

FILED BY FAX
ALAMEDA COUNTY

August 30, 2021

**CLERK OF
THE SUPERIOR COURT**
By Milagros Cortez, Deputy

**CASE NUMBER:
RG21111567**

1 JAMES M. ANTHONY (203150)
James@anthonylaw.group
2 DREW M. SANCHEZ (277163)
Drew.Sanchez@anthonylaw.group
3 **ANTHONY LAW GROUP, PC**
4 3542 Fruitvale Avenue, #224
Oakland, CA 94602
5 (t): 510-842-3553
(t): 510-283-0186
6

7 Attorneys for Petitioners

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ALAMEDA, UNLIMITED JURISDICTION**

10 MOJO MOUNTAIN LLC, a California
limited liability company, 707 REALTY LLC,
11 a California limited liability company,
SAMANTHA PHILLIPS, an individual, and
12 JACOB PHILLIPS, an individual

13
14 **Petitioners,**

15 vs.

16
17 CALIFORNIA DEPARTMENT OF
CANNABIS CONTROL; NICOLE
18 ELLIOTT, in her official capacity as Director
of DCC, and Does 1-10,
19

20 **Respondents.**
21
22

Case No. _____

**PETITIONERS' UNVERIFIED
PETITION FOR WRIT OF MANDATE
(CCP §1085)**

Date: _____

Time: _____

Judge: _____

Dept.: _____

23 ///.

24 ///.

25 ///.

26 ///.

27 ///.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

I. INTRODUCTION & SUMMARY..... 4

II. PARTIES..... 5

IV. LEGAL QUESTIONS AND STANDARD OF REVIEW..... 7

A. Petitioners are entitled to ordinary mandamus relief to compel Respondents to provide a fair and impartial hearing BEFORE revoking their license authorizing them to operate a cannabis cultivation operation issued to them by the DCC—and to undo DCC’s purported revocation of 08/23/20, with which they have complied only under protest and duress. 8

B. The Court has subject matter jurisdiction over the writ petition. 8

V. LEGAL ARGUMENT 8

A. Under the Fourteenth Amendment to the U.S. Constitution, and under Article I, § 7(a) of the California Constitution, DCC is barred from depriving Petitioners of their property interest in the license, “without due process of law.” 9

B. California’s due process protections are broader and more nuanced than their federal counterparts, recognizing property and liberty interests even where the government has “discretionary” powers, through a 4-part balancing test. 20

C. Petitioners have no adequate remedy at law..... 23

D. Balancing the equities reveals that risk of public harm is low while the risk of irreparable harm to Petitioners is high..... 24

WHEREFORE, PETITIONERS PRAY FOR RELIEF AS FOLLOWS:..... 25

TABLE OF AUTHORITIES

CASES

Board of Regents v. Roth (1972) 408 U.S. 564, 577..... 12

Board of Regents v. Roth, 408 U.S. 564, 577 (1972)..... 11, 19

Board of Regents v. Roth, supra, 408 U.S. at 576, n. 15..... 12, 20, 22

Board of Regents, 408 U.S. at 592..... 27

California Code of Civil Procedure § 1085..... 9

Dodge, Warren & Peters Ins. Servs. V. Riley (2003) 105 CA4th 1414..... 25

Goldberg v. Kelly, 397 U.S. 254, 263 n.8; 264 (1970) 11, 22

Goldsmith 12, 18, 19, 22

Goldsmith v. Bd. of Tax Appeals, 270 U.S. 117 (1926) 12

Goldsmith, 270 U.S. at 123 12, 18, 19, 22

Marbury v. Madison (1803) 5 U.S. 137, 177-178. 11

Marbury, supra, 5 U.S. at 147-48..... 18

Perry v. Sinderman (1972) 408 U.S. 593, 601 11

Perry v. Sinderman, supra at 601 22

Saleeby v. State Bar (1985) 39 Cal.3d 547, 564-65 11, 18, 20, 22

Tafti v. County of Tulare (2011) 198 Cal.App.4th 891, 896 9

Trans-Oceanic Oil Corp. v. City of Santa Barbara (1948) 85 Cal.App.2d 776 12, 22

Trans-Oceanic, supra..... 13

STATUTES

B & P § 26050.2(a)..... 12, 17

Cal. Code Civ. Proc. § 526(a)(4)-(5)..... 25

Section 26050.2(h) 11

CONSTITUTIONAL PROVISIONS

Fourteenth Amendment to the U.S. Constitution..... 11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COMES NOW PETITIONERS WHO ASSERT AND ARGUE AS FOLLOWS:

1. Petitioners, MOJO MOUNTAIN LLC, a California limited liability company (“Mojo”), SAMANTHA PHILLIPS (“S. Phillips”), an individual, and JACOB PHILLIPS (“J. Phillips”), an individual, petition this Court for a writ of mandate under Code of Civil Procedure §1085, directed to Respondents, and by this unverified petition allege as follows:

2. Petitioners, as lawful cannabis operators in Eureka, California, are beneficially interested in the outcome of the questions of law presented in this petition. Respondents have a ministerial duty to follow the law and provide constitutionally mandated due process and give Petitioners an appeal hearing on the matters stated herein. Petitioners allege that there is no plain, speedy, and adequate remedy at law for the matters alleged herein. Petitioners reserve the right to brief more fully the facts and law germane to this petition pursuant to the briefing schedule ordered by the court and/or stipulated by the parties.

I. INTRODUCTION & SUMMARY

3. Petitioners have legally operated a cannabis cultivation business with a license from Respondent California Department of Cannabis Control (“DCC”), through Mojo and predecessor entities New Earth Farms, LLC (“NEF”) since 2017. They have invested over \$2,000,000 in the business venture and employ/employed 4 full time workers. Respondents summarily revoked that license on August 23, 2021 and claim that Petitioners are entitled to no due process whatsoever including no prior notice, no hearing, and no appeal pursuant to California Business and Professions Code. Over 9,720 such licenses have been issued since January 1, 2018. 6,258 of those licenses are for cultivation (issued by CalCannabis Cultivation Licensing, a division of the CDFG). As of March 2021, 83% of the cultivation licenses were provisional. These businesses have operated under the licenses for years and have collectively invested billions of dollars in reliance on them. Those licenses are constitutionally protected property rights entitled to procedural due process. To the extent that

1 the Business and Professions Code says otherwise, the Code is unconstitutional generally, and as
2 applied to Petitioners specifically.

