IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

WAH GROUP LLC d/b/a LEAFING LIFE DISPENSARY and HAAAYY, LLC	)	
PLAINTIFFS,	)	Case No.:
v.	)	
ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION; BRET BENDER, DEPUTY DIRECTOR; and AS-YET UNKNOWN DEFENDANTS,	)	
DEFENDANTS.	)	

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

NOW COMES, Plaintiffs, WAH GROUP, LLC d/b/a LEAFING LIFE DISPENSARY (Hereinafter "WAH") and HAAAYY, LLC, (Hereinafter "HAAAYY"), by and through their attorneys, Mazie Harris with The Harris Law Group, LLC and Robert M. Walker of The Walker Law Group, LLC, pursuant to 735 ILCS 5/11-101 et seq., brings this motion for Temporary Restraining Order and Preliminary Injunction, and states as follows:

Factual Allegations

On May 28, 2019, The Illinois State Legislature passed Amendment House Bill 1438 cited as The Cannabis Regulation and Tax Act (405 ILCS 705) (hereinafter "Act"). The Act grants the Department of Financial and Professional Regulation (hereinafter "IDFPR") with the authority to enforce the provisions of the Act relating to the oversight, licensing, and registration of dispensing organizations and agents.

Pursuant to Section 15-5 of the Act, the Department was responsible for administering and enforcing the provisions of this Act relating to the licensure and oversight of dispensing organizations and dispensing organization agents.

On or before October 1, 2019, the Department issued a Notice on their website seeking applications for a Conditional Adult Use Dispensing Organization License from qualified applicants.

The application submission period commenced December 10, 2019 through January 2, 2020. The Department originally notified applicants that the winners would be announced on May 1, 2020; however, due to COVID-19, the Department, by and through the Governor, announced the delay of the award of licenses. Although the original announcement date was disclosed, the Department failed to provide applicants with a new date.

Without notice, on September 3, 2020, the Department via email to Plaintiffs and all applicants, announced that there were no individual winners and posted the "tied applicants" for each region who qualified to participate in the upcoming lottery to award the Conditional Adult Use Dispensing Organization Licenses. The IDFPR did not provide a date or time that the lottery would take place or provide any information as to how the lottery would be administered. In the email, the Department notified applicants that there were no individual winners in any region, but that there were 21 tied applicants who received the maximum possible score of 252 points. The email further stated that "if you are not on the list, your application did not receive that number of points, you do not qualify to participate in the lottery, and you will not be awarded a license. See Exhibit A – Email from IDFPR Notification.

In all 17 BLS regions, there were a total of 21 tied top scoring applicants who will participate in the lottery to be awarded 75 licenses.

The IDFPR allocated: 1 license to the Bloomington BLS region, 1 license to the Cape Girardeau BLS region, 1 license to the Carbondale-Marion region, 1 license to the Champaign Urbana region, 47 licenses to the Chicago-Naperville-Elgin region, 1 license to the Danville region, 1 license to the Davenport-Moline-Rock Island region, 1 license in the Decatur region, 2 license from the East Central region, 1 license in the Kankakee region, 3 licenses in the Northwest region, 3 licenses in the Peoria region, 2 licenses in the Rockford region, 1 license in the South region, 1 license in the Springfield region, 4 licenses in the St. Louis region and 3 licenses in the West Central Illinois region. See Exhibit B – Top Scoring Applicants by BLS Region (Revised).

The IDFPR plans to hold a lottery to distribute 75 dispensary licenses, collectively worth more than $1,000,000,000 (one billion) dollars, to a group of 21 tied applicants. The scoring process implemented by the IDFPR unfairly benefited these 21 tied applicants over the other 679 applicants that applied for the 75 licenses.

Pursuant to the Emergency Rules promulgated and announced by the IDFPR, the lottery for the 75 licenses will be held at least five business days after the tied applicant list was released. The lottery could be held as soon as September 10, 2020.

The IDPFR's decision to grade the entire application for the 75 licenses on a totally binary basis made it so an applicant MUST score 252 points on their application, the maximum score, to be eligible to win a license.

