

**ADMINISTRATIVE APPEAL UNDER CONNECTICUT
GENERAL STATUTES SECTION 4-183 — CITATION**
(For use when service is made by a proper officer or indifferent person)

JD-CV-138 Rev. 2-20
C.G.S. § 4-183; P.B. § 14-7A

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Instructions to Person Appealing Decision :

1. The Judicial District you name in this Citation must be the Judicial District of New Britain or Judicial District where the plaintiff resides.
2. Attach the original Appeal to the original Citation.
3. If you are self-represented, bring this Citation and the Appeal to a clerk of court for the Judicial District you name below. The clerk will review and sign the Citation.
4. Give this Citation and the Appeal to a proper officer or indifferent person for service on each defendant.
5. After service has been made, file this Citation, Appeal, and the Officer's Return of Service with the clerk of court for the Judicial District named below.

For information on ADA accommodations, contact a court clerk or go to: www.jud.ct.gov/ADA.

To Any Proper Officer or Indifferent Person:

By the authority of the State of Connecticut, you are commanded to serve, according to law, a copy of the Appeal and this Citation by personal service on the agency that made the decision that is being appealed at the address of the agency or, if allowed by law, at the Office of the Attorney General, 165 Capitol Avenue, Hartford, Connecticut. Also serve, according to law, a copy of the Appeal and this Citation on each party named as a defendant in this Appeal, at the address provided on this form.

Name of case (Plaintiff v. Defendant)		Case type code (See reverse for codes)
Southfork LLC, et al v. State of Connecticut Social Equity Council		Major: A Minor: 90
Judicial District	Address of Court	Telephone number of Court (with area code)
New Britain	20 Franklin Square, New Britain, CT 06051	860-515-5180

For the plaintiff(s) enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code)		Juris number (if attorney or law firm)
Hinckley, Allen & Snyder LLP, 20 Church Street, Hartford, CT 06103		428858
Telephone number	Signature of plaintiff (if self-represented)	
(860) 331 -2762		

The attorney or law firm appearing for the plaintiff, or the plaintiff if self-represented, agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book. ☒ Yes ☐ No

E-mail address for delivery of papers under Section 10-13 of the Connecticut Practice Book (if agreed)
jmirman@hinckleyallen.com

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number, Street, P.O. Box, Town, State, Zip, Country, if not USA)	
First Plaintiff	Name: Southfork LLC, 9 Brightwood Lane, West Hartford, CT 06110 Address:	P-01
Additional Plaintiff	Name: Resource Recycling, LLC, 9 Brightwood Lane, West Hartford, CT 06110 Address:	P-02
First Defendant	Name: State of Connecticut Social Equity Council Address: 450 Columbus Boulevard, Hartford, CT 06103	D-01
Additional Defendant	Name: Address:	D-02
Additional Defendant	Name: Address:	D-03
Total number of plaintiffs: 2	Total number of defendants: 1	☐ Form JD-CV-2 attached for additional parties

Notice to each defendant

1. The Plaintiff will file the attached Appeal of a final administrative decision. The Appeal attached to these papers states the claims that the Plaintiff is making.
2. To receive further notices, you or your attorney must file an *Appearance* (form JD-CL-12) with the clerk at the address above within thirty (30) days of the mailing of the Appeal. You do not have to come to court on that date unless you receive a separate notice telling you to come to court.
3. If you do not file an *Appearance* on time, the Court may enter sanctions against you.
4. You can get an *Appearance* form at the Court address above or on-line at <https://jud.ct.gov/webforms/>.
5. If you have questions about the Notice of Filing and the Appeal, you should talk to an attorney.

The court staff is not allowed to give advice on legal matters.

Signed (Sign and "x" proper box)	☒ Commissioner of the Superior Court ☐ Assistant Clerk	Name of person signing at left	Date
<i>Jeffrey J. Mirman</i>		Jeffrey J. Mirman	06/23/2023
If this Citation is signed by a Clerk:			For Court Use Only
a. The signing has been done so that the plaintiff(s) will not be denied access to the courts. b. It is the responsibility of the plaintiff(s) to ensure that service is made in the manner provided by law. c. The court staff is not permitted to give any legal advice in connection with any lawsuit. d. The Clerk signing this Citation at the request of the plaintiff(s) is not responsible in any way for any errors or omissions in the Citation, any allegations contained in the Appeal, or the service of the Citation or Appeal.			File Date
I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	Docket number

RETURN DATE: JULY 18, 2023 : SUPERIOR COURT

SOUTHFORK, LLC, AND RESOURCE : JD OF NEW BRITAIN
RECYCLING, LLC,

v. : AT NEW BRITAIN

STATE OF CONNECTICUT SOCIAL :
EQUITY COUNCIL JUNE 23, 2023

ADMINISTRATIVE APPEAL

1. The Plaintiff Southfork, LLC (“Southfork”), is a Connecticut limited liability company located at 9 Brightwood Lane, West Hartford, Connecticut 06110.

