

KG WELLNESS #4, LLC
5000 Thayer Center Suite C
Oakland, Maryland 21550

Plaintiff

v.

MARYLAND CANNABIS ADMINISTRATION,
849 International Drive, Fourth Floor
Linthicum, Maryland 21090

Serve: Heather Nelson, Esq.
Principal Counsel
Maryland Cannabis Administration
849 International Drive, Fourth Floor
Linthicum, Maryland 21090

WILLIAM TILBURG, in his official capacity as
Acting Director of Maryland Cannabis
Administration
849 International Drive, Fourth Floor
Linthicum, Maryland 21090

and

DAWN BERKOWITZ, in her official capacity as
Deputy Director of Maryland Cannabis
Administration
849 International Drive, Fourth Floor
Linthicum, Maryland 21090

and

AUDRY JOHNSON, in her official capacity as
Executive Director of Maryland's Office of Social
Equity
849 International Drive, First Floor
Linthicum, Maryland 21090

Defendants

) IN THE

)
) CIRCUIT COURT

) FOR

) ANNE ARUNDEL COUNTY,

) MARYLAND

)
) Civil Case No. C-02-CV-24-000396

**COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTIVE RELIEF,
(ALTERNATIVELY) MANDAMUS AND OTHER RELIEF**

Plaintiff KG Wellness #4 LLC (“KGW” or “Plaintiff”), by and through its undersigned
counsel, hereby submit this Complaint seeking a declaratory judgment, preliminary and

permanent injunction and (alternatively) mandamus declaring that Defendant Maryland Cannabis Administration unlawfully failed to accept Plaintiff's Social Equity Applicant application for entry into a lottery for standard dispensary cannabis business licenses to be conducted by the Maryland Cannabis Administration pursuant to Md. Code Ann., ALCO. BEV., § 36-404(d)(1) (2023) ("the Lottery") and enjoining the Maryland Cannabis Administration from holding such lottery until it accepts and processes Plaintiff's application for a such a license, or in the alternative, mandating that the Maryland Cannabis Administration accept Plaintiff's Social Equity Applicant submission for review and entry into the Lottery.

SUMMARY OF CLAIMS

1. In 2023, Maryland enacted the Cannabis Reform Act ("the Act"), which permitted the recreational adult use of cannabis. The Act set forth, in ALCO. BEV., § 36-404(d)(1), licensure procedures that, as directed by the statute, give applicants that could demonstrate a need of "social equity" a first shot, by "a lottery," to enter into this new cannabis market.

2. The plain provisions of the Cannabis Reform Act were in line with the stated policy of the administration of Maryland Governor Wes Moore to "leave no one in Maryland behind." As Governor Moore lauded about the new law: "Leaving no one behind means ensuring that communities that have borne the brunt of misguided policies have an equal shot at benefitting from this lucrative industry."

3. Unfortunately, the Maryland Cannabis Administration ("MCA"), which was a creation of the Act, has not abided by the dictates set forth in the Act by the General Assembly nor the aspirations stated by Governor Moore. As the facts of this case demonstrate, many Marylanders who want to benefit from this lucrative industry are being left behind by the failures of those serving the State, whose dragging of feet over licensing decisions and patent

computer failures is leaving Plaintiff, a verified social equity applicant, on the outside of the Lottery looking in, through no fault of its own.

4. The MCA has set up a two-step process to ensure that all cannabis business licenses issued by the statutorily mandated Lottery shall be issued to entities that are at least 65% owned and controlled by individuals that meet the statutorily defined social equity criteria. To ensure applying entities satisfied the ownership and control threshold, the first step in the MCA's application process was for individuals to seek from MCA a verification of social equity qualifications. The second step in the process was for the verified applying entity to submit an application that included documentation showing an ownership structure with the verified individual, or individuals, owning and controlling at least 65% of the entity.

5. MCA hired Creative Services Inc. ("CSI")¹ to conduct the individual social equity verification process. CSI began accepting requests for verification on November 9, 2023, through the Maryland One Stop computer portal operated by the State.

6. Kalil Traore ("Traore") owns 65 percent of KGW and is qualified for social equity status. To ensure that she would receive her social equity verification with ample time for KGW to submit its application, Traore submitted her information to CSI on the portal on November 10, 2023.

