

1 ROB BONTA
Attorney General of California
2 HARINDER K. KAPUR
Senior Assistant Attorney General
3 State Bar No. 198769
ETHAN A. TURNER
4 Deputy Attorney General
State Bar No. 294891
5 1300 I Street, Suite 125
P.O. Box 944255
6 Sacramento, CA 94244-2550
Telephone: (916) 210-7909
7 Fax: (916) 210 7909
E-mail: Ethan.Turner@doj.ca.gov
8 *Attorneys for Respondents*

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ALAMEDA
12

13 **HARBOR CAREGIVERS, INC, DBA**
14 **CANNASSEURS CLUB, a California**
Corporation, and VRUIR SHAMIRYAN, an
15 **individual**

16 **Petitioners,**

17 **v.**

18 **BUREAU OF CANNABIS CONTROL;**
19 **TAMARA COLSON, in her official capacity**
20 **as Acting Chief of the Bureau of Cannabis**
21 **Control; and Does 1-10,**

22 **Respondents.**

Case No. RG21100222

**RESPONDENTS' ANSWER TO
UNVERIFIED PETITION OF
TRADITIONAL MANDAMUS**

Dept: 17
Judge: Hon. Frank Roesch

Trial Date: TBD
Action Filed: May 27, 2021

23 Respondents' Bureau of Cannabis Control and Tamara Colson, in her official capacity as
24 Acting Chief of the Bureau of Cannabis Control (Collectively "Respondents¹"), answer

25 ¹ In accordance with Section 8 of Assembly Bill 141, and, specifically, Business and
26 Professions Code section 26010.7, subdivision (d), "[a]ny action by or against Bureau of
27 Cannabis Control . . . pertaining to matters vested in the Department of Cannabis Control by this
28 section shall not abate but shall continue in the name of the Department of Cannabis Control, and
the name of the Department of Cannabis Control shall be substituted for the Bureau of Cannabis
Control . . . by the Court where in the action is pending." The section became operative and the
consolidation of the licensing agencies occurred on Monday, July 12, 2021. For this reason, each

Petitioners' unverified Petition for Traditional Writ of Mandate as follows:

1. Respondents generally deny each and every allegation of Plaintiffs' Petition.

2. Respondents state the following as affirmative defenses to Plaintiffs' Petition:

- a. The Petition, and all allegations made therein, remain unverified and a writ may only be issued upon the verified petition of a party beneficially interested;
- b. The Petition, and the claims for relief alleged therein, fail to state facts sufficient to constitute a cause of action;
- c. The Petition, and any cause of action alleged therein, is barred because Plaintiffs are not real parties in interest and lack standing to sue;
- d. The Petition, and any cause of action alleged therein, is barred because Plaintiffs have not been and/or will not be irreparably harmed;
- e. The Petition, and any cause of action alleged therein, is barred because the Petition is uncertain, vague, and ambiguous;
- f. The Petition, and any cause of action alleged therein, is barred by the doctrine of waiver and consent;
- g. The Petition, and any cause if action alleged therein, is barred by Plaintiffs' failure to exhaust administrative and judicial remedies;
- h. The Petition, and any cause of action alleged therein, is barred by the doctrine of laches;
- i. The Petition, and any cause of action alleged therein, is barred because Plaintiffs failed to mitigate any alleged damages; and
- j. Respondents have not knowingly or intentionally waived any applicable affirmative defense. Because Plaintiffs did not clearly state the issues in the Petition and the Petition is couched in conclusory terms, Respondents cannot

reference to the Respondents shall be deemed to mean Respondents or their successors. Respondents will be filing a substitution of parties and proposed order which complies with Business and Professions Code section 26010.7, subdivision (d). The proper respondents will be the Department of Cannabis Control and Nicole Elliot, in her official capacity as Director.

1 anticipate fully all affirmative defenses that may be applicable to this matter.
2 Respondents reserve the right to assert and rely upon other such affirmative
3 defenses as may become available or apparent during discovery proceedings or
4 as may be raised or asserted by others in this case, and to amend their answer
5 and/or affirmative defenses accordingly. Respondents further reserve the right
6 to amend the answer to delete affirmative defenses that are determined to not be
7 applicable after subsequent discovery.

8 **PRAYER**

9 WHEREFORE, Respondents pray that:

- 10 1. Plaintiffs take nothing by reason of the Petition;
11 2. Judgment be entered in favor of Respondents;
12 3. Respondents be awarded costs incurred in defending this action; and
13 4. Respondents be awarded such further relief that the Court may deem just and proper.
14

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16 Dated: August 18, 2021

17 Respectfully Submitted,

18 ROB BONTA
19 Attorney General of California
20 HARINDER K. KAPUR
21 Senior Assistant Attorney General

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23 ETHAN A. TURNER
24 Deputy Attorney General
25 Attorneys for Respondents
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DECLARATION OF SERVICE BY E-MAIL

Case Name: **Harbor Caregivers, et al. v. Bureau of Cannabis Control, et al.**

Case No.: **RG21100222**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

On August 19, 2021, I served the attached **RESPONDENTS' ANSWER TO UNVERIFIED PETITION OF TRADITIONAL MANDAMUS** by transmitting a true copy via electronic mail, addressed as follows:

James M. Anthony
Drew M. Sanchez
Jamila Colbert
Hannah Young
Anthony Law Group, PC
3542 Fruitvale Avenue, #224 Oakland, CA
94602

Email Addresses:

James@anthonylaw.group

Drew.sanchez@anthonylaw.group

Jamila@anthonylaw.group

Hannah@anthonylaw.group

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on August 19, 2021, at Sacramento, California.

N. Clark

Declarant



Signature