

**IN THE CIRCUIT COURT OF SANGAMON COUNTY, ILLINOIS
SEVENTH JUDICIAL CIRCUIT**

TERIDON SOLUTIONS, LLC; RUNWAY LOGISTICS)	
SERVICES INC.; VERTICAL MANAGEMENT LLC;)	
RELIAVAN LLC; ALLIANCE TRANSPORT GROUP)	2023CH000016
LLC; EZ WEE TRANSIT LLC; ACC OF ILLINOIS)	Case No. _____
TRANSPORTATION LLC; BIG IMPACT)	
TRANSGREEN LLC; PACE UNITY FUND LLC;)	Hon. _____
VANGUARD SECURITY SERVICES, LLC; PIFF)	
PATCH INC.; SOUTH PEORIA TRANSPORTATION)	
LLC; and HERBLO TRANSPORT LLC,)	
)	
Plaintiffs,)	
)	
v.)	
)	
ILLINOIS DEPARTMENT OF AGRICULTURE; JERRY)	
COSTELLO II, as Secretary of the Illinois Department of)	
Agriculture,)	
)	
Defendants.)	

COMPLAINT

Plaintiffs TeriDon Solutions, LLC, Runway Logistics Services Inc., Vertical Management LLC, Reliavan LLC, Alliance Transport Group LLC, EZ Wee Transit LLC, ACC of Illinois Transportation LLC, Big Impact Transgreen LLC, Pace Unity Fund LLC, Vanguard Security Services, LLC, Piff Patch Inc., South Peoria Transportation LLC, and Herblo Transport LLC (collectively, "Plaintiffs"), by and through their undersigned counsel, hereby submit this complaint against Defendants the Illinois Department of Agriculture and Jerry Costello II, in his official capacity as Secretary of the Illinois Department of Agriculture, and state as follows:

PARTIES

1. Plaintiff TeriDon Solutions, LLC is an Illinois limited liability company that holds an adult-use transportation license.
2. Plaintiff Runway Logistics Services Inc. is an Illinois corporation that holds an adult-use transportation license.

3. Plaintiff Vertical Management LLC is an Illinois limited liability company that holds three adult-use transportation licenses.

4. Plaintiff Reliavan LLC is an Illinois limited liability company that holds an adult-use transportation license.

5. Plaintiff Alliance Transport Group LLC is an Illinois limited liability company that holds an adult-use transportation license.

6. Plaintiff EZ Wee Transit LLC is an Illinois limited liability company that has been awarded an adult-use transportation license.

7. Plaintiff ACC of Illinois Transportation LLC is an Illinois limited liability company that holds an adult-use transportation license.

8. Plaintiff Big Impact Transgreen LLC is an Illinois limited liability company that has been awarded an adult-use transportation license.

9. Plaintiff Pace Unity Fund LLC is an Illinois limited liability company that has been awarded an adult-use transportation license.

10. Plaintiff Vanguard Security Services, LLC is an Illinois limited liability company that holds an adult-use transportation license.

11. Plaintiff Piff Patch Inc. is an Illinois corporation that holds an adult-use transportation license.

12. Plaintiff South Peoria Transportation LLC is an Illinois limited liability company that holds an adult-use transportation license.

13. Plaintiff Herblo Transport LLC is an Illinois limited liability company that has been awarded an adult-use transportation license.

14. Defendant the Illinois Department of Agriculture is an Illinois government entity entrusted with, among other things, licensing and regulating Illinois cannabis

transporters under authority derived from the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et al.* (the “CRTA”)

15. Defendant Jerry Costello II is the Secretary of the Illinois Department of Agriculture. Mr. Costello II and the Illinois Department of Agriculture will be referred to collectively as the “IDOA.”

JURISDICTION AND VENUE

16. Jurisdiction and venue are proper in Sangamon County, Illinois under 735 ILCS 5/2-209 and 735 ILCS 5/2-101 because the IDOA has an office in Sangamon County and purports to regulate licensed Illinois cannabis transporters from that office.