Purportedly, there would be an open, equitable, and fair competition and scoring process to determine eligibility for these 75 licenses. See Exhibit B. However, the IDPFR's decision to grade the applications on a completely binary basis made it impossible for Plaintiffs and other

social equity applicants, who were not also 51% or more owned by a veteran, and none of the non-social equity applicants to reach the maximum score of 252 points on their applications.

By implementing a scoring process that made the application competition a race to 252 points, the IDFPR made it possible for only a minute fraction of the participating applicants to have a fair and viable opportunity to win the 75 licenses from the outset.

The IDFPR purposefully concealed that the scoring process would be totally binary, so as to induce Plaintiffs and other applicants to participate in the competition, although they never had a viable chance at reaching a score of 252, and therefore had no fair opportunity to win any of the 75 licenses.

There were approximately 700 applications filed, 100 were non-social equity applicants, and 600 were social equity applicants. This means the IDFPR duplicitously induced 100 non-social equity applicants and 579 social equity applicants, who were not also 51% or more owned by a veteran, including the Plaintiffs, into entering a competition they had no plausible chance of winning.

Under the scoring system the IDFPR implemented, the maximum score Plaintiffs and other social equity applicants who were not 51% or more owned by a veteran could earn was 247 points.

The only way a social equity applicant not 51% or more owned by a veteran, like Plaintiffs, could earn the 252 points, would be to give up their social equity status based on their address, by giving a veteran(s) 51% or more ownership in their company. The only remaining way Plaintiffs could qualify as a social equity applicant to obtain the 50 points would have been to hire 10 or more employees at the time they filed the application and kept the employees on

payroll from January 4, 2020 until September 3, 2020. This was not a viable or fair option for an applicant without wealth and great financial means.

Under the scoring system the IDFPR implemented, the maximum score non-social equity applicants could earn was 202 points, if they were not able to secure social equity status, and the 50 points awarded for it, by hiring 10 or more employees and keeping them on payroll from January 4, 2020 until September 3, 2020. This is also is not a viable option for an applicant without wealth and great financial means.

The scoring process implemented by the IDFPR made it so the only way Plaintiffs, other social equity applicants without veteran status, and non-social equity applicants could obtain the 5--point differential and 50--point differential needed to reach the maximum score of 252, would be to have wealth or great financial means. Therefore, there was no equitable, fair, , or viable way for these two groups of applicants to be awarded any of the 75 licenses.

The IDFPR purposefully concealed the full scoring process to achieve a high participation rate for this competition. The State of Illinois and the IDFPR wanted a high participation rate for the competition to avoid the issues of inclusion that occurred with the application process for the Medical Cannabis Pilot Program.

In 2014, the General Assembly passed a law to award licenses to a limited number of companies to sell medical marijuana in Illinois. Called the “Compassionate Use of Medical Cannabis Act,” the law created for the first time in Illinois a system of licensing medical dispensaries through which it would be legal to sell marijuana to patients suffering from conditions that are alleviated by marijuana. The IDFPR was placed in charge of the medical dispensary licenses.

Unlike some states in which there are an unlimited number of medical dispensary licenses, Illinois chose to strictly limit the number of available licenses. That limitation has made these licenses extremely valuable. Some recipients of these licenses have sold their medical dispensaries for tens of millions of dollars.

The applicant qualifications for medical dispensaries were exclusionary and biased on race and class. For example, the medical dispensary application required, "[d]documentation acceptable to the Division that the applicant has at least $400,000 in liquid assets under its control for each application." 43 Ill. Reg. 6593 (2019). The result was that all the medical dispensaries are majority owned by Caucasian men. None of the medical dispensaries were majority owned by minorities or women.

The General Assembly sought to remedy the exclusionary and biased outcome of the medical dispensary application process in the "Cannabis Regulation and Tax Act" (hereafter the "Act"). "The General Assembly finds that the medical cannabis industry, established in 2014 through the Compassionate Use of Medical Cannabis Pilot Program Act, has shown that additional efforts are need to **reduce barriers to ownership…for individuals and communities most adversely impacted by the enforcement of cannabis-related laws**." 410 ILCS 705/7.1. (emphasis added).