7. Despite her early submission, CSI struggled with Traore's verification process. To make matters worse, CSI stubbornly refused to communicate with Traore using her preferred email contact and also refused to communicate with Traore's appointed representative. As a result, Traore's verification process was significantly delayed.

¹ See MCA website at <https://mmcc.maryland.gov/Pages/Social-Equity-Verification.aspx> ("the MCA in partnership with Creative Services Inc. (CSI), issued over 3,000 invitations for Social Equity Verification...").

8. Ultimately CSI realized its errors and properly communicated with Traore regarding the additional information it needed to complete her verification process. Not surprisingly, as soon as CSI changed its stance, CSI completed Traore's verification process in short order and verified her eligibility.

9. Because of the delays caused by CSI's prior refusals, however, Traore did not receive the social equity verification from CSI until 4:41 p.m. on December 12, 2023, a mere nineteen minutes before the 5:00 pm deadline on that same date.

10. Plaintiff's application was due by 5:00 p.m. on December 12th. MCA required applicants to submit its application by way of the state-run Maryland One Stop computer portal. Despite the delays caused by CSI, Plaintiff was able to enter the Maryland One Stop computer application portal and press the submission button by the deadline. Unfortunately, however, the State's portal timed out during the upload process, and Plaintiff could not resubmit its application. By this time, the deadline had passed and the State's computer portal had closed.

11. Plaintiff immediately informed MCA of the issue with the State's computer portal, emailed MCA its completed application packet, and requested confirmation that its application would be included in the Lottery.

12. In draconian fashion, MCA responded that it would not accept Plaintiff's application, it would not investigate Plaintiff's complaints about the computer system failing to accept their timely submission, and it would not consider the delay caused by CSI's actions and the technical issues with the State's portal in its decision.

13. Though MCA refused to extend the deadline, it has unilaterally extended the time for which it will be reviewing applications and holding the Lottery, originally set for on or before January 1, 2024.

14. On Friday, January 12, 2024, MCA issued a statement to those Social Equity Applicants whose applications were accepted by the MCA and not delayed in filing due to the

State's computer error ("the January 12, 2024 Statement"). In the January 12, 2024 Statement, MCA announced that it was still reviewing the accepted applications to determine whether those accepted applications meet the minimum requirements for licensing. The statement explained that those applications that meet the minimum requirements for licensing will be entered into the Lottery, which now will not take place until March 2024 at the earliest. Decisions on whether applications met the minimum requirements would be communicated beginning on February 12, 2024.

15. MCA did not send Plaintiff the January 12, 2024 Statement, and Plaintiff's application is not being evaluated nor will it be entered into the Lottery. On February 12, 2024, the MCA did not give the notice to Plaintiff that it gave to the other applicants of whether it was in the Lottery or whether it was denied access to the Lottery and granted a right to a records review.

16. The arbitrary and capricious actions of MCA and its contractual agent have denied Plaintiff of its due process rights and the right to participate in the upcoming cannabis business license Lottery for which it is undeniably qualified.

THE PARTIES

17. Plaintiff KGW is a Maryland limited liability company with its registered business address located at 5000 Thayer Center, Suite C, Oakland, Maryland 21550.

18. Defendant MCA is a Maryland governmental entity entrusted with, among other things, carrying out a true and fair application process for the issuance of cannabis business licenses via a lottery process, which will entitle the winners to operate cannabis businesses within Maryland.

19. Defendant William Tilburg is the Acting Director of the MCA.

20. Defendant Dawn Berkowitz is the Deputy Director of the MCA.

21. Defendant Audrey Johnson is the Executive Director of Maryland’s Office of Social Equity.

JURISDICTION AND VENUE

22. This Court has subject matter jurisdiction pursuant to §§ 1-501, 3-8B-01, 3-403 of the Courts and Judicial Proceedings Article, Annotated Code of Maryland. There is no primary or exclusive administrative remedy set forth in statute or regulation, therefore it is not necessary to exhaust administrative remedies. Mandamus is thus sought pursuant to Md. Rule 15-701 because there has been no contested case or quasi-judicial process before, nor quasi-judicial order from, any administrative agency.

23. The MCA is located in Linthicum, Maryland within Anne Arundel County, and therefore jurisdiction and venue are proper in this Court.

24. This Court has personal jurisdiction over the MCA Defendants Md. Code Ann., CTS & JUD. PROC., § 6-102 as they are domiciled, and will be served with process, in the State of Maryland.

