate commerce under applicable federal law. These allegations identify the interstate commercial activity Smith intends to pursue and connect his exclusion from that activity to Connecticut's licensing requirements.

In sum, the Amended Complaint does more than repeat the allegations of the original Complaint. It supplies concrete facts concerning the licensing barrier Smith faces, the commercial activity in which he intends to engage, and the effect of Connecticut's licensing restrictions on that activity. The additional factual allegations support Smith's claim of injury. An order prohibiting enforcement of the allegedly discriminatory licensing restrictions would remove the challenged barrier that prevents Smith from seeking a cultivation license on nondiscriminatory terms.

Connecticut. https://portal.ct.gov/cannabis/knowledge-base/articles/oos-patients/out-of-state-patients-and-caregivers?language=en_US.

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The Amended Complaint directly identifies the interstate character of Smith's intended commercial activity. Smith alleges that he intends to sell or distribute cannabis products outside Connecticut and is ready, willing, and able to participate in lawful interstate cannabis commerce³. These allegations identify Smith's intended market participation and explain how the challenged RERACA licensing restrictions prevent that participation. In *General Motors Corp. v. Tracy*, 519 U.S. 278, 286 (1997), the Supreme Court, citing *Bacchus Imports, Ltd. v. Dias*, 468 U.S. 263, 82 L. Ed. 2d 200, 104 S. Ct. 3049 (1984), held that in-state liquor wholesalers had standing to raise a Commerce Clause challenge to a Hawaii tax regime held that consumers suffering economic injury from regulation forbidden by the Commerce Clause satisfy Article III, even though they are not members of the out-of-state class against which the State ultimately discriminates. Those decisions establish that an in-state person like Smith may have standing when a state-created barrier causes concrete economic injury by obstructing or disadvantaging interstate transactions.

IV. Conclusion

Smith has squarely addressed the factual pleading deficiencies identified by this Court. Those added factual allegations demonstrate that Smith has the standing needed to pursue relief from this Court. Accordingly, Smith requests that this Court order the Defendant to file an Answer in this case.

Respectfully submitted on behalf of
 Plaintiff Brant Smith

 GENEVIEVE PARK TAYLOR

CERTIFICATION

I hereby certify that on October 6, 2026, a copy of the foregoing was filed electronically. Notice of this filing was sent by email to all parties by operation of the Court's electronic filing system.

³The Amended Complaint alleges that the relevant interstate market includes cannabis-derived products that may lawfully move in interstate commerce, including products containing no more than 0.3 percent delta-9 tetrahydrocannabinol on a dry-weight basis ("Federal Hemp"); and that Connecticut classifies certain Federal Hemp products as marijuana, requiring a RERACA marijuana cultivation license for their cultivation.