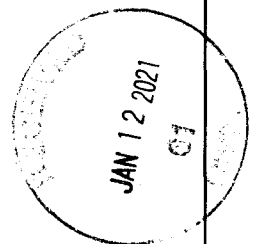


1 Brian S. Kabateck, SBN 152054
2 bsk@kbklawyers.com
3 Shant A. Karnikian, SBN 285048
4 sk@kbklawyers.com
5 Marina R. Pacheco, SBN 296485
6 mrp@kbklawyers.com
7 **KABATECK LLP**
8 633 W. Street, Suite 3200
9 Los Angeles, CA 90071
10 Telephone: (213) 217-5000
11 Facsimile: (213) 217-5010

12 Attorneys for Plaintiffs



13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SACRAMENTO**

15 LC3S Inc. dba Brookfields Restaurant,
16 individually, and on behalf of all others similarly
17 situated,

18 Plaintiff(s),

19 vs.

20 COUNTY OF SACRAMENTO; COUNTY OF
21 SACRAMENTO ENVIRONMENTAL
22 MANAGEMENT DEPARTMENT; COUNTY
23 OF SACRAMENTO DEPARTMENT OF
24 FINANCE, TAX COLLECTION AND
25 LICENSING; and CALIFORNIA
26 DEPARTMENT OF ALCOHOL BEVERAGE
27 CONTROL; DOES 1 THROUGH 10, inclusive,

28 Defendant(s).

Case No.

CLASS ACTION COMPLAINT FOR:

- 1) **VIOLATION OF GOVERNMENT CODE § 53723**
- 2) **VIOLATION OF THE CALIFORNIA CONSTITUTION ARTICLE XIII, C § 2 (PROPOSITION 218)**
- 3) **VIOLATION OF MANDATORY DUTY (GOVERNMENT CODE § 815.6)**
- 4) **DECLARATORY AND INJUNCTIVE RELIEF**
- 5) **MONEY HAD AND RECEIVED**
- 6) **UNJUST ENRICHMENT**

REQUEST FOR JURY TRIAL

1 Plaintiff LC3S Inc. dba Brookfields Restaurant (“LC3S”), individually, and on behalf of
2 all others similarly situated, allege(s) as follows against Defendants County of Sacramento; County
3 of Sacramento Environmental Management Department; County of Sacramento Department of
4 Finance, Tax Collection and Licensing (the “County”); and California Department of Alcohol
5 Beverage Control (collectively, “Defendants”):

6 **INTRODUCTION**

7 1. Sacramento County is home to thousands of restaurants—big and small,
8 internationally famous and best kept secrets, fine-dining or the local hole-in-the-wall. Some
9 serve breakfast, lunch, dinner and late-night snacks, while others may only be open a few hours
10 each day. The restaurants of Sacramento County represent a mosaic of cultures and are an
11 economic lifeline for the thousands who work in the industry. Each one of these small
12 businesses have one indisputable fact in common: They all must pay both the County and the
13 State a fee to operate their business or risk being in violation of the law. Each member of this
14 case has dutifully complied with the law and paid the County and/or State the required fees to
15 operate during 2020.
16

17 2. On March 11, 2020, COVID-19 was a declared a pandemic by the World Health
18 Organization. On March 13, 2020 President Trump declared a national emergency as a result of
19 COVID-19. In the immediate aftermath, the State of California and County of Sacramento
20 issued a variety of government orders requiring individuals to remain in their homes with limited
21 exceptions. These orders also required the closure of non-essential businesses thereby severely
22 limiting and/or completely closing the operating ability of Plaintiff and the proposed Class
23 members’ businesses.

24 3. Specifically, on March 19, 2020, the County of Sacramento, by and through the
25 County Health Officer, Olivia Kasirye, MD, ordered the immediate closure of all bars, wineries,
26 brew-pubs and all in-dining at restaurants (the “County Order”). The County Order was extended
27
28

1 and amended by other subsequent orders which all severely limited and/or completely closed the
2 operating ability of Plaintiff and the proposed Class members' businesses.

3 4. On March 19, 2020, California Governor Gavin Newsom issued Executive Order
4 N-33-20, which similar to the County Order, required individuals to stay in their homes with the
5 exception of critical infrastructure sectors (the "State Order"). The State Order also imposed
6 similar restrictions on the restaurant industry.