The scoring system the IDFPR implemented completely subverted the General Assembly's intent to reduce the barriers to ownership for individuals and communities mostly adversely impacted by the enforcement of cannabis-related laws like the Plaintiffs who are social equity applicants by address.

The scoring system implemented by the IDFPR simply reinforced those barriers covertly, instead of revealing them overtly as it had done in the application process for the medical dispensaries.

The IDFPR announced that it would grade Exhibits: L, M, N, P, Q, R, S, and T on a binary basis, but purposefully and duplicitously withheld from all potential applicants that the other scored exhibits, Exhibits D, E, F, G, H, I, J, and K, would also be graded on a binary basis. See Exhibit C.

The only purpose the IDFPR had in not announcing that all scored exhibits would be scored on a binary basis was to conceal the inequity and unfairness this scoring process inherently would produce by making 252 points the only possible winning score.

Plaintiffs and other potential applicants would have realized the impossibility of reaching 252 points, without their company qualifying as a social equity applicant and being owned 51% or more by a veteran.

The IDFPR instructed applicants "to complete all relevant sections of the application and submit the most competitive application **possible.**" See Exhibit C (emphasis added). However, the scoring process the IDFPR implemented made it impossible for Plaintiffs and the 679 applicants who were not listed as tied applicants, who submitted the most competitive applications they possibly could, given their financial means, to have an equitable and fair opportunity to win any of the 75 licenses, by making the only winning score, the maximum 252 points.

Plaintiffs and many other applicants would have opted-out of participating in a competition they had no viable way of winning, and elected not to fatten the State of Illinois' coffers with those $2500 or $5000 application fees, in a certain losing effort.

The IDFPR's concealment helped earn the state of Illinois an extra $500,000 from non-social equity applicants, and an extra $1,447,500 from social equity applicants not also owned 51% or more by a veteran, by intentionally withholding vital information about the scoring process and inducing a total of 679 applicants to participate in a competition they had no viable way of being successful in.

It was imperative for the IDFPR to release that the scoring process would be totally binary. This scoring process eliminated the plausibility of success for Plaintiffs and so many other applicants. Therefore, it was pertinent information for all Plaintiffs and the other applicants to make an informed decision about participating in this competition for the 75 licenses.

The integrity and fairness of this competition was inextricably tied to the IDFPR's informing all applicants that the scoring process would be totally binary.

The scoring process the IDFPR implemented made the sole determinant qualification for an applicant's success, their company being 51% or more owned by a veteran(s). Thus, being 51% or more owned by a veteran(s) was made **mandatory** only by the scoring process the IDFPR implemented.

The Act clearly identifies what an applicant **MUST** include in their application for a conditional adult use dispensing organization license. Nowhere in the Act does it mention veteran status as a mandatory requirement. See Exhibit D and 410 ILCS 705/15-25(d). The General Assembly intentionally avoided requiring applicants to provide documentation which would require applicants to submit anything controlled or issued by the federal government because cannabis is a prohibited Schedule I controlled substance under federal law.

The IDFPR only required applicants to have no delinquent State tax or debt obligations, but intentionally did not include federal taxes, student loans, or any other federal debt obligations to be a factor in the qualifications because of cannabis' status under federal law.

To prove veteran status an applicant was required to submit their DD214, a federal document only issued by the U.S. Department of Veterans Affairs.

Furthermore, the Application for Proposed Principal Officer Of An Adult Use Dispensing Organization required all applicants to indemnify, hold harmless and defend the State of Illinois for any "arrest, seizure of persons or property, prosecution pursuant to federal laws by federal prosecutors." See Exhibit E.

Through the authority given to it by the Act, the IDFPR added exhibit T, along with exhibits Q, R, and S, all listed as **OPTIONAL** exhibits for the application submission process for the 75 licenses.