3 **II. PARTIES**

4 4. Petitioner MOJO MOUNTAIN LLC (“Petitioner Mojo”) is a California limited
5 liability company operating a commercial cannabis business in Eureka, Humboldt County, CA.
6 Petitioner held three Provisional Cannabis Cultivation Licenses (#CCL21-0000381, #CCL21-
7 0000383 and #CCL21-0000384), which are the subject of this Petition.
8

9 5. Petitioner JACOB PHILLIPS (“Petitioner J. Phillips”) is an individual and a Member
10 of Mojo.

11 6. Petitioner SAMANTHA PHILLIPS (“Petitioner S. Phillips”) is an individual and the
12 CEO of Mojo.

13 7. Respondent CALIFORNIA DEPARTMENT OF CANNABIS CONTROL
14 (“DCC”) is a cabinet-level agency located within the Government of the State of California. DCC has
15 sole authority to license cannabis cultivation businesses in the state of California through
16 CalCannabis Cultivation Licensing.
17

18 8. Respondent NICOLE ELLIOTT is the DIRECTOR of the DCC.

19 9. Respondent Does 1-10 are persons or entities whose true identities are unknown as
20 of the time of the filing of this Petition.

21 10. Respondent Does 1-10 are persons or entities whose true identities are unknown as
22 of the time of the filing of this Petition.

23 11. At all times mentioned in this petition, the above Respondents have been the
24 agencies, or successor agencies, and officials in charge of administering Petitioners’ provisional
25 license to operate as a commercial cannabis business in the state of California. Such agencies and
26 officials also have the authority to grant or deny Petitioner’s underlying request for a hearing on
27 Respondent’s putative revocation of Petitioner’s provisional license.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

III. FACTS

12. In 2012, Petitioner Jacob Phillips bought the land where the licensed premises are located, identified as Assessor's Parcel No. 522-024-001-000 located in the County of Humboldt (the "Premises"). In 2017, at the latest, Petitioner leased the Premises to a County-licensed medical cannabis cultivator with a conditional use permit ("CUP") who cultivated medical cannabis on the Premises in a manner permitted and consistent then-applicable state law.

13. In 2019, title to the Premises passed to 707 Realty, LLC ("707"), which is owned by Petitioner Jacob Phillips and Samantha Phillips. In 2019, Petitioner 707 leased the Premises to New Earth Farms, LLC ("NEF"), a state-licensed cannabis cultivator owned by Michael Bobillot ("Mr. Bobillot"). In early 2020, Petitioner Jacob Phillips became partner with Mr. Bobillot in NEF, where Petitioner Jacob Phillips was a listed owner of the state-licensed farm, and Mr. Bobillot obtained a membership interest in 707.

14. The partnership relationships between Petitioner Jacob Phillips and Mr. Bobillot dissolved thereafter. Petitioner Jacob Phillips was removed from NEF and Mr. Bobillot was removed from 707. The landlord-tenant relationship between the two entities was also terminated.

15. In early 2020, Petitioner Jacob Phillips and his wife Samantha Phillips formed a new California limited liability company with entity name: Mojo Mountain, LLC. NEF and Mojo applied jointly to Humboldt County to transfer the CUP from the former to the latter (that is, from NEF to Mojo). The transfer of the CUP was approved.

16. In April 2020, Mojo received state cannabis cultivation provisional licenses CCL21-0000381, CCL21-0000383, and CCL21-0000384. At all times since at least 2017, the Premises have been licensed by local and state authorities to legally cultivate cannabis.

17. On May 21, 2021, Mojo legally obtained 1,000 starter plants and propagated them for cultivation into 10,000 plants for cultivation. On June 17, CalCannabis, the predecessor agency to DCC, and the Department of Fish and Wildlife, performed a joint site visit at the Premises.

1 Petitioners cooperated with this inspection. On June 18, Petitioners responded to the agencies with a
2 follow up email substantively addressing the concerns that were raised during the June 17 inspection.

3 18. On July 26, Petitioners received both a written Notice of Provisional License Review,
4 and a Notice of License Suspension (“Notices”).

5 19. On August 3, Petitioners sent Respondent DCC (“DCC”) a 5-page letter and 29
6 pages of exhibits, substantively addressing all of the issues raised in the Notices.

7 20. On August 4, Petitioners attended a meeting with three DCC enforcement officials.
8 No procedural due process was afforded at this meeting. There was no independent hearing officer.
9 There was no sworn testimony under oath. There was no opportunity to cross-examine witnesses,
10 and there was no opportunity to present expert testimony on their behalf.

11 21. On August 23, DCC sent Petitioners a Letter of Revocation. At no time prior to the
12 revocation did DCC provide Petitioners any procedural due process.

13 IV. LEGAL QUESTIONS AND STANDARD OF REVIEW

14 22. Petitioners allege and argue in the underlying writ petition that Petitioners possess a
15 constitutionally protected property right which Respondents seek to revoke without affording
16 constitutionally mandated due process of law. These arguments are meritorious and present
17 important and undecided issues of law and fact.

18 23. Petitioners, therefore, are entitled to a prohibitory injunction that prevents
19 Respondents from taking action and preserves the *status quo ante* until the underlying controversy is
20 resolved. This Court has subject matter jurisdiction over the controversy and personal jurisdiction
21 over Respondents. Petitioners have standing to bring the underlying action.

22 24. Petitioners assert that Respondents failed to provide Petitioners due process for the
23 revocation of Petitioners’ cannabis cultivation license previously conferred by Respondents on
24 Petitioners. That issue, and statutory interpretation, are both legal issues reviewed de novo. *Tafti v.*
25 *County of Tulare* (2011) 198 Cal.App,4th 891, 896.
26
27
28

1 **A. Petitioners are entitled to ordinary mandamus relief to compel Respondents to provide a**
2 **fair and impartial hearing BEFORE revoking their licenses authorizing them to operate a**
3 **cannabis cultivation operation issued to them by the DCC—and to undo DCC’s purported**
4 **revocation of 08/23/20, with which they have complied only under protest and duress.**

5 25. Petitioners allege and argue that Petitioners possess a constitutionally protected
6 property right which Respondents seek to revoke without affording constitutionally mandated due
7 process of law.