7 5. Since then, subsequent orders have been issued by the County of Sacramento and
8 State of California requiring Plaintiff's and the Class members' businesses to remain closed,
9 and/or imposing certain restrictions on their operations, and/or altering their permissible
10 operations, including, but not limited to: Order of the State Public Health Officer (March 19,
11 2020); Order of the Health Officer of the County of Sacramento Directing all Individuals Living
12 in the County to Stay at Home (March 19, 2020); California Executive Order N-60-20 (May 4,
13 2020); Order of the State Public Health Officer (May 7, 2020); California Executive Order N-83-
14 20 (October 28, 2020); California Department of Public Health Limited Stay at Home Order
15 (November 19, 2020); and California Department of Public Health Regional Stay at Home Order
16 (December 3, 2020), leaving restaurants in a constant state of limbo. These subsequent orders,
17 along with the County Order and State Order are collectively referred to as (the "Orders").
18

19 6. Few industries have been hit as hard as the restaurant industry by the COVID-19
20 pandemic. A survey by the National Restaurant Association published on September 14, 2020
21 found that nearly 1 in 6 restaurants (representing nearly 100,000 restaurants) is closed either
22 permanently or long-term; nearly 3 million restaurant employees were out of work; and the
23 industry is on track to lose \$240 billion in sales by the end of the year. The survey also found
24 that overwhelmingly, most restaurants are still struggling to survive and don't expect their
25 position to improve over the next six months.

26 7. Despite requiring the closure and/or severely limiting the operating ability of
27
28

1 these businesses, the County and State continued to charge the businesses permit and licensing
2 fees, as well as late charges. Specifically, at issue in this action are the following fees, taxes,
3 and/or charges (and any penalty fees) levied by the County and State entities against Plaintiff and
4 the proposed Class:

- 5 a) Sacramento County public health permit and licensing fees and/or tax;
- 6 b) Sacramento County General Business License Fees and/or tax; and
- 7 b) State of California Department of Alcohol and Beverage Control fees and/or
8 tax

9 8. Further, the County and State entities have failed to provide refunds for fees,
10 taxes, and/or charges that were paid, even though the government orders specifically prevented
11 Plaintiff and the Class from operating their businesses.

12 9. The County and State entities received these fees, taxes, and/or charges from
13 Plaintiff and the Class but failed to use the money for their benefit as intended.

14 10. Now, California's restaurant owners are struggling to pay their bills and keep
15 workers employed. Nearly 70% of California's restaurant owners are at risk of being evicted
16 from their property as the bills pile up, including fees, taxes, and other charges levied by the
17 same government entities that are restricting the restaurants' ability to fully operate.

18 11. Ironically, the same County and State government officials who forced the closure
19 of these businesses have also been continuing to collect a wide range of government fees under
20 the threat of revoking licenses and permits. Plaintiff and the Class members have continued to
21 pay these fees or risk losing their licenses to operate—when the government eventually allows
22 such operations.

23 12. To be clear, this action does not dispute the propriety of the health and safety
24 Orders, it simply demands fairness. Each member of this class has complied with the law and
25 have closed (in whole or in part) as required by the Orders. The class does not – for the purpose
26 of this action – dispute the propriety of the Orders. If the government closed or limited
27
28

1 Plaintiffs' business operations, it must return the fees, taxes, and/or charges that it should have
2 never been allowed to collect during this pandemic.

3 13. Through this action, LC3S individually, and on behalf of all others similarly
4 situated seeks a declaration that the County and State's imposition and collection of fees, taxes,
5 and/or charges from businesses that are prevented from operating is unlawful; injunctive relief
6 preventing the further collection of said fees; a refund of all fees, taxes, and/or charges collected;
7 and damages sustained as a result of their legally mandated participation in the public health
8 permit and/or license program with the County of Sacramento and the State of California
9 Department of Alcohol and Beverage Control.

