

IN THE SUPERIOR COURT OF DOUGHERTY COUNTY  
STATE OF GEORGIA

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
DOUGHERTY COUNTY, GEORGIA  
**SUCV2022000948**  
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PURE PEACH ORGANIC, INC.,

Plaintiff,

v.

FFD GA HOLDINGS, LLC; THERATRUE  
GEORGIA, LLC; NATURES GA, LLC; and  
TREEVANA REMEDY, INC.; and GEORGIA  
ACCESS TO MEDICAL CANNABIS COMMISSION,

Defendants.

Civil Action File No. SUCV2022000948

  
Evonne S. Mull, Clerk  
Dougherty County, Georgia

**ORDER ON MOTION TO VACATE**

This matter comes before the Court following the Court's rule nisi scheduling a hearing on Plaintiff Pure Peach Organic, Inc.'s Emergency Motion to Stay and Defendant Georgia Access to Medical Cannabis Commission's Emergency Motion to Set Aside the Court's September 21, 2022 Order granting Plaintiff's Emergency Motion (the "Order"). Having considered Defendant's Motion, all papers in opposition and in support, including Defendants' Letter Brief submitted to the Court on September 27, 2022, and heard oral arguments at the Wednesday, September 28, 2022 hearing, it is hereby **ORDERED** that the Order is vacated and the case dismissed for the following reason:

The Order is void for Plaintiff's failure to comply with O.C.G.A. § 9-10-2's notice requirement. Independent of the Court's holding that the Order is void, the Court finds that the Georgia Administrative Procedure Act does not apply and that it lacks subject matter jurisdiction to review the Commission's Final Decision because it is not the county in which the underlying proceedings were held and Petitioner has not obtained a writ of certiorari pursuant to O.C.G.A. § 5-4-3.

**SO ORDERED** this 29th day of September, 2022.



Denise Marshall, Judge  
Dougherty County Superior Court