8 **B. The Court has subject matter jurisdiction over the writ petition.**

9 26. California Code of Civil Procedure § 1085 states in pertinent part:

10 “A writ of mandate may be issued by any court to any inferior tribunal, corporation, board,
11 or person, to compel the performance of an act which the law specially enjoins, as a duty
12 resulting from an office, trust, or station, or to compel the admission of a party to the use and
13 enjoyment of a right or office to which the party is entitled, and from which the party is
14 unlawfully precluded by that inferior tribunal, corporation, board, or person.”

15 27. Petitioners request in the underlying writ petition that this Court issue a writ
16 compelling DCC to take an act required by law *vis* the affording of constitutional procedural due
17 process to Petitioners regarding their constitutionally protected property right. The Superior Court of
18 Alameda County has authority over the DCC in this context. Given the parameters of the relief that
19 Petitioners seek herein, that is, that the DCC provide it due process of law, this Court has subject
20 matter jurisdiction over Respondents.

21 **V. LEGAL ARGUMENT**

22 28. In revoking Petitioners’ license without any hearing or opportunity to appeal,
23 Respondents cited B & P § 26050.2.¹ B & P § 26050.2 provides in pertinent part as follows:

24 (a) A licensing authority may, in its sole discretion, issue a provisional license to
25 an applicant if the applicant has submitted a completed license application to the
26 licensing authority. . . .

27 (b) A provisional license issued pursuant to this section shall be valid for no more
28 than 12 months from the date it was issued. If the licensing authority issues or

¹ All further references to California’s Business & Professions Code shall be to “B & P.”

1 renews a provisional license, they shall include the outstanding items needed to
2 qualify for an annual license specific to the licensee

3 (l) Except as specified in this section, the provisions of this division shall apply to
4 a provisional license in the same manner as to an annual license. . . .

5 (h) Refusal by the licensing authority to issue a license pursuant to this section or
6 revocation or suspension by the licensing authority of a license issued pursuant to
7 this section shall not entitle the applicant or licensee to a hearing or an appeal of
8 the decision. Chapter 2 (commencing with Section 480) of Division 1.5 and
9 Chapter 4 (commencing with Section 26040) of this division and Sections 26031
10 and 26058 s hall not apply to licenses issued pursuant to this section. . . .

11 Subdivision (h) denies holders of provisional licenses the right to a hearing on, or an appeal of a
12 decision to revoke or suspend that license. Subdivision (l) provides that aside from the limitations set
13 forth in § 26050.02, which includes subdivision (h)'s denial of due process rights, the provisions in
14 Division 10, commencing with B & P §§ 26000 *et seq.*, apply in the same manner to a provisional
15 license as they do to an annual license. *On its face* B & P § 26050.2 deprived Petitioners of their due
16 process rights to an evidentiary hearing and an appeal in revoking Petitioners' provisional license.

17 **A. Under the Fourteenth Amendment to the U.S. Constitution, and under Article I, § 7(a) of
18 the California Constitution, DCC is barred from depriving Petitioners of their property interest
19 in the license, "without due process of law."**

20 **1. U.S. (and California) Supreme Court Case Law Recognizes Property Interests
21 in "Entitlements" that "are Created and... Defined by Existing Rules or
22 Understandings that Stem from an Independent Source such as State Law."**

23 29. Once the state government authorizes, or "licenses," a person to engage in a business
24 or profession, it has created an entitlement property interest protected from arbitrary deprivation by
25 both the Fourteenth Amendment to the U.S. Constitution and Article I, §7(a) of the California
26 Constitution (collectively, "the Constitutions"). Such property interests are entitled to procedural due
27 process before deprivation: specifically, detailed notice of the grounds for the deprivation and an
28 opportunity to be heard. *Board of Regents v. Roth*, 408 U.S. 564, 577 (1972); *Perry v. Sinderman* (1972) 408
 U.S. 593, 601; *Goldberg v. Kelly*, 397 U.S. 254, 263 n.8; 264 (1970); *Saleeby v. State Bar* (1985) 39 Cal.3d
 547, 564-65.

1 30. The threshold issue before this Court is whether Petitioners have a property interest
2 in their “provisional” cannabis licenses that DCC issued to them authorizing them to engage in
3 commercial cannabis activity. This issue is also dispositive. If there is a property interest, then such
4 property interest is entitled to due process before deprivation. DCC claims that the license can be
5 revoked without due process implying that Petitioners do not have a property interest. DCC’s
6 repeated justification for this position is that B & P § 26050.2(h) states that no due process is
7 required for the revocation of a provisional license. Section 26050.2(h) cannot preempt the Federal
8 or State constitutions. The State Legislature does not have the authority to legislate away the
9 constitutional protections of a property interest. This rule dates back almost to the dawn of our
10 Republic:
11

12 “It is emphatically the province and duty of the judicial department to say what
13 the law is....

14 ...If then the courts are to regard the constitution; and the constitution is
15 superior to any ordinary act of the legislature; the constitution, and not such
ordinary act, must govern the case to which they both apply.”

16 (*Marbury v. Madison* (1803) 5 U.S. 137, 177-178.)

17 31. U.S. Supreme Court case law recognizes property interests in “entitlements” that “are
18 created and... defined by existing rules or **understandings that stem from an independent source**
19 such as state law.” (*Board of Regents v. Roth* (1972) 408 U.S. 564, 577 (emphasis added.) Here, that
20 “understanding” stems from B & P § 26050.2(a), which creates entitlements by issuing “provisional”
21 licenses identical in every way to permanent (annual) licenses, save for their purported lack of due
22 process protections asserted in subsections (c), (d), (e), and (h). Subsection (l) explicitly states that in
23 all other respects the license types are identical.
24

25 32. Authorization to operate, and to continue operating while meeting evolving
26 regulatory requirements in this regulatory *milieu*, is no different from the entitlement in any other
27 professional or business license that might be nominally “renewable,” but belongs to the individual
28

1 or business absent egregious and incurable violation. In *Goldsmith v. Bd. of Tax Appeals*, 270 U.S. 117
2 (1926), cited by the Court in *Board of Regents v. Roth, supra*, 408 U.S. at 576, n. 15, the Court addressed
3 the U.S. Board's discretion, set forth in its rules, to deny applicants admission to practice before it "in
4 its discretion" and to subsequently suspend or disbar admittees. In discussing a "discretionary" denial
5 of an admission application, the *Goldsmith* decision stated that the board's discretionary power "must
6 be construed to mean the exercise of a discretion to be exercised after fair investigation, with such a
7 notice, hearing and opportunity to answer for the applicant as would constitute due process."