10 14. All allegations in this Complaint are based on information and belief and/or are
11 likely to have evidentiary support after a reasonable opportunity for further investigation or
12 discovery. Whenever allegations in this Complaint are contrary or inconsistent, such allegations
13 shall be deemed alternative.
14

15 THE PARTIES

16 15. Plaintiff LC3S Inc. dba Brookfields Restaurant is a California limited liability
17 company having its principal place of business at 11135 Folsom Blvd., Rancho Cordova, CA
18 95670. Plaintiff LC3S brings this action individually and on behalf of the class of all businesses
19 or related persons who have paid the unconstitutional and illegal fees, taxes, and/or charges in
20 connection with a public permit and/or license to the County of Sacramento, County of
21 Sacramento Environmental Management Department, County of Sacramento Department of
22 Finance, Tax Collection and Licensing, and the State of California Department of Alcohol and
23 Beverage Control, while being prevented from operating.

24 16. Defendant County of Sacramento is a charter county organized and existing as a
25 legal subdivision under the laws of the State of California.

26 17. Defendant County of Sacramento and Environmental Management Department
27 provides public health services to Sacramento County residents.
28

1 charge health services fees that are proportional to the projected program costs for that fiscal
2 year. However, the taxes, fees, and/or charges were not proportional to said costs for the fiscal
3 year because there was a significant change in projected program costs.

4 30. Similarly, pursuant to Sacramento County Ordinance 4.02.060, the County of
5 Sacramento Department of Finance Tax Collection and Licensing has a duty to charge general
6 business license fees that do not exceed the costs of administration by each office of the
7 department. However, the taxes, fees, and/or charges exceeded the costs of administration by
8 each office in the department.

9 31. When levying taxes, pursuant to California Government Code section 37101, all
10 Defendants are mandated to “levy the tax so that the measure of tax fairly reflects that proportion
11 of the taxed activity actually carried on within the taxing jurisdiction.” Cal. Gov’t. Code §
12 37101.

13 32. In addition, the collection of the Sacramento County public health permit and
14 licensing fee(s) and/or tax and the Sacramento County business licensing fee and/or tax
15 constituted a tax by a local government who imposed, extended, or increased the tax without
16 voter approval as is required by Government Code § 53723.

17 33. The collection of the Sacramento County public health permit and licensing fee(s)
18 and/or tax and the Sacramento County business licensing fee and/or tax constituted a tax by a
19 local government who imposed, extended, or increased the tax without voter approval as is
20 required by Proposition 218.

21
22 **CLASS ACTION ALLEGATIONS**

23 34. Plaintiff brings this action on behalf of itself and all others similarly situated
24 under California Code of Civil Procedure section 382.

25 35. Subject to confirmation, clarification and/or modification based on discovery to
26 be conducted in this action, the Class that Plaintiff seeks to represent shall be defined as follows:
27
28

1 During the fullest period allowed by law, all businesses or related persons who
2 have paid the unconstitutional and illegal fees, taxes, and/or charges in connection
3 with a public permit and/or license to the County of Sacramento Environmental
4 Management Department, County of Sacramento Department of Finance, Tax
5 Collection and Licensing, County of Sacramento and/or the California Department
6 of Alcohol Beverage Control, while being prevented from operating in whole or
7 in part.

8 36. Plaintiff seeks only declaratory relief, injunctive relief, and damages in the form
9 of refunds or credits on behalf of themselves and the Class Members. Plaintiff disclaims any
10 intent or right to seek any recovery in this action for personal injuries or emotional distress
11 suffered by Plaintiff and/or the Class Members.

12 37. This action is properly maintainable as a class action.

13 38. The Class is so numerous that joinder of all members would be impracticable.

14 39. Plaintiff is committed to prosecuting the action and has retained competent counsel
15 experienced in litigation of this nature. Plaintiff's claims are typical of the claims of the other
16 members of the Class and Plaintiff has the same interests as the other members of the Class.
17 Plaintiff is an adequate representative of the Class.

18 40. Questions of law and fact common to the members of the Class predominate over
19 any questions affecting any individual members, and a class action is superior to all other
20 available methods for the fair and efficient adjudication of the controversy.

21 41. The common questions of law and fact include, but are not limited to:

22 a) Whether the County's and State's fees, taxes, and/or other charges levied
23 against businesses it ordered to close have been improperly applied and collected;

24 b) Whether the County and State are obligated to refund the fees, taxes, and/or
25 other charges;

26 c) Whether Plaintiff and the members of the Class are entitled to declaratory and
27 injunctive relief; and
28

1 d) Whether Plaintiff and the members of the Class are entitled to recover illegally
2 collected fees, taxes, and/or other charges.

