

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Edward Moreton

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jeffrey C. Bogert, Esq. (SBN 132778) MCDONALD WORLEY LLC 827 Moraga Drive Los Angeles, CA 90049 TELEPHONE NO: (424) 293-2272 FAX NO. (Optional): E-MAIL ADDRESS (Optional): bogertlaw@outlook.com ATTORNEY FOR (Name): JUDITH CONTRERAS		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF: JUDITH CONTRERAS DEFENDANT: CITY OF LOS ANGELES -Department of Cannabis Regulation, ACCELA Corp. <input checked="" type="checkbox"/> DOES 1 TO <u>10</u>		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Economic Loss - Rents/upgrades <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): Loss of DCR License Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: 20STCV42856

1. **Plaintiff (name or names):** JUDITH CONTRERAS

alleges causes of action against **defendant (name or names):**

CITY OF LOS ANGELES-DEPARTMENT OF CANNABIS REGULATION and ACCELA CORP.

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4

3. Each plaintiff named above is a competent adult

a. ☐ **except plaintiff (name):**

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe):

(3) ☐ a public entity (describe):

(4) ☐ a minor ☐ an adult

(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) ☐ other (specify):

(5) ☐ other (specify):

b. ☐ **except plaintiff (name):**

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe):

(3) ☐ a public entity (describe):

(4) ☐ a minor ☐ an adult

(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) ☐ other (specify):

(5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE:

CONTRERAS v. CITY OF LOS ANGELES, et al.

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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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FIRST

(number)

CAUSE OF ACTION—General NegligencePage 4ATTACHMENT 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 5231 East Valley Boulevard, Los Angeles, CA 90032.

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.