8
9 *Goldsmith*, 270 U.S. at 123.²

10 33. As in *Goldsmith*, B & P § 26050.2(c) and (d) provide a licensing authority with the
11 "sole discretion" to renew, revoke, or suspend provisional licenses. As in *Goldsmith*, DCC's discretion
12 may only be exercised "after fair investigation, with such a notice, hearing and opportunity to answer
13 for the applicant as would constitute due process." *Goldsmith*, 270 U.S. at 123.

14 34. California provides comparable, if not more, protection to applicants like Petitioners.
15 In *Trans-Oceanic Oil Corp. v. City of Santa Barbara* (1948) 85 Cal.App.2d 776, Trans-Union's predecessor
16 obtained an oil lease on which Trans-Oceanic operated seven wells, then applied for a permit to
17 operate an 8th well on the lease. The City granted the permit in June 1941. Trans-Oceanic incurred
18 \$4,500 in expenses to build "substantial concrete foundations for a derrick, erected an oil derrick, dug
19 a sump hole, erected a powerhouse, moved boilers into place, and laid necessary pipelines to the
20 site." *Trans-Oceanic*, 85 Cal.App.2d at 780. A few months later, the United States entered World War
21 II after the attack on Pearl Harbor. The U.S. Army soon thereafter took possession of the entire well
22 area until early 1945, by which time the oil derrick was destroyed, leaving Trans-Oceanic's other
23 buildouts in place. *Trans-Oceanic, supra*.

24
25
26
27 ² The Court in *Goldsmith* denied the applicant's petition for writ of mandate because the applicant failed to request a
28 hearing on his denial of admittance to practice in that court, and instead sought summarily admittance to practice.
Goldsmith, 270 U.S. at 123-124. Here by contrast, Petitioners merely seek due process rights to notice and a hearing.

1 35. In March 1946 the City instituted an oil drilling ban within the City, except for
2 industrial areas. The City rezoned the parcel where Trans-Oil's wells were located into a residential
3 area. The City did not act to revoke Trans-Oil's permit on Well No. 8 until April 1947, soon after
4 Trans-Oceanic began drilling again. Trans-Oceanic could not resume drilling operations until March
5 1947 due to a shortage of labor, materials, and drilling equipment. *Ibid.*, 85 Cal.App.2d at 771.

6
7 36. In April 1947 the City revoked Trans-Oceanic's permit as to Well No. 8 without
8 notice or hearing. *Trans-Oceanic, supra*. The Trial Court denied mandate to Trans-Oceanic and the
9 appellate court reversed. The Court in *Trans-Oceanic* reversed and held that:

10 If a permittee has acquired a vested property right under a permit, the permit cannot
11 be revoked. The principle is stated in 9 American Jurisprudence, section 8, page 204:
12 "By the weight of authority, a municipal building permit or license may not arbitrarily
13 be revoked by municipal authorities, particularly where, on the faith of it, the owner
14 has incurred material expense. Such a permit has been declared to be more than a
15 mere license revocable at the will of the licensor. When, in reliance thereon, work
16 upon the building is actually commenced and liabilities are incurred for work and
17 material, the owner acquires a vested property right to the protection of which he is
18 entitled." *Trans-Oceanic*, 85 Cal.App.2d at 784.

19 The Court in *Trans-Oceanic* further held that:

20 A permit may not be revoked arbitrarily "without cause." (53 C.J.S. § 44, p. 651.) It is
21 conceded that in revoking the permit granted to appellant, the City Council of Santa
22 Barbara did so without prior notice to appellant, without a hearing, and without
23 evidence. In determining that a permit, validly issued, should be revoked, the
24 governing body of a municipality acts in a quasi-judicial capacity. In revoking a permit
25 lawfully granted, due process requires that it act only upon notice to the permittee,
26 upon a hearing, and upon evidence substantially supporting a finding of
27 revocation. *Trans-Oceanic*, 85 Cal.App.2d at 795.

28 Trans-Oceanic expended \$4,500 to set up its drilling operations on Well No. 8, and after the
war, spent another \$5,600 to move equipment to and from the property, and incurred
\$360/day standby costs for crew and equipment, reduced to \$193/day after the purported
revocation. *Trans-Oceanic*, 85 Cal.App.2d at 780, 781. The Court held in *Trans-Oceanic* that:
"The resolution of revocation in the instant case, adopted without notice or hearing or
reception of competent evidence, was inoperative and of no legal force." *Ibid.* at 797.

1 37. Here Petitioner Mojo invested significant sums in Mojo. Petitioners Phillips also
2 invested significant sums in predecessor entity NEF as well Petitioner 707 Realty. If \$10,100 in
3 1940's dollars in *Trans-Oceanic* comprise substantial expenses, then Petitioners significant investments
4 would surely comprise substantial sums in the present day.

5
6 **2. The State's temporary licensing category, enacted in 2017, which also**
7 **contained the denial of notice, hearing, and appeal language like B & P § 26050.2,**
8 **was originally supposed to last only 120 days, but the four-year backlog making 83%**
9 **of the licenses "provisional" licenses lasting as long as or longer than annual licenses**
10 **cannot deprive provisional license holders such as Petitioners of their due process**
11 **rights.**

12 38. As in *Trans-Oceanic*, Petitioners and thousands of other applicants who applied for
13 annual cannabis licenses with state licensing authorities like DCC, but who have provisional licenses
14 while they work through their huge backlog, are being deprived of their due process rights through
15 delays not of their own making. In *Trans-Oceanic*, the 4-5 year delay in which the company was
16 prevented from operating the oil well in question was due to the outbreak of World War II and when
17 their property was returned to them near the end of the war, they faced labor, material and
18 equipment shortages. (*Trans-Oceanic*, 85 Cal.App.2d at 770-771). Here, Petitioners and others
19 similarly situated have faced lengthy delays following the passage of Proposition 64 in 2016 and the
20 Legislature's on-going struggle to fuse together the existing medical cannabis system with a brand-
21 new regulatory scheme for adult use and medical-use cannabis.

22 39. Following the passage of Proposition 64 in 2016, in which the voters of this State
23 elected to legalize adult recreational use of cannabis, the Legislature made its initial attempt to
24 regulate both the existing medical marijuana use and the newly approved adult use. The result was
25 SB 94. Section 1(d) of SB 94 provided in pertinent part that:

26 The intent of Proposition 64 and MCRSA was to ensure a comprehensive regulatory
27 system that takes production and sales of cannabis away from an illegal market and
28 curtails the illegal diversion of cannabis from California into other states or countries.