25. Venue is proper in this Court pursuant to Md. Code Ann., CTS & JUD. PROC., § 6-201(b) as the Defendants can be found, carry on a regular business, and maintain their principal offices in Anne Arundel County, Maryland, and as the cause of action arose out of the Defendants’ application process conducted in this County.

STATEMENT OF FACTS COMMON TO ALL COUNTS

Cannabis Laws and Regulations

26. In 2022, Maryland voters approved a referendum legalizing recreational cannabis use (a/k/a “adult-use”) in Maryland. It took effect on July 1, 2023.

27. To prepare for legalization, the legislature enacted the Cannabis Reform Act (Ch. 254/255 of the Acts of 2023) (“the Act”). The Act created the MCA and gave it certain implementation and oversight powers.

28. The Act also established an Office of Social Equity (“OSE”). The purpose of the OSE, as set forth in the Act, is to “promote and encourage full participation in the regulated cannabis industry by people from communities that have previously been disproportionately impacted by the war on drugs in order to positively impact those communities.” Md. Code Ann., ALCO. BEV., § 1-309.1.

29. That same legislation also established a social equity application process. Specifically, the Act added Md. Code Ann., ALCO. BEV., § 36-404(D)(1), which provides:

For the first round, subject to paragraphs (2) and (3) of this subsection, the Administration shall enter each social equity applicant that meets the minimum qualifications established by the Administration into a lottery and issue to social equity applicants not more than:

(i) for standard licenses:

... 3. 80 dispensary licenses.

30. The lottery process, created in response to past failures in the medical cannabis industry, was designed to ensure that individuals who meet the social equity criteria are given an opportunity to prosper in the adult-use cannabis market.

31. Speaking of the social equity priority, Governor Moore said, “As the only state in the country to exclusively reserve the first round of new cannabis licenses to social equity applicants, Maryland continues to lead the nation in promoting access and equity in the adult-use cannabis market. Leaving no one behind means ensuring that communities that have borne the brunt of misguided policies have an equal shot at benefitting from this lucrative industry.”

32. The MCA promulgated emergency regulations that, consistent with the statute and directives of Governor Moore, provided that verified social equity applicants will, by lottery, have first opportunity to obtain adult-use cannabis dispensary licenses.

33. The regulations defined “Social equity applicant” as an applicant for a cannabis license or cannabis registration that:

(a) Has at least 65 percent ownership and control held by one or more individuals who:

(i) Have lived in a disproportionately impacted area for at least 5 of the 10 years immediately preceding the submission of the application;

(ii) Attended a public school in a disproportionately impacted area for at least 5 years; or

(iii) For at least 2 years, attended a 4-year institution of higher education in the State where at least 40 percent of the individuals who attend the institution of higher education are eligible for a Pell Grant; or

(b) Meets any other criteria established by the Administration.

COMAR 14.17.01.01B(45).

34. As summarized by MCA: “A social equity applicant is an applicant that has at least 65% ownership and control held by one or more individuals who lived or went to public school in an area disproportionately impacted by the criminalization of cannabis, or attended a four-year institution of higher education in Maryland where at least 40% of enrollees were eligible for a Pell Grant.”

35. COMAR provides that MCA “may verify an applicant’s status as a social equity applicant prior to the initial application and licensure.” COMAR 14.07.05.02G.

36. The MCA website set forth the verification procedures for applicants to obtain verification as a Social Equity Applicant. The website stated, in part, as follows:

Application Verification

... Individuals who have completed their submission within the portal and are waiting for verification from the State’s vendor will continue to be processed. Applicants who are pending verification from the *State’s vendor are encouraged to work on other portions of the application, including the Operational Plan, Business Plan, and Diversity Plan, using the templates provided below.* Applicants should not pay the application fee or attempt to submit an application prior to being verified through the verification portal. *A completed and cleared verification report is a required component of the application.*

(Emphasis added.)

37. Accordingly, Plaintiff could not submit its application for a license until their verification was approved by “the State’s vendor.”

38. The MCA partnered with CSI to establish a process whereby individuals would receive verification of social equity applicant status from the MCA, through CSI.

39. Once verified, those individuals’ entities could submit applications to be considered in the lottery process to obtain an adult-use cannabis business license.