2. The Plaintiff Resource Recycling, LLC (“Resource”), is a Connecticut limited liability company located at 9 Brightwood Lane, West Hartford, Connecticut 06110.

3. The Plaintiffs and two additional Connecticut limited liability companies, UMN Equity Joint Venture, LLC (“UMN”), and Transformative Alliances, LLC (“TALL”), each formed itself as an equity joint venture (“EJV”) affiliated with licensed Connecticut medical cannabis producer Theraplant, LLC (“Theraplant”), pursuant to the State of Connecticut’s adult use cannabis statute, the “Responsible and Equitable Regulation of Adult-Use Cannabis Act” (RERACA), Conn. Gen. Stat. Sec. 21a-420, *et seq.*

4. On or about May 4, 2022, pursuant to RERACA and the application process established by the Department of Consumer Protection (“DCP”) that oversees RERACA, and the Social Equity Council (“SEC”) that participates in administering RERACA, each of these four EJVs affiliated with Theraplant filed a separate application to become a licensed EJV retailer cannabis establishment. Southfork’s application was

assigned Application Number 0015675 and Resource was assigned Application Number 0014614.

5. Each Theraplant-affiliated EJV created its respective limited liability company using the exact same operating agreement. Nevertheless, the Defendant denied the Southfork and Resource applications based on the same purported infirmity in their operating agreements but then approved the TALL and UMN applications. Defendant's Denials stated that each of Southfork and Resource had the option and right to resubmit its application.

6. UMN and TALL, the approved EJVs, each proceeded further with the application process and each received a provisional retailer cannabis establishment license.

7. On April 14, 2023, Southfork resubmitted its exact same application, pointing out, *inter alia*, that its application should have been approved, given the TALL and UMN approvals and provisional licenses, since Southfork's operating agreement on which its application was denied was exactly the same as those two approved applications.

8. Nevertheless, by letter dated May 24, 2023, the Defendant denied Southfork's application without reviewing the application. Instead, as a basis for the Denial, the Defendant stated in the letter:

No producer that receives license authorization under section 21a-420I shall create more than two equity joint ventures. No such producer shall apply for, or create any additional equity joint venture if, on the effective date of this section, such producer has created at least two equity joint ventures that have each received a provisional license.

(emphasis in original).

9. The Defendant's Denial was premised upon the amendment to Section 21a-420m(h) of the General Statutes, effective May 24, 2022 (P.A. 22-103, Section 6), which limits a producer to participate in only two EJVs pursuant to Section 21a-420l.

10. At the time Southfork and all Theraplant EJVs filed their applications, however, Section 21a-420m(h) of the General Statutes did not exist, and RERACA did not limit the number of EJVs in which a licensed producer could participate.

11. In denying Southfork's application on the basis of the amendment identified in paragraph 8, the Defendant applied the new legislation retroactively. However, the amendment does not state that it should be applied retroactively, and Section 55-3 of the General Statutes makes clear that this amendment is not to be applied retroactively.

12. Southfork complied with all requirements to receive approval of its application set forth in RERACA, and there was no basis, in fact or in law, for the Defendant to deny its application.

13. Resource likewise complied with all requirements to receive approval of its application set forth in RERACA. Defendant's decision as to Southfork's application indicates that it would be futile for Resource to resubmit its own application. There likewise is no basis, in fact or in law, for the Defendant to deny Resource's application.

14. Southfork and Resource are each aggrieved by the improper SEC/DCP decision to apply retroactively the amendment to limit the number of EJVs in which a producer may participate, when RERACA at the time that Southfork, Resource and the

two provisionally-licensed EJVs applied did not limit the number of EJVs in which a producer could participate.

15. The Plaintiff brings this appeal pursuant to Connecticut General Statutes §21a-420g(g) and 4-183, and seeks a judgment declaring that DCP/SEC cannot apply retroactively the amendment to limit the number of EJVs in which a producer may participate; and moreover, that the Final Decision of the Defendant is inconsistent with and contrary to the standards for granting an equity joint venture license pursuant to Sections 31a-420l and 21a-420m of the Connecticut General Statutes.

WHEREFORE, the Plaintiff respectfully requests that the Court enter the following relief:

1. A judgment sustaining this Appeal and further ordering that the Final Decision regarding the application of Southfork, bearing Application Number 0015675 be overturned;
2. A judgment declaring that the Amendment to Conn. Gen. Stat. Section 21a-420m(h) limiting to two the number of joint equity ventures may not be applied retroactively as to any Theraplant EJV whose application was originally filed prior to May 24, 2022 and
3. An order of any further relief that may be just and equitable.

THE PLAINTIFFS,

SOUTHFORK, LLC, and
RESOURCE RECYCLING, LLC

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