

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Nothing But Hemp LLC; Noble Brands
Inc. d/b/a Plift; Steven Brown, and Glenn
McElfresh, individuals,

Case Type: Brand _____
Court File No. _____

Plaintiffs,

v.

SUMMONS

MN is Ready Action, a non-profit organization;
Crested River Cannabis Company d/b/a Crested
River; and Shawn Weber, an individual; and
John/Jane Doe and XYZ Corporation,

Defendants.

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at: Meyer Njus Tanick, PA, 330 Second Avenue South, Suite 350, Minneapolis, MN 55401.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiffs Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

MEYER NJUS TANICK, PA

Dated: April 26, 2023

By: /s/ Marshall H. Tanick
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Stephen M. Harris (#0264179)
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**ATTORNEYS FOR PLAINTIFFS
NOTHING BUT HEMP, LLC; NOBLE
BRANDS, INC., AND
STEVEN BROWN, AN INDIVIDUAL**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Nothing But Hemp LLC; Noble Brands
Inc. d/b/a Plift; Steven Brown, and Glenn
McElfresh, individuals,

Case Type: Other Civil

Court File No. _____

Plaintiffs,

v.

COMPLAINT

MN is Ready Action, a non-profit organization;
Crested River Cannabis Company d/b/a Crested
River; and Shawn Weber, an individual; and
John/Jane Doe and XYZ Corporation,

Defendants.

Plaintiffs, for their Complaint against Defendants, state and allege as follows:

THE PARTIES

1. This lawsuit arises out of an attempt by Defendants to unlawfully and improperly interfere with, and cause damages to, the lawful businesses and business activities of Plaintiffs in the hemp industry, including defamation and other tortious actions.

2. The Plaintiffs are Nothing But Hemp LLC., Noble Brands, Inc. d/b/a Plift, Steven Brown, an individual, and Glenn McElfresh, an individual. They all do business in the State of Minnesota, including Hennepin County. Nothing But Hemp and Noble Brands are minority Black-owned businesses.

3. All of the Plaintiffs are engaged in lawful business activities in the State of Minnesota, including Hennepin County, selling hemp-based consumable products for recreational use by adults.

4. The Defendants are MN is Ready Action, a non-profit organization, Crested River Cannabis Company d/b/a Crested River, and Shawn Weber, an individual, who is a principal of Crested River. They all do business in Hennepin County and elsewhere.

5. Other Defendants Jane/John Doe and XYZ Corporation are not known at the present time, but may be identified by supplemental pleading upon further discovery.

6. Defendants are engaged in or seek to engage in business activities involving the sale of cannabis products, which are competitive with the business activities of Plaintiffs. The actions alleged in this Complaint have been undertaken by Defendants jointly and in concert and in cooperation with each other.

7. This Court has jurisdiction over this matter and the parties and venue is proper because the claims in this Complaint arise, in whole or in part, in Hennepin County.

COUNT I. DEFAMATION

8. As part of their campaign to accomplish the objectives set forth in Paragraph 1 of the Complaint herein, the Defendants, individually, jointly, and in concert with each other, have made multiple false statements of fact about Plaintiffs, in addition to other disparagements.

9. The aforesaid statements have been published to third parties, including dissemination on the Internet and social media targeting Plaintiffs in Minnesota, impugning the character of the Plaintiffs, and harming their reputation by lowering their esteem and regard in the eyes of others.

10. The false and defamatory statements of fact referenced above include, but are not limited to, the following, which were made on or about March 9 – March 10, 2023, and at various times in April, 2023, or as specifically and otherwise set forth below, on social media or other websites/internet forums by one or more of the Defendants:

- a. "Under MCA, Steve is literally lying about critical elements of pretty much everything"
- b. "I'm not gonna say I haven't let people know they're a fucking idiot"
- c. "I was granted the opportunity to throw some shade at a couple of bad players"
- d. "He [Steve] and Glenn McElfresh work in unison trying to discredit the authors and MN is Ready. You could argue he is trying to kill the bill because of potential loss profits if legalization happens"
- e. "These cease and desists threaten suit if we don't stop saying he's full of shit. Yet he continues still spreads lies and fear mongers"
- f. "He states the bill does things it doesn't, continually tries to discredit the authors and MN is Ready (...). Fuck Glenn and the horse he road in on"
- g. "I am not a first amendment lawyer, but fuck you, both of you, go fuck yourself"
- h. On or about April 18, 2023, on the social media platform Reddit, Defendant Weber "doxed" an underground grower that he was confronted by and stated that Plaintiff McElfresh, "testified against the bill and continually tried to discredit its authors and MN is Ready."
- i. On or about March 25, 2023, Defendant Weber stated that Plaintiff Brown "is soliciting hemp businesses and operators to support his narrative" and "his baseless fraud campaign."
- j. On or about April 18, 2023, Defendant Weber texted messages to various customers or prospective customers of Plaintiff Plift that Plaintiff McElfresh

was viscerally attacking a woman who was caring for his mother at the Mayo Clinic in Rochester.

- k. On or about April 18, 2023, Defendant Weber also texted messages to various customers or prospective customers of Plaintiff Plift has been treating women badly.
- l. On or about April 18, 2023, Defendant Webber stated that one or more of the Plaintiffs were engaged in “fear-mongering and deceiving the general public.”

11. The statements/actions set forth in paragraph 10 were done at the urging or with the encouragement of directors, employees or persons affiliated with MN is Ready (namely Leili Fatehi and Maren Schroeder).

12. The aforesaid defamatory statements ascribe immoral or illegal conduct to Plaintiffs and impugn them in their professions and businesses.