3 42. The prosecution of separate actions by individual members of the Class would
4 create the risk of inconsistent or varying adjudications and would establish incompatible
5 standards of conduct for Defendants. The Defendants have acted, or have refused to act, on
6 grounds generally applicable to the Class, making preliminary and final injunctive relief on behalf
7 of the Class as a whole, appropriate.

8 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

9 43. Plaintiff complied, or otherwise substantially complied, with the formal claim
10 presentation requirements of the California Government Claims Act (codified at GOVT. CODE
11 §§ 810, *et seq.*). Within six months of the incident(s) complained of herein, Plaintiff presented
12 written notice of Plaintiff's claims to the public-entity-defendant(s) named herein. See GOVT.
13 CODE § 910. Plaintiff's claims were rejected by express notice and/or upon the lapse of forty-
14 five days following claim presentation. See GOVT. CODE § 912.4. Plaintiff(s) filed this action
15 within six months of service of any express rejection and/or, where no express rejection was
16 served, within two years of the date each cause of action accrued or the applicable statute of
17 limitations, whichever is sooner. See GOVT. CODE § 945.6. A true and correct copy of
18 Plaintiff's government claim(s), and any rejection from public-entity-defendant(s) named
19 herein, is(are) attached hereto as Exhibit "A".

20 **FIRST CAUSE OF ACTION**

21 **VIOLATION OF GOVERNMENT CODE § 53723**

22 **(Against Defendants County of Sacramento, County of Sacramento Environmental**
23 **Management Department, County of Sacramento Department of Finance, Tax Collection**
24 **and Licensing and DOES 1 to 10)**

25 44. Plaintiffs reallege and incorporate by reference the allegations contained in the
26 preceding paragraphs of this complaint, as though fully set forth herein.
27
28

1 45. Proposition 62, approved by California voters in the 1986 General Election, added
2 § 53720 *et seq.* to the California Government Code.

3 46. Section 53723 provides that “[n]o local government ... may impose any general
4 tax unless and until such general tax is submitted to the electorate of the local government and
5 approved by a majority vote of the voters voting in an election on the issue.”

6 47. The collection of the Sacramento County public health permit and licensing fee(s)
7 and/or tax constituted a tax by a local government who imposed, extended, or increased the tax
8 without voter approval as is required by Government Code § 53723.

9 48. The continued imposition and collection of the Sacramento County public health
10 permit and licensing fee(s) and/or tax without voter approval is an ongoing and continuous
11 violation, which is violated anew with each collection of the Sacramento County public health
12 permit and licensing fee(s) and/or tax from Plaintiffs.

13 49. It is necessary and appropriate for this Court to declare that the past and ongoing
14 imposition and collection of the Sacramento County public health permit and licensing fee(s)
15 and/or tax is invalid and illegal until such time as is approved by the voters pursuant to the
16 provisions of Government Code § 53723.

17 50. There exists a justiciable controversy between the parties which is ripe for
18 adjudication. Plaintiffs contend that the Sacramento County public health permit and licensing
19 fee(s) and/or tax imposed by the County is invalid and in violation of Government Code §
20 53723. Plaintiffs are informed and believe, and based thereon allege, that Defendants deny such
21 contention and contend otherwise. Declaratory judgment is appropriate and necessary
22 at this time with respect to this issue, to avoid a potential multiplicity of actions, to prevent
23 irreparable harm, to ensure proper enforcement of the law, and to resolve a matter of substantial
24 public interest.

25 51. Plaintiffs have no adequate remedy at law and may suffer irreparable injury
26 absent injunctive relief. The Court should issue a preliminary and permanent injunction
27
28

1 prohibiting Defendants from imposing and collecting the Sacramento County public health
2 permit and licensing fee(s) and/or tax as it is invalid and unlawful.

3 **SECOND CAUSE OF ACTION**

4 **VIOLATION OF THE CALIFORNIA CONSTITUTION ARTICLE XIII, C § 2**
5 **(PROPOSITION 218)**

6 **(Against Defendants County of Sacramento, County of Sacramento Environmental**
7 **Management Department, County of Sacramento Department of Finance, Tax Collection**
8 **and Licensing and DOES 1 to 10)**

9 52. Plaintiffs reallege and incorporate by reference the allegations contained in the
10 preceding paragraphs of this complaint, as though fully set forth herein.