1 Newly-amended B & P § 26050(a) created twenty different license categories depending on
2 whether the licensee was a cultivator (including size, indoor/outdoor lighting), retailer, tester,
3 distributor, or microbusiness. Subdivision (c) made these licenses 12 months long, renewable
4 annually.

5 40. Section 26050 created temporary licenses, good for 120 days, renewable for no more
6 than 90 additional days. While § 26050.1(b)(3) provided no opportunity for notice and hearing for
7 the licensing authority's refusal to issue or renew a temporary license and § 26050.1(b)(4) states that a
8 temporary license grants no vested rights in the temporary license, § 26050.1 provided for issuance of
9 the temporary licenses if the applicant made a written request to the licensing authority, the licensing
10 fee, and "A copy of a valid license, permit, or other authorization, issued by a local jurisdiction, that
11 enables the applicant to conduct commercial cannabis activity at the location requested for the
12 temporary license." B & P § 26050.1(a)(2). The temporary license promulgated in SB 94
13 **contemplated that the applicant already had a business license, which presumably created its**
14 **own due process rights.** In that context due process rights in a temporary license would have been
15 duplicative and their short duration under § 26050.1(b)(3), (4) might make spending considerable
16 amounts in that time period more unlikely, as these businesses were on-going concerns and not start-
17 ups.
18
19

20 41. Effective January 1, 2019, the state legislature created, via B & P § 26050.2, its
21 "provisional" licensing system. Section 26050.1, including its provision for issuance of a temporary
22 license based in large part on an existing license was repealed by its own terms effective January 1,
23 2019. B & P § 26050.1(c). Unfortunately, the language stating that temporary licenses would have
24 no due process rights carried over to § 26050.2(h). Originally intended to last for only a year, §
25 26050.2 was then extended through 2021. Over 9,720 such licenses have been issued since January 1,
26 2018. As of March 2021, 83% of all licenses are provisional. These businesses, the great bulk of the
27 entire legal cannabis industry, have operated under their licenses for years and have collectively
28

1 invested billions of dollars in reliance on them. The legislature is now considering a bill to extend it
2 through 2027, *or perhaps indefinitely* (to give the agencies as much time as needed to process the huge
3 backlog of applications), marking at least a full decade of temporary and provisional licensing.

4 42. Cannabis legalization created a difficult regulatory conundrum: shut down an existing
5 multi-billion-dollar legacy medical-use industry of thousands of operators and take years to license
6 and re-open it or allow it to continue operating while simultaneously licensing it. The §26050.2
7 system is the solution the legislature devised to that problem.
8

9 43. SB 1459, the senate bill that created §26050.2 justified its “urgency” status as follows:

10 SEC. 4. This act is an urgency statute necessary **for the immediate preservation of the**
11 **public peace, health, or safety** within the meaning of Article IV of the California
12 Constitution and **shall go into immediate effect**. The facts constituting the necessity are:

13 **The significant number of cultivation license applications pending** with local authorities
14 that do not have adequate resources to process these applications before the applicants’
15 temporary licenses expire on January 1, 2019, **threatens to create a major disruption in the**
16 **commercial cannabis marketplace**. (Stats. 2018, Chapter 857, Section 4, emphases added.)

17 44. Expiration of the previous “temporary” licenses (issued starting at the beginning of
18 regulation, January 1, 2018), would have rendered almost the entire industry illegal and collapsed the
19 entire regulatory scheme.

20 45. A year later, AB 97 extended the provisional licensing workaround for two more
21 years, through the end of 2021. Its urgency clause put the matter even more bluntly:

22 In order to have a thriving and legal cannabis market in California, it is necessary that this
23 act take effect immediately. (Stats. 2019, Chapter 40, Section 20, emphasis added.)

24 46. § 26050.2(a) grants “the licensing authority” (here, DCC) discretion to issue
25 provisional licenses (or not). That was clearly necessary. Without authorized licensed operators the
26 entire \$3.5 billion legal cannabis market would have instead operated underground, as many
27 unlicensed operators did at that time, and still do today. Current estimates are that the legal
28 aboveground California cannabis industry has annual gross receipts of around \$3.5 billion. The
underground market is almost triple that at an estimated \$8.7 billion as of 2019.

1 47. No legal marketplace of thousands of businesses is possible without authorizing them
2 to legally engage in “commercial cannabis activity,” as the code defines it at B & P § 26001(k). They
3 must be authorized, legal, and entitled to continue operating—otherwise “the immediate preservation
4 of the public peace, health, or safety” is threatened (SB 1459 (Stats. 2018, Chapter 857, Section 4),
5 *supra*), and California is in danger of having no “legal cannabis market.” AB 97. (Stats. 2019, Chapter
6 40, Section 20, emphasis added.), *supra*).

7
8 48. That is the only logical way of understanding the provisional system created by SB
9 1459 and extended by AB 97: it must be swift and sustainable, and it must authorize and license
10 businesses to operate legally and in compliance with all applicable regulations, or face enforcement
11 measures coupled with due process protections, like any other licensed business. Otherwise, the
12 system cannot work as intended by B & P § 26050.2(a). Unfortunately, B & P § 26050.2(h) contains
13 an unconstitutional flaw that impacts Petitioners and many, if not all, of the thousands of businesses
14 that hold provisional licenses while waiting for approval of their applications for annual licenses.
15 Under §26050.2, the government authorizes, licenses, entitles, and encourages businesses to operate
16 in the legal aboveground industry to save it from “major disruption”—*but it would prefer not to give them*
17 *any due process rights.* (Stats. 2018, Chapter 857, Section 4), *supra*.) That preference is impermissible
18 under the Due Process Clauses of the federal and state Constitutions and is an unconstitutional
19 attempt to evade judicial review. *Marbury, supra*, 5 U.S. at 147-48.

20
21 49. Under California constitutional law, even an “expectancy is entitled to some modicum
22 of due process protection” with required “findings” to ensure that the government acts in a
23 nondiscriminatory and nonarbitrary manner.” *Saleeby v. State Bar* (1985) 39 Cal.3d 547, 564, 566-68.
24 The DCC’s position is that not a shred of process is due before the deprivation of this valuable
25 license, which has been substantially relied on, and into which significant capital investment has been
26 made. That position is no different than that held in *Trans-Oceanic*.