13. These statement constitute defamation *per se*.

14. The aforesaid defamatory statements were made with common law malice or ill will.

15. As a result of the above, Plaintiffs have suffered damages, which are continuing in nature, and are irreparable, including harm to reputation, emotional distress and economic loss in an amount to be determined, believed to be in excess of \$50,000.

16. By reason of the foregoing, Plaintiffs are entitled to judgment against Defendants in a reasonable amount in excess of \$50,000, together with an Order restraining and enjoining Defendants from engaging in similar conduct in the future.

COUNT II. INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGES

17. Plaintiffs reallege and incorporate the above allegations as if fully pled herein.

18. Plaintiffs have a reasonable expectation of economic advantages, benefits, and gains from their business activities as described above.

19. In addition to the allegations set forth above in Count I, Defendants have also intentionally and wrongfully done the following:

- a. Encouraged people to make negative comments in publications containing lists of businesses that include the Plaintiffs.
- b. Spread false rumors among the community that is the industry.
- c. At the urging or encouragement of MN is Ready employees or affiliates, postings were made to Linked In that Plift is trying to have “a business model and approach.... to otherwise dump the (sic) otherwise unsaleable hemp and synthetic THC.”

20. The statements or actions described in paragraph 19 were done at the urging or with the encouragement of directors, employees or persons affiliated with MN is Ready (namely Leili Fatehi and Maren Schroeder).

21. Defendants know of Plaintiffs’ expectations and have committed the aforesaid conduct with the intent of interfering with those expectations.

22. The aforesaid actions have been done with common law malice or ill will and with intent to harm Plaintiffs and their businesses.

23. The aforesaid conduct by Defendants was done without legal justification.

24. Plaintiffs ceased making donations to Defendant MN is Ready, which caused and contributed to Defendants increasing and intensifying their aforesaid wrongful conduct, as alleged above.

25. The aforesaid conduct by Defendants was intended to, and keeps and is continuing to have, a detrimental effect on Plaintiffs, their business activities, and their reasonable expectations of economic advantage or benefit.

26. The aforesaid conduct by Defendants is continuing in nature and is causing irreparable harm to Plaintiffs.

27. As a result of the above, Plaintiffs have suffered damages, which are continuing in nature, and are irreparable, causing emotional distress and economic loss in an amount to be determined, but believed to be in excess of \$50,000.

28. By reason of the foregoing, Plaintiffs are entitled to judgment against Defendants in a reasonable amount in excess of \$50,000, together with an Order restraining and enjoining Defendants from engaging in similar conduct in the future.

**COUNT III. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS ON
PLAINTIFFS STEVEN BROWN, INDIVIDUAL, AND GLENN
MCELFRESH, INDIVIDUAL**

29. Plaintiffs reallege and incorporate the above allegations as if fully pled herein.

30. The aforesaid conduct by Defendants has been done intentionally.

31. The aforesaid conduct by Defendants is extreme and outrageous.

32. The aforesaid conduct by Defendants has caused severe emotional distress to Plaintiffs Steven Brown and Glenn McElfresh.

33. The aforesaid conduct by Defendants constitutes intentional infliction of emotional distress.

34. As a result of the above, Plaintiffs have suffered damages, which are continuing in nature, and are irreparable, causing emotional distress and economic loss in an amount to be determined, but believed to be in excess of \$50,000.

35. By reason of the foregoing, Plaintiffs are entitled to judgment against Defendants in a reasonable amount in excess of \$50,000, together with an Order restraining and enjoining Defendants from engaging in similar conduct in the future.

COUNT IV. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS ON

36. Plaintiffs reallege and incorporate the above allegations and further state and allege, in the alternative, as follows:

37. The aforesaid conduct by Defendants has been done intentionally.

38. The aforesaid conduct by Defendants is extreme and outrageous.

39. The aforesaid conduct by Defendants has caused severe emotional distress to Plaintiffs Steven Brown and Glenn McElfresh

40. The aforesaid conduct by Defendants constitutes negligent infliction of emotional distress.

41. As a result of the above, Plaintiffs have suffered damages, which are continuing in nature, and are irreparable, causing emotional distress and economic loss in an amount to be determined, but believed to be in excess of \$50,000.

42. By reason of the foregoing, Plaintiffs are entitled to judgment against Defendants in a reasonable amount in excess of \$50,000, together with an Order restraining and enjoining Defendants from engaging in similar conduct in the future.

WHEREFORE, Plaintiff s request the following relief:

1. Judgment in a reasonable amount in excess of \$50,000 against all Defendants.
2. An Order enjoining and restraining Defendants from making defamatory statements and interfering with Plaintiffs' business activities.

3. Granting leave to Plaintiffs to amend their Complaint to assert a claim for punitive damages.
4. Awarding to Plaintiff their reasonable attorney's fees, costs, and disbursements incurred herein.
5. Such other and further relief as may be deemed just and equitable.

PLAINTIFFS REQUEST A JURY TRIAL OF ALL ISSUES TRIABLE BY JURY.

MEYER NJUS TANICK, PA

Dated: April 26, 2023

By: /s/: Marshall H. Tanick
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**ATTORNEYS FOR PLAINTIFFS
NOTHING BUT HEMP LLC; NOBLE
BRANDS, INC. d/b/a PLIFT; STEVEN BROWN,
AND GLENN MCELFRESH, INDIVIDUALS**

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, to the party against whom the allegations in this pleading are asserted.

Dated: April 26, 2023

By: /s/: Marshall H. Tanick
Marshall H. Tanick, ID # 108303