FACTS

17. The Illinois General Assembly legalized adult-use cannabis (effective January 1, 2020) via the CRTA in 2019.

18. The CRTA was specifically designed to advance the interests of Social Equity Applicants. Specifically, the CRTA states:

- “The General Assembly finds that the medical cannabis industry, established in 2014 through the Compassionate Use of Medical Cannabis Program Act, has shown that additional efforts are needed to reduce barriers to ownership. Through that program, 55 licenses for dispensing organizations and 20 licenses for cultivation centers have been issued. Those licenses are held by only a small number of businesses, the ownership of which does not sufficiently meet the General Assembly’s interest in business ownership that reflects the population of the State of Illinois and that demonstrates the need to reduce barriers to entry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws.” 410 ILCS 705/7-1(a).
- “The General Assembly also finds and declares that promotion of business ownership by individuals who have resided in areas of high poverty and high enforcement of cannabis-related laws furthers an equitable cannabis industry.” 410 ILCS 705/7-1(g).
- “Therefore, in the interest of remedying the harms resulting from the disproportionate enforcement of cannabis-related laws, the General Assembly finds and declares that a social equity program should offer, among other things, financial assistance and license application benefits to individuals most directly and adversely impacted by the enforcement of cannabis-related law who are interested in starting cannabis business establishments.” 410 ILCS 705/7-1(h).

19. The CRTA authorized several adult-use cannabis license types, including dispensary, craft grower, infuser, and transport licenses.

20. The transport license has the lowest barrier to entry because the number of licenses is not capped (meaning there is not a competition for a limited number of licenses, with such competitions often favoring the most well-funded applicants) and because the licensing fees (initial licensing fee and renewal fees) are the least costly.

21. Plaintiffs all applied for transport licenses from the IDOA as qualified Social Equity Applicants.

22. Plaintiffs were all awarded transport licenses from the IDOA as qualified Social Equity Applicants.

23. Many Plaintiffs have already received their licenses; others have been awarded their licenses but have not yet claimed them.

24. Most of the Plaintiffs do not have any other type of Illinois cannabis license, meaning their businesses are exclusively focused and reliant on transporting cannabis for other license holders throughout Illinois.

25. Some transport licenses were awarded to entities that have other Illinois cannabis licenses, meaning those entities can transport their own cannabis in Illinois.

26. That said, many holders of the other license types (cultivation centers, dispensaries, craft growers, and infusers) do not have transport licenses, meaning there should be a robust need for independent transport services.

27. The CRTA and associated rules promulgated by the IDOA and adopted under the CRTA (the “Transport Regulations”) contain stringent requirements for the transportation of cannabis in Illinois.

28. For instance, under the CRTA, after July 1, 2020, cultivation centers were prohibited from transporting their own product without a transport license. 410 ILCS 705/20-30(m).

29. Similarly, under the CRTA and the Transport Regulations, licensed craft growers can only transport cannabis or cannabis-infused products a very short distance (between 2,000 feet and 15 miles depending on the home county of the craft grower) without a transport license. 410 ILCS 705/30-30(k); 8 IAC 1300.395(c).

30. Under the Transport Regulations, licensed cannabis transporters must also meet strict requirements related to operations, vehicles, and security equipment. 8 IAC 1300.595.

31. Those stringent requirements are critical to a safe and secure Illinois adult-use cannabis market. Cannabis operations are prime targets for criminals because many cannabis transactions are conducted in cash, and cannabis itself is easy to divert. Cannabis and cash are particularly vulnerable during transport when they are outside of secured facilities.

32. Those stringent requirements are also critical for the viability of independent transporters like Plaintiffs. If anyone (licensed or not) is permitted to transport cannabis and use any vehicle to do so, there is no business reason to hire compliant, independent transport companies like Plaintiffs.

33. On information and belief, licensed transporters are not complying with the CRTA and/or the Transport Regulations.

34. On information and belief, non-licensed entities or entities with inoperable licenses are transporting cannabis in violation of the CRTA and/or the Transport Regulations.

35. Under 410 ILCS 705/5-10, the IDOA “shall administer and enforce provisions of this Act relating to the oversight and registration of...transporting organizations and agents...The [IDOA] may suspend or revoke the license of, or impose other penalties

upon...transporting organizations, and their principal officers, Agents-in-Charge, and agents for violations of this Act and any rules adopted under this Act.”

36. On information and belief, the IDOA is failing to enforce the CRTA or the Transport Regulations.

37. Plaintiffs’ information and belief is well-grounded in fact.

38. Specifically, on January 5, 2023, Plaintiffs are aware of a Chicago cannabis transport delivery that was conducted in what appears to be a non-complaint Honda Odyssey minivan.

39. That same day, Berwyn Thompkins emailed Kirsten Davis-Franklin, the Deputy Cannabis Regulation Oversight Officer of Policy and Legislation, Solomon Hatch, the Deputy Cannabis Regulation Oversight Officer, and Nicole Rodriguez regarding this transport, including with the email pictures showing the transport in progress. That January 5, 2023 email is attached as **Exhibit 1**.

