

FOR COURT USE ONLY

Code of Civil Procedure, § 425.12
www.courts.ca.gov

SHORT TITLE:

BENAVIDES v. CITY OF LOS ANGELES, et al.

CASE NUMBER:

4. ☐ Plaintiff (*name*):
is doing business under the fictitious name (*specify*):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. ☒ **except** defendant (*name*): City of Los Angeles

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (*describe*):

(4) ☐ a public entity (*describe*):

(5) ☐ other (*specify*):

- c. ☐ **except** defendant (*name*):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (*describe*):

(4) ☐ a public entity (*describe*):

(5) ☐ other (*specify*):

- b. ☒ **except** defendant (*name*): ACCELA, Corp.

(1) ☐ a business organization, form unknown

(2) ☒ a corporation

(3) ☐ an unincorporated entity (*describe*):

(4) ☐ a public entity (*describe*):

(5) ☐ other (*specify*):

- d. ☐ **except** defendant (*name*):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (*describe*):

(4) ☐ a public entity (*describe*):

(5) ☐ other (*specify*):

☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (*specify Doe numbers*): 1-5 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. ☐ Doe defendants (*specify Doe numbers*): 6-10 are persons whose capacities are unknown to plaintiff.

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (*names*):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.

b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.

c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.

d. ☐ other (*specify*):

9. ☒ Plaintiff is required to comply with a claims statute, and

a. ☒ has complied with applicable claims statutes, or

b. ☐ is excused from complying because (*specify*):

Notice of Claim served on the City of Los Angeles on September 6, 2020.

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☒ loss of use of property
- c. ☐ hospital and medical expenses
- d. ☐ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Loss of rents expended to satisfy DCR Mandates to qualify for social equity program; Loss of opportunity to obtain Cannabis Retail Sales License

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: November 3, 2020

Jeffrey C. Bogert

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001 [Rev. January 1, 2007]

**COMPLAINT—Personal Injury, Property
Damage, Wrongful Death**

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CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION—General Negligence

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ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): JUDITH CONTRERAS

alleges that defendant (name): CITY OF LOS ANGELES-Department of Cannabis Regulation and its Agent ACCELA CORP

☒ Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): September 3, 2019

at (place): DEPARTMENT OF CANNABIS REGULATION

(description of reasons for liability):

Plaintiff was an applicant for a Social Equity retail cannabis license. Plaintiff's application could not be submitted appropriately due to mishandling and manipulation of the timing of submission of applications processed by the Department of Cannabis Regulation managers and employees and administered by the DCR's agent for software construction and implementation of the application process - ACCELA CORPORATION. Plaintiff first learned of the mishandled timing and software manipulation by DCR managers and employees and ACCELA CORPORATION following a publication of a March, 2020 DCR audit of the Social Equity application process.

In Plaintiff's specific situation, "log-in" and "password" credentials were confirmed with DCR staff numerous times specifically, in person at DCR on August 19, 2019. Unfortunately, on September 3, 2019 those credentials would not open or access the application portal at all between 10:00 a.m. (required start time) and 10:03 a.m. or thereafter. On the last attempt, portal opening stalled at CAPTCHA, the "not robot" confirmation, this would suggest the credentials being utilized were correct from 10:00 a.m. on.

The mishandling and manipulation of portal access by DCR and ACCELA CORPORATION led to Plaintiff's loss of an opportunity to obtain a DCR retail license and the loss of the significant costs associated with the DCR mandated requirements for the Social Equity Program. Plaintiff expended monies for rents and upgrades to her DCR approved business location at 2470 South Western Avenue, Unit C, San Pedro, CA 90732.

The DCR administration and ACCELA CORPORATION have acknowledged that fourteen applications were submitted early in a race that was to start equally for all participants. DCR executives and ACCELA CORPORATION acknowledge a last minute implementation of a CAPTCHA program and a complete purge and re-installation of log in/password credentials between August 28, 2019 and September 3, 2019, the application time.

This mishandling and manipulation of the Social Equity application by defendants was negligent and without notice to Plaintiff. These negligent actions directly led to Plaintiff's claimed economic losses.