27
28

1 50. B & P § 26050.2 is unconstitutional on its face, and as applied to Petitioners. It
2 purports to grant to the cannabis licensing authorities two irreconcilable powers: (1) the power of the
3 agencies to exercise their discretion to issue “provisional” licenses that authorize licensees to engage
4 in commercial cannabis activity; and (2) the power subsequently to revoke or suspend those
5 entitlements in their “sole discretion” without notice and hearing.

6
7 51. In the DCC letter of August 23, 2021, the agency claims that its revocation is
8 effective immediately, and that BPC §26050.2, does not entitle Petitioners to a hearing or appeal of
9 the decision.

10 52. While B & P §26050.2(a) creates the only possible system that can work in the
11 circumstances recognized by the legislature in its stated findings of urgency and necessity, B & P §
12 26050.2(h) purports to deny legally operating licensees the same procedural due process afforded
13 other business entitlements *vis* notice and an opportunity to be heard before revocation. *Goldberg*, 397
14 U.S. at 262 (privilege/right distinction no bar to due process); *Goldsmith*, 270 U.S. at 123-124.

15
16 53. Both subsections (c) and (d) use the phrase “in its sole discretion” in authorizing a
17 licensing agency to suspend or revoke the “provisional” licenses (subsection (d)), and to renew them
18 until they issue or deny the licensee’s “annual” license (subsection (c)). However, as shown above,
19 *Goldsmith* stated that a licensing board’s discretionary power “must be construed to mean the exercise
20 of a discretion to be exercised after fair investigation, with such a notice, hearing and opportunity to
21 answer for the applicant as would constitute due process.” *Goldsmith*, 270 U.S. at 123.

22
23 54. The only difference between a provisional license and an annual license is the denial
24 of due process found throughout B & P §26050.2. B & P §26050.2(l) states: “Except as specified in
25 this section, the provisions of this division shall apply to a provisional license in the same manner as
26 to an annual license.” A provisional licensee is fully authorized to engage in commercial cannabis
27 activity and is required to follow the hundreds of pages of applicable statute and regulations as an
28 annual licensee. B & P. § 26050.2(l). The annual license is a permanent license that the Bus. & Prof.

1 Code, and the agencies in their regulations, concede is a property interest entitled to notice and
2 hearing before deprivation. Of the approximately 9,950 licenses issued by the state since January
3 2018, approximately 8,280 licenses (or 83% of the licenses) are “provisional”. These “provisionally”
4 licensed businesses currently make up the bulk of the multi-billion dollar California cannabis
5 industry, representing that much in investment and in annual gross receipts, and employing many
6 thousands of Californians. They cultivate, manufacture, test, distribute, and sell cannabis—subject to
7 hundreds of pages of administrative regulation.

9 55. Statutory authorization to act “in its sole discretion” does not authorize an agency to
10 deprive any person of their property without due process of law. U.S. Const., XIV Am.; Cal. Const.
11 Art. I, §7(a). In *Board of Regents v. Roth*, the U.S. Supreme Court cited *Goldsmith, supra*, in which the
12 U.S. Board of Tax Appeals’ rules allowed it to deny applicants admission to practice before it “in its
13 discretion” and to likewise subsequently suspend or disbar admittees. In discussing “discretionary”
14 denial of an admission application, *Goldsmith* holds that the board’s discretionary power “must be
15 construed to mean the exercise of a discretion to be exercised after fair investigation, with such a
16 notice, hearing and opportunity to answer for the applicant as would constitute due process.” (*Board*
17 *of Regents, supra*, 408 U.S at 577, n15.)

19 56. Given that due process is required in the context of an *application* for a “discretionary”
20 reimbursement award, logically, due process is certainly required for the *revocation* of a license issued
21 and relied on substantially and with a value of many of millions of dollars. *Saleeby, supra*, 562-68.

22 57. The DCC’s practice, as was its predecessor, regarding the renewal process has been to
23 make it a simple and straightforward *pro forma* “rubberstamping,” exactly as one would expect of a
24 recognized entitlement. The annual renewal process typically takes about an hour online filling in the
25 same basic information related primarily to projected revenue and affirming that there have been no
26 changes in operations. DCC then approves promptly and issues an invoice for the substantial annual
27

28

1 licensing fee. Once paid, the license is renewed, as expected. The whole process takes a week or so,
2 most of which is waiting time, and can , in some cases, be performed same day.

3 58. Inserting the word “sole” into the phrase “in its discretion” does not alter the
4 protections long set forth in the Constitutions. The licensing authorities have issued 8,280
5 provisional licenses (out of 9,950 total licenses, the rest are annual licenses) as of March 2021—over
6 three years after commencing the licensing process. The government issued these licenses with the
7 clear understanding that the licensees would actually operate licensed businesses thereunder to
8 further the government’s purpose of bringing cannabis into control and regulation, and that they
9 would rely on them by investing significant sums of money and by employing workers.

11 59. Petitioners, and all other provisional licensees, have a legitimate right to assume that,
12 barring any glaring unresolvable issues, their applications for “annual” (i.e., permanent) licenses will
13 be granted in due course, and that in the meantime, while waiting for the licensing authorities to
14 process the 8,000-plus pending license applications,³ their provisional licenses will be renewed
15 regularly in due course—as they are and have been. If Respondents take issue with any provisional
16 licensee’s compliance with the statutes and regulations, they are free to take disciplinary action against
17 them provided that they first provide notice and a hearing.

19 60. The plain language of B & P §26050.2(l) makes the case for due process, save for the
20 initial phrase, “Except as specified in this section.” That phrase purports to deny due process
21 through other sub-sections and, on that basis, must be held unconstitutional for the reasons given.

22 61. B & P §26050.2(h) is the crux of the matter. The statute is invalid as to the purported
23 revocation of a license to operate a business granted and relied on. § 26050.2(h) is two sentences
24 long. The first states that revocation or suspension of a provisional license “shall not entitle the
25

27 ³ Under the terms of §26050.2(a), to obtain a provisional license the licensee must have a complete application for an
28 annual license pending.