40. On February 24, 2023, Plaintiffs are aware that SB IL Grow conducted a cannabis transport and delivery to Green Rose Chicago, a licensed cannabis dispensary located at 612 N. Wells Street in Chicago, Illinois. That transport was memorialized via an “Illinois Adult Use Marijuana Transportation Manifest.”

41. SB IL Grow is a licensed Illinois transporter located at 3381 Forest View Road in Rockford, Illinois.

42. SB IL Grow is also a licensed Illinois craft grower with the same address.

43. As of February 24, 2023, SB IL Grow had not yet been approved for transport operations by the IDOA. Moreover, SB IL Grow’s Rockford craft grow facility is substantially more than 15 miles from Green Rose’s Chicago dispensary, meaning SB IL Grow was not permitted to transport cannabis to Green Rose without an operational transport license.

44. On information and belief, the IDOA was aware of and approved SB IL Grow's cannabis transport and delivery to Green Rose.

45. Even if the IDOA was not aware of the transport before it occurred, it became aware of the transport by March 15, 2023 at the latest.

46. On March 15, 2023, Berwyn Thompkins emailed Kirsten Davis-Franklin and Erin Johnson, the Illinois Cannabis Regulation Oversight Officer, regarding the February 24, 2023 SB IL-Green Rose transport. A copy of that email is attached as **Exhibit 2**. Mr. Thompkins attached pictures of the delivery and of the "Illinois Adult Use Marijuana Transportation Manifest" that memorialized this transport.

47. Following this email, Mr. Thompkins spoke to Ms. Davis-Franklin and Ms. Johnson via telephone. During that call, Ms. Davis-Franklin and Ms. Johnson indicated that the IDOA did not have the staff necessary to enforce the CRTA and/or the Transport Regulations. Ms. Davis-Franklin and Ms. Johnson further confirmed that the IDOA had not issued a single fine to a licensed transporter or other entity for violation of the CRTA's transportation provisions or the Transport Regulations.

48. Plaintiffs are personally aware of other illegal transports that have occurred in Illinois.

49. Despite having definitive evidence of unlawful transport operations, on information and belief, the IDOA has not taken any disciplinary action against any parties involved in these illegal transports because it does not have the staff to do so.

50. As a result, illegal cannabis transporters are acting with impunity, jeopardizing the safety of the Illinois public and essentially blocking licensed Illinois transporters, like Plaintiffs, from participating in the Illinois cannabis industry.

**COUNT I
DECLARATORY JUDGMENT**

51. Plaintiffs adopt and reallege Paragraphs 1 through 50 as though fully set forth herein.

52. The IDOA has failed to “administer and enforce” the provisions of the CRTA and the Transport Regulations “relating to the oversight and registration of...transporting organizations and agents.” 410 ILCS 705/5-10.

53. Instead, the IDOA is knowingly and willfully allowing entities to illegally perform cannabis transports in Illinois.

54. By allowing entities to illegally perform cannabis transports in Illinois, the IDOA has made it effectively impossible for compliant, licensed transporters to participate in the cannabis transport market.

55. By allowing entities to illegally perform cannabis transports in Illinois, the IDOA is jeopardizing the safety of the general public in Illinois.

56. Plaintiffs, as Social Equity transport license holders and/or license winners, are members of the class of persons for whose benefit the CRTA was enacted.

57. Plaintiffs have been locked out of the Illinois cannabis transport industry as a direct result of the IDOA’s failure to enforce the CRTA and the Transport Regulations, despite the CRTA’s express intent to open the cannabis transport market to entities like Plaintiffs.

58. Allowing Plaintiffs to enforce the CRTA and the Transport Regulations is consistent with the underlying purpose of the CRTA, which is to empower social equity license holders and license winners and ensure a safer, more equitable Illinois cannabis market.

59. If denied a private right of action, Plaintiffs will have no remedy and the IDOA will be free to continue to ignore the CRTA and the Transport Regulations, jeopardizing the health and safety of the general public and continuing to lock out Plaintiffs from the Illinois cannabis transport market.

WHEREFORE, Plaintiffs respectfully pray that this Court enter judgment in their favor:

- a. Declaring that the IDOA has failed to enforce the CRTA and associated Transport Regulations by allowing illegal cannabis transports and/or failing to punish offenders for known violations of the CRTA and/or the Transport Regulations.
- b. Enjoining the IDOA from continuing to abdicate its responsibilities under the CRTA and Transport Regulations and from continuing its policy of non-enforcement of the CRTA and Transport Regulations.