However, the scoring process the IDFPR implemented made exhibit T mandatory and the sole determinant qualification for applicants to be successful at being awarded one or more of the 75 licenses. Plaintiffs, other social equity applicants not 51% or owned by a veteran, and all non-social equity applicants had no viable chance to reach the winning score of 252, the maximum amount of points available.

This mandatory requirement was not approved by the General Assembly or contained in the Act.

Therefore, the IDFPR's scoring process, making it mandatory that applicants are 51% or more owned by veteran(s), is totally contradictory to the General Assembly's intent or the stated requirements in the Act.

The IDFPR implemented a scoring process that created inherent inequities in the competition for the 75 licenses by making Exhibit- T the sole determinant qualification for success. The IDFPR purposefully and duplicitously withholding from applicants that all exhibits would be scored on a binary basis, was the final perfidious act to complete the IDFPR's unfair handling of this competition. IDFPR seemingly concealed this information to generate a high participation rate. This sums up the inherent inequity and unfairness the IDFPR orchestrated in this competition.

Furthermore, the sole determinate qualification for an applicant to be successful and reach the maximum score of 252 was a federally mandated and controlled status, despite owning and operating a dispensary being federally illegal.

It would be a complete mischaracterization and extremely unfair to dismiss Plaintiffs and all the other unsuccessful applicants as angry, sore losers. Plaintiffs and the other unsuccessful applicants are no more sore losers than individuals who are swindled by a con man into participating in a competition that they could not and would not have any chance of winning. To call Plaintiffs and the other unsuccessful applicants sore losers would be a tactic to pass blame from the con-artist's unfair behavior and the unfair execution of this competition by the IDFPR.

The IDFPR has compounded its deplorable behavior towards Plaintiffs, the 100 non-social equity applicants, and other social equity applicants not also owned 51% or more by a veteran, by not providing Plaintiffs and the other applicants with any opportunity to challenge the scoring system and final outcome. The IDFPR set it up so the State would be able to run off with $1,947,500 in these applicants' money, after duping them into participating in a competition they had no fair opportunity to be successful in.

These actions by the IDPFR violate Plaintiffs' right to due process under the United States and Illinois Constitutions.

As such, Plaintiff has filed a Complaint for Declaratory Relief and Injunctive Relief. *See Exhibit F – Verified Complaint for Declaratory Relief and Preliminary Injunction.*

Legal Standards

A plaintiff must establish four elements to obtain a temporary restraining order ("TRO") or preliminary injunction: (1) a protectable right; (2) irreparable harm; (3) an inadequate remedy at law; and (4) a likelihood of success on the merits. Murges v. Bowman, 254 Ill. App. 3d 1071, 1081 (1st Dist. 1993). See also Kanter & Eisenberg v. Madison Assoc., 116 Ill. 2d 506, 510-11, 515-16 (1987); Bradford v. Wynstone Property Owners' Ass'n, 355 Ill. App. 3d 736, 739 (2d Dist. 2005); AFSCME Council 31 v. Ryan, 332 Ill. App. 3d 965, 966-67 (1st Dist. 2002). In addition, the time-limited relief of a TRO is intended to protect against serious harm before a court can decide whether to grant a preliminary injunction motion. Paddington Corp. v. Foremost Sales Promotions, Inc., 13 Ill. App. 3d 170,175 (1st Dist. 1973). Plaintiffs have demonstrated each of these elements, as set forth below.

Argument

1. **Protectable Right**

The due process clauses of the United States and Illinois Constitutions provide that the State may not "deprive any person of life, liberty, or property, without due process of law." U.S. Const., amend. XIV; Ill. Const. 1970, art. I, § 2; see Dargis v. Sheahan, 526 F.3d 981, 989 (7th Cir. 2008). The guarantee of due process normally compels the government to provide notice and

an opportunity to be heard before a person is deprived of property. United States v. James Daniel Good Real Property, 510 U.S. 43, 47 (1993).

