

# Nuisance/RICO: Landowners File U.S. District Court Action Against Oklahoma Licensed Marijuana Cultivation Facility



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Keith and Stephanie Grant (collectively “Plaintiffs”) filed a Complaint in the United States District Court (Northern District of Oklahoma) alleging causes of action involving nuisance and violation of the Racketeer Influenced and Corrupt Organizations Act (“RICO”) by an Oklahoma marijuana cultivation facility. See Case No. 4:22-cv-00001-TCK-JFJ.

The Complaint lists 21 companies or individuals as Defendants (collectively “Defendants”).

The Complaint alleges that the Oklahoma licensed marijuana cultivation facility (referenced as Flying Bud Farms, LLC) (“Facility”) was established in 2019. It is stated to be adjacent to the Plaintiffs’ property/residence. The marijuana grow operation is alleged to be approximately 50 feet from the Plaintiffs’ property line.

The Complaint alleges that the cultivation Facility causes:

- Odor that can be detected by the Plaintiffs and has caused allergy symptoms
- Noise from industrial fans and construction equipment
- Flooding from alteration of a flood plain
- Illumination at night by industrial lights shining into Plaintiffs’ residence
- Increase in traffic

As a result of these alleged activities, the Complaint alleges that the cultivation Facility is a nuisance that has:

- Caused Plaintiffs to lose the use and enjoyment of their home
- Resulted in a loss of the Plaintiffs’ property value
- Caused damage to the Plaintiffs’ property

Plaintiffs’ Complaint recognizes that Oklahoma provides licenses for the legal cultivation of marijuana. Nevertheless, they allege that cultivation is still illegal under federal law because marijuana is a controlled substance under the Controlled Substances Act. Therefore, they allege that the manufacture, distribution and sale of this substance is racketeering activity under RICO.

The Complaint asks for a preliminary injunction in regards to alleged unlawful and nuisance activities and certain damages.

A copy of the Complaint can be downloaded [here](#).