1 applicant or licensee to a hearing or an appeal of the decision.” The second sentence specifies four B
2 & P sections that shall not apply to provisional licenses—all related to due process, thus the denial
3 thereof. To the extent that § 26050.2(h) allows deprivation of the property interest in the provisional
4 license through revocation without prior notice and hearing, it offends the due process clauses of the
5 Constitutions and is impermissible.

6
7 62. These licensed businesses and individuals who have staked liberty (time) and treasure
8 (property) in carrying out the state’s mandate to rescue the “commercial cannabis marketplace” from
9 “major disruption,” earned the due process rights that come with that authorization. No businesses
10 will invest capital in a system that gives them authorization and a license, lures them into detrimental
11 reliance at grand scale, and then pulls the plug at its “discretion.” This is neither the object nor
12 purpose of government.

13
14 63. Such a result would destroy the very goal sought by the legislation enacted on this
15 topic since 2017: The creation and encouragement of an aboveground, regulated California cannabis
16 market. Rather, the logical understanding that stems from the provisional licensing system is that
17 licensed legally operating cannabis businesses merit the same measure of well-settled constitutional
18 due process protection as everyone else like situated. *Board of Regents v. Roth*, *supra* at 577; *Perry v.*
19 *Sinderman*, *supra* at 601; *Goldberg v. Kelly*, *supra* at 263 n.8; 264; *Goldsmith*, 270 U.S. at 123-124; *Saleeby v.*
20 *State Bar*, *supra* at 564-65; *Trans-Oceanic*, 85 Cal.App.2d at 795, 796-797.

21 **B. California’s due process protections are broader and more nuanced than their federal**
22 **counterparts, recognizing property and liberty interests even where the government has**
23 **“discretionary” powers, through a 4-part balancing test.**

24
25 64. In *Saleeby v. State Bar*, 39 Cal.3d 547 (Cal. 1985) the California Supreme Court applied
26 procedural due process requirements to the exercise of discretionary decision-making powers granted
27 to the State Bar by the legislature in statute, similarly to that discretion facially apparent in B & P §
28 26050.2. The Court found that the California Constitution required that they:

“inquire whether the present procedures adequately assure that the bar, having elected to

1 exercise the discretion conferred upon it by the Legislature, will exercise that discretion in a
2 nonarbitrary, nondiscriminatory fashion. We conclude that in order to comport with due
3 process requirements applicants must be afforded an opportunity to be heard and respond to
4 the bar's determinations and the bar must issue sufficient findings to afford review.”
5 *Saleeby v. State Bar* (1985) 39 Cal.3d 547, 565.

6 65. The Court even mentioned, in contrast to federal law, that even an “expectancy is
7 entitled to some modicum of due process protection.” *Id.* at 564. Under these standards, Petitioners
8 property interest and due process rights are even clearer. The DCC on behalf of the state used its
9 “discretion” in a manner so general and vague as to fail to give notice even of what specific violations
10 from what time period were the grounds for the revocation, let alone opportunity to be heard and
11 respond in even the most informal and settlement-oriented manner. Such slipshod practice does not
12 pass muster under California law as detailed below. The *Saleeby* Court set forth the 4-part balancing
13 test used not only to determine the type of due process required in each situation, but also to
14 determine if a property or liberty interest is implicated in the government action. *Id.* at 565.

15 **1. “the private interest that will be affected by the official action”**

16 66. The private interest affected by the DCC letter and forcible deprivation of the right to
17 engage in cannabis economic activity has a monetary value of approximately the estimated market
18 value before revocation. Petitioners’ personal and professional reputation is at stake, as is their
19 standing, their position, and their business interests. The August 23, 2021, letter accuses Petitioners
20 of water theft, a serious legal (and moral) crime in the State of California. Even at the federal level,
21 such accusations trigger due process protection:

22 The State, in declining to rehire the respondent, did not make any charge against him
23 that might seriously damage his standing and associations in his community. It did
24 not base the nonrenewal of his contract on a charge, for example, that he had been
25 guilty of dishonesty, or immorality. Had it done so, this would be a different case. For
26 ‘(w)here a person's good name, reputation, honor, or integrity is at stake because of
27 what the government is doing to him, notice and an opportunity to be heard are
28 essential.’

Roth, 408 U.S. at 573. (Citations omitted.)

1 67. The property interest at stake is highly significant on several different levels.

2 Petitioners meet this part of the *Saleeby* test and are entitled to due process under the California
3 Constitution.

4 **2. “the risk of an erroneous deprivation of such interest through the
5 procedures used, and the probable value, if any, of additional or substitute
6 procedural safeguards”**

7 68. DCC’s letter of August 23, 2021, bluntly asserts that no due process applied per the
8 untested language of B & P §26050.2. Without any due process “procedures used” whatsoever, any
9 additional “safeguards” would be hugely valuable. As it is, the risk of erroneous deprivation has zero
10 checks and balances on it. DCC offered no specific factual findings nor conclusions of law. None.
11 The allegations might be entirely arbitrary and capricious and there would be no way to know, and
12 even if known, there would be no way to challenge capricious or inadvertent error by state actors and
13 agents.

14 69. DCC has a robust disciplinary and appeal hearing process with clear notice and
15 hearing requirements under the Administrative Procedures Act. B & P §§ 26031, 26040. If any
16 modicum of that process were available to Petitioners, they would be vastly better off.⁴ Petitioners
17 also meet this part of the *Saleeby* test and are entitled to due process under California’s Constitution.
18

19 **3. “the dignitary interest in informing individuals of the nature, grounds and
20 consequences of the action and in enabling them to present their side of the
21 story before a responsible governmental official”**

22 70. For both Mojo and for the individual Petitioners, this revocation has deep wounding
23 significance. They are mystified as to what they did to deserve the swift death sentence through such
24 a perfunctory process as occurred prior to the revocation. Petitioners have been subjected to an
25 abrupt and egregious violation of the norms of fairness. Their public reputations have been harmed
26

27 ⁴ If DCC would even communicate with Petitioners, they are eager to find common ground and understand the agency’s
28 concerns (or the concerns of its investigators).

1 and their treatment by DCC in this case has violated their dignitary interests in a substantial and
2 demonstrable way. This alone triggers due process rights. *Roth*, 408 U.S. at 573.