"A protected property interest is a legitimate claim of entitlement – not defined by the Constitution – but by 'existing rules or understandings that stem from an independent source such as state law.'" Residences at Riverbend Condo. Ass'n v. City of Chi., 5 F. Supp. 3d 982, 986 (N.D. Ill. 2013). "To maintain a claim of property over a government-issued benefit, such as a license or permit, a plaintiff must show she has 'a legitimate claim of entitlement to it' rather than a 'unilateral expectation to it.'" Dyson v. City of Calumet City, 306 F. Supp. 3d 1028, 1041 (N.D. Ill. 2018).

In particular, "where state law gives people a benefit and creates a system of nondiscretionary rules governing revocation or renewal of that benefit, the recipients have a secure and durable property right, a legitimate claim of entitlement." Chicago United Indus., Ltd. v. City of Chicago, 669 F.3d 847, 851 (7th Cir. 2012).

The Northern District of Illinois, Eastern Division has recently heard a similar suit regarding medical marijuana licenses and part of the court's analysis looked at whether a property right did in fact exist. Quick v. Ill. Dep't of Fin. & Prof'l Regulation, No. 19-cv-7797, 2020 U.S. Dist. LEXIS 109568 (June 23, 2020). In Quick, three African-American entrepreneurs applied for dispensary licenses under Illinois" Compassionate Use of Medical Cannabis. This act authorized up to 60 licenses for dispensaries, obligating IDFPR to issue as many licenses as there were qualified applicants. Id. at *2.

After meeting the deadline and the Act's requirements, the plaintiffs did not receive a license due to the district and scoring process. Id. at *3. Further, other diverse applicants also failed to receive a license and according to the plaintiffs, "[almost] all of the licenses going to

companies majority-owned by white men." Id. IDFPR had also failed to issue all 60 licenses as permitted by the act, and only issued 55. Id. However, there were at least two additional qualified applicants. Id.

In addition, IDFPR did not allow the plaintiffs to change their address to be considered for a dispensary license, yet other companies were allowed, even after the deadline had passed. Id. at *7. The plaintiffs alleged that they had a property interest and the court agreed. According to the court, "[p]laintiffs have sufficiently alleged a nondiscretionary system providing for a valid entitlement" and "[they]have met all predicate requirements for a license …." Id. at *12. Although this was only at the stage for a motion to dismiss, the plaintiffs were successful in showing the existence of a valid property interest in the dispensary license. Id.

Similarly, Plaintiffs here have a substantive and legitimate challenge to the scoring system the IDFPR produced and implemented. The scoring processes in both the Compassionate Use of Medical Cannabis Act and Cannabis Regulation and Tax Act were developed by IDFPR. Thus, it is not unreasonable to assume that the Quick decision would also entitle Plaintiffs here to a property interest in the licenses.

The 75 Conditional Adult Use Licenses are incredibly valuable property, worth $1,000,000,000 (one billion dollars), that Plaintiffs are being deprived of without having their constitutionally guaranteed right to contest the IDFPR's unfair scoring system.

2. **Irreparable Harm**

Pursuant to the Emergency Rules promulgated and announced by the IDFPR, the Lottery for issuing the licenses will be held at least five business days after the Tied Applicant list was released, this could be as earliest as September 10, 2020. The IDPFR has announced on its

website that there will be no process for agency administrative review, and that all such applicants not selected for the lottery have no recourse other than to file lawsuits.

If the lottery proceeds and the 75 licenses are awarded, the winning applicants begin the process of building their dispensaries immediately. The IDFPR will likely argue that there is no ability to make whole (award a license) Plaintiffs if they prove the unfair management, scoring system, and outcome to the courts satisfaction. This will cause continuing and irreparable harm to Plaintiff with no adequate remedy at law. Once the lottery is conducted and the licenses are awarded, the Plaintiffs chance for justice is lost forever.

3. **Inadequate Remedy at Law**

An adequate remedy at law is one that is clear, complete, and as practical and efficient as the potential equitable remedy. Granberg, 279 Ill. App. 3d at 890. Here money damages are not possible to ameliorate the harm that will be caused if the Lottery is allowed to proceed. The licenses are estimated to be worth $1,000,000,000 (billion). Therefore, the money damages will be incalculable for the Plaintiffs loss. There is no money damage award conceivable that would make Plaintiffs whole for being unfairly prevented from participating in a billion-dollar industry.