40. COMAR further provides upon MCA acceptance of a social equity application, The Administration shall determine whether a submitted application meets the minimum qualifications for the lottery on a pass-fail basis by reviewing:

- (a) A detailed operational plan for the safe, secure, and effective operation of the business;
- (b) A business plan demonstrating a likelihood of success and sufficient ability and experience on the part of the applicant, and providing for appropriate employee working conditions;
- (c) A detailed diversity plan; and
- (d) For the first round of licensing and otherwise as required under Alcoholic Beverages and Cannabis Article, §36-404, Annotated Code of Maryland, for any subsequent round of licensing, documentation that the applicant meets the requirements of a social equity applicant.

COMAR 14.17.05.03E(3).

41. On September 8, 2023, MCA announced that the first application round for cannabis business licenses would be open from November 13, 2023, to December 12, 2023 at 5 p.m. The announcement informed that MCA would issue one dispensary social equity license for Talbot County.

**Kalil Traore’s Social Equity Verification Submission and
CSI’s Refusal to Communicate**

42. Traore, together with investor Shivana Persuad, own Plaintiff KGW. Traore owns sixty-five percent (65%) of KGW. She is an individual who meets the statutory social

equity criteria under COMAR 14.17.01.01B(45). Traore is the exact type of person who deserves access to and equity in the adult-use cannabis market, as stated by Gov. Moore.

43. Plaintiff seeks to open an adult-use dispensary in Talbot County.

44. On November 10, 2023, Traore timely submitted her request to MCA for social equity applicant verification by MCA's vendor, CSI.

45. After submitting the verification request, Traore traveled to West Africa to visit her family. Knowing that CSI may need to contact her regarding her verification request, Traore requested that CSI contact her via her business email.

46. For reasons known only to CSI and MCA, CSI refused to communicate with Traore via her business email. CSI was informed on two separate occasions in November to communicate with Traore through her business email, and it even sent one email to that business email address. But for reasons unknown, it reverted back to Traore's personal email account creating significant unnecessary delay with Traore's verification process.

47. Growingly concerned over the timing of her verification process, Traore then appointed a representative to communicate with CSI to ensure the verification process could move forward.

48. CSI also refused to communicate with Traore's designated representative.

49. Traore then reached out to CSI via phone four times on December 11, 2023, to try to ensure her verification process was progressing, and again received no response.

50. Then, on December 12, 2023, the day Plaintiff's application was due, CSI communicated with Traore, clarified what information it needed to complete her verification, and finally completed the verification process.

51. However, CSI did not complete the verification process until 4:41 p.m. giving Plaintiff only 19 minutes to submit its adult-use cannabis license application.

Plaintiff's Application Process and Rejection of Plaintiff's Application

52. MCA accepted applications solely by use of an Internet portal known as Maryland One Stop. According to the portal page, the deadline for submission of a social equity license was December 12, 2023, at 05:00 pm EST, and the completion time for submission was between twenty and thirty minutes. Fortunately, Plaintiff had heeded MCA's advice and had "work[ed] on other portions of the application" while the verification was pending.

53. Despite the delays caused by CSI, Plaintiff accessed the State's portal, entered the application in the form as prescribed by the Maryland One Stop Portal, and pressed the submission button prior to the 5:00 p.m. deadline. The portal, however, timed out during the upload process. At this point in time, the 5:00 pm deadline passed.

54. Plaintiff promptly informed the MCA of the issue, emailed the MCA its completed application packet (proving that it was completed prior to the deadline), and requested confirmation that its application would be included in the upcoming Lottery.

55. The MCA responded that it would not accept Plaintiff's application, nor would it consider the delay caused by CSI's actions or the technical issues with Maryland's One Stop portal.

56. The MCA informed Plaintiff that there was no way to appeal the decision.

The Delayed Lottery and Subsequent Announcement

57. On or around December 13, 2023, MCA announced that it had received a total of 1,708 timely submissions by the deadline on December 12, 2023, and on or around December 18, 2023, MCA revealed that, of the applications received, 264 were for dispensary licenses (with the others being for growers and processors), and twenty-five (25) were for a business dispensary license in Talbot County.

58. The MCA website setting forth “Key Dates of Interest” informed the public that “On or before January 1, 2024 - MCA begins to conduct a lottery of passed applications.”