Respectfully submitted,

TERIDON SOLUTIONS, LLC, RUNWAY LOGISTICS SOLUTIONS INC., VERTICAL MANAGEMENT LLC, RELIAVAN LLC, ALLIANCE TRANSPORT GROUP LLC, EZ WEE TRANSIT LLC, ACC OF ILLINOIS TRANSPORTATION LLC, BIG IMPACT TRANSGREEN LLC, PACE UNITY FUND LLC, VANGUARD SECURITY SERVICES, LLC, PIFF PATCH INC., SOUTH PEORIA TRANSPORTATION LLC, and HERBLO TRANSPORT LLC

By: /s/ Ryan M. Holz

Ryan M. Holz (ryan.holz@gmlaw.com)
ARDC No.: 6294328
GREENSPOON MARDER
227 W. Monroe, Suite 3950
Chicago, Illinois 60606
847.463.0663

Exhibit 1

From: berwyn@igtmeducation.com

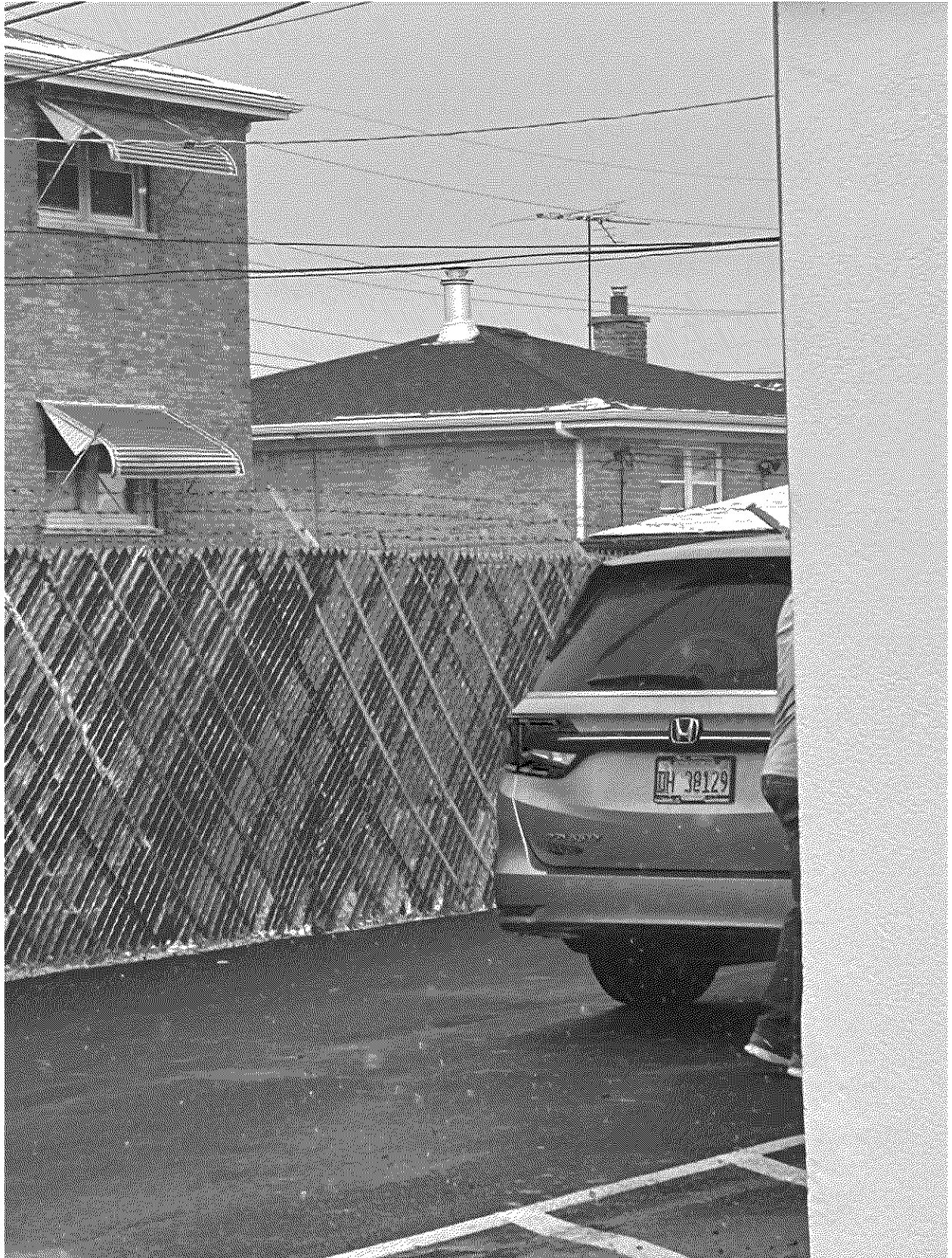
Date: January 5, 2023 at 4:16:16 PM CST

To: Kirsten Davis-Franklin <Kirsten.Davis-Franklin@illinois.gov>, Solomon Hatch <solomon.hatch@illinois.gov>, Nicole Rodriguez <nicole.m.rodriguez@illinois.gov>, Victoria Williams <accofillinois@gmail.com>