As discussed above, Plaintiffs will not be able to obtain money damages sufficient to remedy being unfairly denied to participate in a billion-dollar industry.

4. **A likelihood of Success on the Merits**

Plaintiffs have a strong likelihood of success on the merits. As set forth above, The United States and Illinois Constitution guarantee the Plaintiffs procedural due process before they can be deprived of property. Plaintiffs have a clear protected property right in the Conditional Adult Use Licenses. Procedural due process guarantees the Plaintiffs an opportunity to have their

challenges to the unfair management, scoring system and outcome of the competition heard at a hearing "at a meaningful time and in a meaningful manner."

First, the outcome of the 21 tied applicants receiving the maximum score of 252 points on their applications makes it clear that the IDFPR implemented a totally binary scoring process. The application requirements for every exhibit were so intricate and complex that only a binary scoring system could yield a maximum score of 252 points. Furthermore, if the IDFPR contends that these 21 applicants did submit perfect applications with a scoring process that was partially non-binary, they must be compelled to show Plaintiffs and the public these perfect applications, so a fair comparison can be made by Plaintiffs and other unsuccessful applicants. Other states have conducted similar application competitions for dispensary licenses and no applicant has ever received a perfect score, because no matter one's expertise or experience, the likelihood of submitting a perfect application is rare, if not impossible.

Second, by implementing a totally binary scoring process the IDFPR made it mandatory that any winning application had to be able to reach a score of 252 points. This scoring process made it impossible for Plaintiffs, other social equity applicants not 51% or more owned by a veteran, and all of the non-social equity applicants to reach the maximum score of 252 points on their applications. Therefore, creating an inherently unfair and inequitable competition for the licenses.

Plaintiffs and many other applicants would have opted-out of participating in a competition they had no viable way of winning, and elected not to fatten the State of Illinois coffers with those $2500 or $5000 application fees, in a certain losing effort.

Third, the IDFPR purposefully and duplicitously concealed that the scoring process would be unfair to Plaintiffs and many other applicants by announcing that some and not all, exhibits would be graded on a binary-basis, giving the assumption that the other exhibits would be graded by another basis.

It was imperative for the IDFPR to release that the scoring process would be totally binary. This scoring process eliminated the plausibility of success for Plaintiffs and so many other applicants. Therefore, it was pertinent information for all Plaintiffs and the other applicants to make an informed decision about participating in this competition for the licenses.

Fourth, the IDFPR's scoring system made it mandatory that the winning applicant's company had to be 51% or more owned by veterans. This action, making veteran status a mandatory requirement to be awarded a license, was outside the jurisdiction granted to the IDFPR by the Act, it was also counteractive to the General Assembly's stated purpose in the act to "lower barriers of entry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws". 410 ILCS 705/7.1.

The scoring process the IDFPR implemented made the sole determinant qualification for an applicant's success their company being 51% or more owned by a veteran(s). The Cannabis Regulation and Tax Act clearly identifies what an applicant **MUST** include in their application for a conditional adult use dispensing organization license. Nowhere in the Act does it mention veteran status as a mandatory requirement. This mandatory requirement was not approved by the General Assembly or contained in the Act.

The IDFPR implemented a scoring process that created inherent inequities in the competition for the licenses by making 252, the maximum points available the winning score, and making veteran status mandatory and the sole determinant qualification for success. The IDFPR

purposefully and duplicitously withholding from applicants that all exhibits would be scored on a binary basis, was another perfidious act that completed the IDFPR's unfair handling of this competition. This sums up the inherent inequity and unfairness the IDFPR orchestrated in this matter.

In sum, it is clear Plaintiffs procedural due process rights will be violated if the lottery for the licenses is allowed to proceed before the Plaintiffs valid claims of unfairness and inequity in the scoring process, outcome, and overall management of this competition are heard.