59. The day of January 1, 2024, passed, and MCA did not conduct the Lottery.

60. On Friday, January 12, 2024, MCA issued a statement to those Social Equity Applicants whose applications were accepted by the MCA and not delayed in filing due to the State’s computer error (“the January 12, 2024 Statement”).

61. The January 12, 2024 Statement, stated the following:

You are receiving this notice because your email address was listed as the primary contact on one or more cannabis business license applications. The Maryland Cannabis Administration (the "MCA") is providing this notice to update applicants on the cannabis business license application process.

The MCA anticipates notifying applicants of the status of their application by February 12, 2024. All applicants will receive a notice, via email to the primary contact email address associated with the application, as to whether their application meets the minimum requirements for licensing and will be entered into the lottery. Notices will be issued to all applicants on the same day, following the MCA's completed review of all applications.

Applications that meet minimum requirements for licensing

Any application that meets the minimum requirements will be eligible for the lottery in the region/county to which the application was submitted.

* * * * *

62. MCA did not send the January 12, 2024 Statement to Plaintiff. And on February 12, 2024, others were given notice as to whether their applications met the minimum licensing requirements; but Plaintiff received nothing.

**COUNT I
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

63. Plaintiff realleges the allegations in the preceding paragraphs as if fully set forth herein.

64. Pursuant to COMAR 14.17.05.04A(1), the MCA “shall conduct a lottery that is impartial, random, and in a format selected by the Administration.”

65. COMAR 14.17.05.04A(2) further provides that: “Any applicant that meets the minimum qualifications for licensing shall be placed in the lottery.”

66. There exists an actual or imminent controversy between Plaintiff and the Defendants concerning whether (i) MCA conducted or is set to conduct a Lottery that is impartial and random; and (ii) MCA, by the failures of its agents and computer system, arbitrarily and capriciously prevented, and is preventing, Plaintiff, a qualified social equity applicant that timely submitted its application for the Lottery, from participating in the Lottery. Defendants acted arbitrarily, capriciously and unlawfully in refusing to consider whether Plaintiff would be a qualified licensee and preventing Plaintiff from participating in the Lottery.

67. MCA is not conducting a Lottery that is impartial, random and in a format selected by the Administration.

a. MCA required that a Social Equity Applicant could not file its application for a cannabis business license until MCA’s vendor verified the applicant’s status as a Social Equity Applicant.

b. MCA required that Social Equity Applicants file their applications by or before 5:00 p.m. on December 12, 2023, and further required applicants to submit their application via Maryland’s One Stop portal.

c. MCA’s vendor did not verify Traore as a Social Equity Applicant until at or about 4:41 p.m. on December 12, 2023. Shortly after 4:41 p.m. on December 12, 2023, but before 5:00 p.m. on that date, Plaintiff entered its information onto Maryland’s One Stop portal in a form capable of being processed by the system and hit send, to submit their application to MCA via Maryland’s One Stop portal, as required. At this point, Plaintiff’s application was lawfully delivered to MCA. See Md. Code Ann., COM. LAW II, § 21-114(b).

d. However, Maryland's One Stop portal was not fully operational between 4:41 p.m. and 5:00 p.m. on December 12, 2023, in that it "timed out" before accepting Plaintiff's application, and Plaintiff was arbitrarily and capriciously prevented by the actions and inactions of the State from submitting its application in a timely manner.

68. Plaintiff is entitled to a declaration that it timely submitted to MCA its application for a cannabis business license, and that MCA must review Plaintiff's application to determine if Plaintiff's application meets the minimum qualifications for licensing for placement into the Lottery.

69. Plaintiff is further entitled to a preliminary and permanent injunction to enjoin MCA from holding the Lottery without first reviewing Plaintiff's application for minimum qualifications to be placed into the Lottery.

a. Without an injunction, Plaintiff will be irreparably harmed by, among, other things, loss of an opportunity to be part of the Lottery and an opportunity to be awarded a business cannabis license on an equal basis with all other verified Social Equity Applicants, and for which damages at law cannot provide adequate compensation.

b. The benefits to the Plaintiff and public outweigh the potential harm, if any. An injunction will preserve the status quo, support the purposes of the Act and protect Plaintiff's right and ability to participate in the Lottery, whereas a lack of injunction could result in Plaintiff, a verified Social Equity Applicant, losing its rights it should lawfully have as specifically provided by Maryland's General Assembly. Finally, the MCA's unilateral delay in holding the Lottery demonstrates the lack of harm from delay.

c. The public interest would be served by granting the injunction. An injunction will promote the goals set forth by the Legislature in the Act, as articulated

by the Governor of Maryland, to provide social equity applicants first opportunity for new cannabis licenses and to access and equity in the adult-use cannabis market, while “leaving no one behind” and “ensuring that communities that have borne the brunt of misguided policies have an equal shot at benefitting from this lucrative industry.”