Subject: Cannabis transportation

Good afternoon, I have attached pictures of a cannabis delivery that was done today. This was done by an MSO and the delivery is clearly not in compliance with the state law. At this point we are requesting a direct meeting with Governor Pritzker to resolve this. We literally have an MSO doing a delivery in a soccer van. It is clear that none of the cultivators are being held accountable, they don't have to follow the program, and there is no enforcement/ fines. We are amazed that an extension was given to curbside when this issue here is a much more pressing issue. How can the state insure that the people of Illinois are getting safe cannabis if it's not even being tracked meaning anything can enter in and out of the supply chain. Please advise and thanks in advance.









Berwyn Thompkins

President of IGTM Education

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Berwyn@lgtmEducation.com

[www.igtmeducation.com \[igtmeducation.com\]](http://www.igtmeducation.com)

[https://www.linkedin.com/in/bthompkins/ \[linkedin.com\]](https://www.linkedin.com/in/bthompkins/)

Sent from my iPhone

Exhibit 2

From: berwyn@igtmeducation.com

Date: March 15, 2023 at 2:28:26 PM CDT

To: Kirsten Davis-Franklin <Kirsten.Davis-Franklin@illinois.gov>, Erin Johnson <Erin.Johnson@illinois.gov>

Cc: victoria@accofillinois.com

Subject: **Illegal Transportation**

Good afternoon, i have attached pictures of another delivery that was done in a non-compliant vehicle. This delivery was done 02/24/2023 @ 5:30pm, i have attached the manifest identifying the time, company, and vehicle ID

Listed drivers: Marwan Atieh and Mohammed Joudeh

Listed vehicle: 2010 Ford Transit Connect

License name: SB IL Grow

Transporter ID #: TRAC100000058 and TRAC100000060

License # 3300000025

I was also wondering how the department of AG approved this vehicle which clearly has windows in the rear of the vehicle. I also know each instance of an offense from a craft grow is a \$15,000 fine.

My main concern here is that this particular company is a "social equity" craft grow and we were told by the state that our opportunities would come from other licenses coming online, but if they are coming online and not providing opportunity and then skirting the laws and compliance then where does that leave the third party transporter? Whom has followed every rule set forth by the state of illinois. Pease advice on how this can be rectified. We literally can not compete if we are regulated and must comply to the laws while a whole other party does not follow the law nor the compliance of the state of illinois. Thanks in advance.







Illinois Adult Use Marijuana Transportation Manifest

10/24/2023	License #:	3300000025	
SB IL Grow	Vehicle ID#:	NMDS7DN5AT011918	
1 Forest View Road Chicago, IL 60610	Vehicle Color / Make / Model / License Plate:	2010 WHITE FORD TRANSIT CONN 3552646B	 943
773-210-4548	Transporter Name:	(1) Marwan Atieh (2) Mohammad Joudah	
TRAC10000058 (2) TRAC10000060	Transporter Date of Birth:	(1) 05/07/1973 (2) 04/26/1984	

	Green Rose - Chicago	Approx. Departure Date/Time:	
	284000248	Approx. Arrival Date/Time:	
	612 N. Wells St. Chicago, IL 60654	Destination Licensee Phone:	

Travel Route:

For more information on the suggested route, please visit the Illinois Department of Transportation website at www.idot.gov. For more information on the suggested route, please visit the Illinois Department of Transportation website at www.idot.gov. For more information on the suggested route, please visit the Illinois Department of Transportation website at www.idot.gov.

received is less than the quantity shipped, check the box in the appropriate field below and indicate the

ID	Product	Inventory Type	Strain	Manifest
11/30/23	Kush Joint 1.5g - Hybrid	Marijuana Mx Infused	Mixed	
11/30/23	Kush Joint 1.5g - Hybrid	Marijuana Mx Infused	Mixed	
11/30/23	Kush Joint 1.5g - Indica	Marijuana Mx Infused	Mixed	
11/30/23	Kush Joint 1.5g - Indica	Marijuana Mx Infused	Mixed	
11/30/23	Kush Joint 1.5g - Indica	Marijuana Mx Infused	Mixed	
11/30/23	Kush Joint 1.5g - Indica	Marijuana Mx Infused	Mixed	



5 of 5



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