3 **4. The governmental interest, including the function involved and the fiscal and**
4 **administrative burdens that the additional or substitute procedural**
5 **requirement would entail.**

6 71. The government has an interest in licensing and regulation, enforcing regulations, and
7 in successfully implementing the legal cannabis system. The underground market is still three times
8 larger than the aboveground market. The government function is critical. Petitioners support it and
9 wish to contribute to its success. This relationship can be collaborative. It need not be adversarial. As
10 for fiscal and administrative burdens, DCC already has a whole division committed to enforcement,
11 discipline, appeals, hearings, and due process, with many pages of specific regulation, and of course
12 the Administrative Procedures Act. See, B & P Chapter 2 (commencing with Section 480) of
13 Division 1.5, Chapter 4 (commencing with Section 26040) of Division 10, and Sections 26031 and
14 26058. DCC bears no additional burden in affording Petitioners with reasonable notice and an appeal
15 hearing. That is all that Petitioners ask: the basic level of respect and due process for a government-
16 authorized-and-licensed professional organization. Petitioners meet this part of the *Saleeby* test and
17 are entitled to due process under the California Constitution.
18

19 72. Petitioners meet the 4-part test set forth in *Saleeby* and have both property and liberty
20 (including individual dignitary) interests at stake. Petitioners must therefore be extended the basic
21 elements of due process: notice and hearing prior to revocation.
22

23 73. The question before the court is not whether such a property right might be revoked
24 in the course of such due process, only whether due process is required. Petitioners will likely prevail
25 on this question based on the clear, extensive law that government deprivation of a property right
26 necessarily requires procedural due process under both the State and Federal constitutions.
27

28 **C. Petitioners have no adequate remedy at law.**

1 74. Injunctive relief is available when future pecuniary compensation would not provide
2 adequate relief or it would be difficult to ascertain such damages. (Cal. Code Civ. Proc. § 526(a)(4)-
3 (5); *Dodge, Warren & Peters Ins. Servs. V. Riley* (2003) 105 CA4th 1414). In the present case, it is unclear
4 whether the legal remedy sought even provides Petitioners with an avenue to recover damages, and
5 on this basis alone, injunctive relief is proper. Even if Petitioners were entitled to pecuniary relief,
6 many of the elements of the harm they face, such as loss of long-term contracts, are impossible to
7 meaningfully quantify in advance. Even if the government ultimately had to pay the market value of
8 the business prior to the illegal revocation, Petitioners do not want to sell their business. Nor has the
9 government followed the proper procedures to exercise eminent domain, condemn, appraise, and
10 purchase the business at fair market value. On the basis that the harm faced is difficult or impossible
11 to monetarily quantify, Petitioners are entitled to injunctive relief.
12

13 **D. Balancing the equities reveals that risk of public harm is low while the risk of irreparable**
14 **harm to Petitioners is high.**

15 75. Respondents have alleged no public harm at any point in the factual record. The
16 DCC letter generally alleges, without any specific facts as to details, dates, persons involved, number
17 of occurrences, or any other circumstances, three general types of regulatory violations as grounds
18 for revocation in a conclusory fashion. None of these include any allegation that HCI in any way
19 threatens the public health and safety through alleged deficiencies in ongoing practices.
20

21 76. The alleged grounds for revocation include only the following seven items:

- 22 [1. *alleged*] An unpermitted water diversion and irrigation system for cannabis cultivation;
23 [2. *alleged*] Use of a retail water hauler as an unpermitted water source;
24 [3. *alleged*] Failure to “prominently” display Petitioners’ state license;
25 [4. *alleged*] A weighmaster license was not available;
26 [5. *alleged*] An approved and sealed weighing device;
27 [6. *alleged*] The Administrative Hold Areas, Harvest Storage Areas, and Processing
28 Areas were being shared by Petitioners’ three licenses; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[7. *alleged*] Lights not disclosed in the license documents were present in the canopy areas.

77. None of these general allegations rise to the level of justifying immediate abatement of all cannabis activity and the revocation of license. No imminent public harm is alleged or present in the above.

78. Vested property rights have value at least in part because of the confidence among the people that such rights will be protected by the government, not taken by the government without due process. Due process rights serve *both* the accused and the public, on whose behalf the regulatory authority purports to act:

Professor Gellhorn put the argument well: 'In my judgment, there is no basic division of interest between the citizenry on the one hand and officialdom on the other. Both should be interested equally in the quest for procedural safeguards. I echo the late Justice Jackson in saying: 'Let it not be overlooked that due process of law is not for the sole benefit of an accused. It is the best insurance for the Government itself against those blunders which leave lasting stains on a system of justice'—blunders which are likely to occur when reasons need not be given and when the reasonableness and indeed legality of judgments need not be subjected to any appraisal other than one's own...'

Summary of Colloquy on Administrative Law, 6 J. Soc. Pub. Teachers of Law, 70, 73 (1961)." *Board of Regents*, 408 U.S. at 592 (Douglas, J., dissenting.)

79. Allowing Petitioners to continue their operations, while their writ petition is properly heard and decided, poses no public harm. Petitioners have operated under these three licenses, through predecessor entities, for almost four years with no such allegation.

WHEREFORE, PETITIONERS PRAY FOR RELIEF AS FOLLOWS:

1. A peremptory writ of mandate be issued ordering Respondents to provide Petitioners with an administrative hearing for the purposes of hearing Petitioners' appeal of Respondents' revocation letter;
2. And that such writ further order Respondents to return Petitioners' property improperly and unlawfully seized without due process of law;

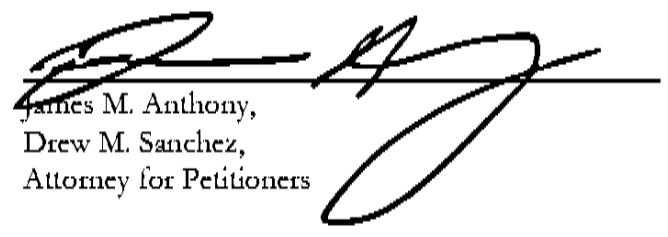
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. An *ex parte* order (application filed, or to be filed, under separate cover) be issued providing a stay of enforcement against Petitioners to preserve the *status quo ante* on the basis of the arguments therein and that such stay be in effect until final disposition of this petition for writ of mandate and any timelines for appeal thereof have elapsed;
4. Petitioners' general and special damages;
5. Costs in this action, including attorney fees according to law; and
6. Such other relief be granted that the Court considers proper.

Respectfully submitted,

Date: August 27, 2021

ANTHONY LAW GROUP, PC


James M. Anthony,
Drew M. Sanchez,
Attorney for Petitioners