70. All persons who have or claim any interest which would be affected by the declaration sought herein have been made parties.

COUNT II MANDAMUS

71. Plaintiff realleges the allegations in the preceding paragraphs as if fully set forth herein.

72. Because this action seeks review of MCA’s nondiscretionary acts – *i.e.*, (a) an investigation or Plaintiff’s complaint that MCA’s computer did not accept Plaintiff’s timely application and (b) inclusion of Plaintiff’s application into the Lottery – Plaintiff seeks a Writ of Mandamus pursuant to Md. Rule 15-701.

73. Under Maryland’s Uniform Electronic Transaction Act, an electronic transaction is received when:

(1) It enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and

(2) It is in a form capable of being processed by that system.

74. Plaintiff’s application was received by the MCA Defendants prior to 5:00 pm on December 12, 2023, when Plaintiff entered the application information into Maryland One Stop in the form prescribed by Maryland One Stop and hit the send button, sending the application electronically to MCA. The MCA Defendants lacked the discretion to refuse to even investigate Plaintiff’s claim that its application was timely submitted.

75. Pursuant to Section 36-404(D)(1) of the Alcoholic Beverages Article of the Maryland Code, COMAR 14.17.05.04 and the guidelines set forth by MCA, MCA does not have discretion to refuse to review the application of a verified Social Equity Applicant for entry into the Lottery, which Plaintiff submitted to the State's One Stop internet portal by the submission deadline, but which was rejected due to the actions and inaction of the State and its agents.

76. There is a clear duty on the part of Defendants to accept and review Plaintiff's application for entry into the Lottery.

77. Should this Honorable Court find that Plaintiff is not entitled to Declaratory and Injunctive Relief as requested in Count I, above, Plaintiff has no adequate remedy by which it can obtain its right to review of its application for entry into the Lottery.

78. For the preceding reasons, this Honorable Court should issue a Writ of Mandamus ordering Defendants to accept and review Plaintiff's application for entry into the Lottery.

**COUNT III
DUE PROCESS UNDER STATE AND FEDERAL CONSTITUTIONS**

79. Plaintiff realleges the allegations in the preceding paragraphs as if fully set forth herein.

80. Defendants violated Plaintiff's due process rights under the State and federal constitutions by punishing Plaintiff for the delays in Traore's social equity verification process that were caused by MCA's agent, CSI.

81. As detailed herein, Defendants' actions have been inconsistent, incorrect, confusing, arbitrary, and patently unfair.

82. Plaintiff has been denied a fair opportunity to challenge any adverse decision that may have excluded it from the upcoming Lottery in a meaningful way. As a result, it is being deprived of property rights without due process of law and lacks an effective remedy.

83. Plaintiff has been injured as a direct and proximate result of Defendants' actions.

84. Plaintiff is entitled to a fair process to challenge Defendants' conduct, and this process must be afforded at a meaningful time when relief can still be effectively granted.

WHEREFORE, Plaintiff demands:

(a) a judgment

i. declaring that Defendants' refusal to accept the adult use business dispensary application of Plaintiff on December 12, 2023, was unlawful, arbitrary and capricious;

ii. ordering Defendants to process Plaintiff's application and determine whether Plaintiff's application otherwise qualifies for participation in the upcoming Lottery for adult-use cannabis licenses; or

iii. alternatively, enjoining Defendants from conducting the Lottery for adult-use cannabis licenses until Plaintiff's dispute has been resolved on the merits, and waiving any bond requirement pursuant to Md. Rule 15-503(b);

(b) alternatively, that a Writ of Mandamus be issued by this Court ordering Defendants to review and process Plaintiff's application for inclusion into the Lottery in a manner consistent with the laws and regulations applicable to all other Social Equity Applications received by Defendants at or before 5:00 p.m. on December 12, 2023;

(c) any other relief that the Court deems just and proper.

Respectfully submitted,

/s/ Stuart A. Cherry

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