Balancing of Hardships

Illinois courts considering a preliminary injunction also require the plaintiff to show that the balance of the hardships weighs in favor of granting the preliminary injunction. See Delta Med. Sys. v. Mid-America Med. Sys., Inc., 331 Ill. App. 3d 777, 789, 772 N.E.2d 768, 778 (1st Dist. 2002). Here, Pursuant to the Emergency Rules promulgated and announced by the IDFPR, the Lottery for issuing the licenses will be held at least five business days after the Tied Applicant list was released, this could be as earliest as September 10, 2020. The IDPFR has announced on its website that there will be no process for agency administrative review, and that all such applicants not selected for the lottery have no recourse other than to file lawsuits. Therefore, If the lottery proceeds and these licenses are awarded, the winning applicants begin the process of building their dispensaries immediately. The IDFPR will likely argue that there is no ability to make whole (award a license) Plaintiffs if they prove the unfair scoring system, outcome, and overall management to the courts' satisfaction. Once the lottery is conducted and the licenses awarded, Plaintiffs' opportunity for justice will be lost forever.

There is limited if any hardship to the IDFPR to have to delay the lottery. The licenses were originally to be awarded on May 1st, 2020, but due to Covid-19 the decision was delayed

until September 3, 2020, more than five months. It would be no hardship for the IDFPR to have to delay the lottery for at least 30 days or more, to answer the legitimate claims made by Plaintiff about the unfair scoring system, outcome and overall management of this competition.

Public Interest

Finally, courts also look at a last factor, the effect on the public interest, Granberg, 279 Ill. App. 3d at 890, to determine if a preliminary injunction is proper. Here, this preliminary injunction will serve public interest by stopping this lottery from going forward and stopping the inequitable and unfair results from the scoring process the IDFPR implemented to subvert the General Assembly's intent. The General Assembly sought to remedy the exclusionary and biased outcome of the medical dispensary application process in the Cannabis Regulation and Tax Act. "The General Assembly finds that the medical cannabis industry, established in 2014 through the Compassionate Use of Medical Cannabis Pilot Program Act, has shown that additional efforts are need to reduce barriers to ownership…for individuals and communities most adversely impacted by the enforcement of cannabis-related laws. 410 ILCS 705/7.1. The Cannabis Regulation and Tax Act is a social equity bill, geared towards lowering the barriers of entry into ownership for "individuals and communities most adversely impacted by the enforcement of cannabis-related law". The scoring process The IDFPR implemented effectively reinforced, not lowered, the barriers of entry to ownership for 579 social equity applicants and continue to lock the overwhelming majority of social equity applicants out of ownership in the cannabis industry. Furthermore, this unfairness will reverberate through to the purchaser side of the cannabis industry. These 21 companies selected to participate in the lottery, connected and controlled by wealthy nationwide cannabis industry insiders have no real interest in opening any dispensary in the poor West Side or South Side neighborhoods in Chicago, as the Plaintiffs do.

Therefore, purchasers in those neighborhoods will have little to no access to purchase cannabis products legally, and will have to revert back to purchasing cannabis products illegally within their neighborhoods, subjecting them to arrest and imprisonment, continuing the disproportionate impact of enforcement of cannabis related laws on these poor and minority communities.

WHEREFORE, Plaintiffs' respectfully prays that the Court enter a temporary restraining order and preliminary injunction ordering the IDFPR:

a. Temporary Restraining Order staying the lottery for the 75 Conditional Adult Use Cannabis Dispensing Organizations;

b. Release to Plaintiffs the scoring instructions the IDFPR gave to KMPG, the accounting firm that conducted the scoring of the applications;

c. For IDFPR to award Plaintiff WAH GROUP, LLC d/b/a Leafing Life Dispensary 10 out of the 12 licenses in the BLS region it applied for;

d. For IDFPR to award Plaintiff HAAAYY, LLC, the 4 licenses in the BLS region it applied for;

e. For IDFPR to enter both Plaintiffs, WAH GROUP, LLC d/b/a Leafing Life Dispensary and HAAAYY, LLC, into the lottery for the 75 licenses in every BLS region the made application and according to the number of licenses that they applied for in that BLS Region; and

f. For any other and further relief as the Court deems just and proper.

DATED THIS 8TH day of September 2020

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