11 53. Proposition 218, known as the “Right to Vote on Taxes Act,” amended the
12 California Constitution to ensure that citizens would have the right to vote on whether local
13 governments should enact taxes, such as the charges at issue in this case. This constitutional
14 amendment protects taxpayers by limiting the methods by which local governments can impose,
15 extend, or increase taxes, fees and charges without taxpayer consent. Proposition 218 requires
16 voter approval prior to an imposition, increase, or extension of general taxes, assessments, and
17 certain user fees.
18

19 54. The collection of the Sacramento County public health permit and licensing fee(s)
20 and/or tax constituted a tax by a local government who imposed, extended, or increased the tax
21 without voter approval as is required by Proposition 218.

22 55. It is necessary and appropriate for this Court to declare that the past and ongoing
23 imposition and collection of the Sacramento County public health permit and licensing fee(s)
24 and/or tax is invalid and illegal until such time as is approved by the voters pursuant to the
25 provisions of Proposition 218.

26 56. An actual controversy now exists between each Plaintiff and the County as to the
27 legality of the Sacramento County public health permit and licensing fee(s) and/or tax as
28

1 imposed. It is necessary and appropriate for this Court to declare that the Sacramento County
2 public health permit and licensing fee(s) and/or tax is invalid and illegal until such time as is
3 approved by the voters pursuant to the provisions of the California Constitution Article XIII, C §
4 2 and Proposition 218.

5 57. Plaintiffs have no adequate remedy at law and may suffer irreparable injury
6 absent injunctive relief. The Court should thus issue a preliminary and permanent injunction
7 prohibiting Defendants from imposing and collecting the Sacramento County public health
8 permit and licensing fee(s) and/or tax as it is invalid and unlawful.

9
10 **THIRD CAUSE OF ACTION**

11 **VIOLATION OF MANDATORY DUTY**

12 **(GOVERNMENT CODE § 815.6)**

13 **(Against all Defendants and DOES 1 to 10)**

14 58. Plaintiffs reallege and incorporate by reference the allegations contained in the
15 preceding paragraphs of this complaint, as though fully set forth herein.

16 59. Pursuant to California Business and Professions Code section 23320, Defendant
17 California Department of Alcohol Beverage Control had a mandatory duty to refund Plaintiff and
18 the Class members for their annual fee paid "in the event that the license application is
19 withdrawn or denied." Cal. Bus. & Prof. Code § 23320.

20 60. Similarly, pursuant to Sacramento County Ordinance 6.99.170, the County of
21 Sacramento, County of Sacramento Environmental Management Department have a duty to
22 charge health services fees that are proportional to the projected program costs for that fiscal
23 year. However, the taxes, fees, and/or charges were not proportional to said costs for the fiscal
24 year because there was a significant change in projected program costs.

25 61. Similarly, pursuant to Sacramento County Ordinance 4.02.060, the County of
26 Sacramento Department of Finance Tax Collection and Licensing has a duty to charge general
27 business license fees that do not exceed the costs of administration by each office of the
28

1 department. However, the taxes, fees, and/or charges exceeded the costs of administration by
2 each office in the department.

3 62. When levying taxes, pursuant to California Government Code section 37101, all
4 Defendants are mandated to “levy the tax so that the measure of tax fairly reflects that proportion
5 of the taxed activity actually carried on within the taxing jurisdiction.” Cal. Gov’t. Code §
6 37101.

7 63. Defendant California Department of Alcohol Beverage Control violated
8 Government Code section 815.6 and Business and Professions Code section 23320 when it failed
9 to refund Plaintiff and the Class for the alcohol license fees, taxes, and/or charges paid despite
10 the fact that their businesses were prevented and/or limited from using said permit or license.

11 64. Defendants County of Sacramento, Environmental Management Department,
12 Department of Finance, Tax Collection and Licensing violated Government Code section 815.6
13 and Sacramento County Ordinances 6.99.170 and 4.02.060 when they failed to refund Plaintiff
14 and the Class members for their public health permit fees, taxes, and/or charges despite the fact
15 that their businesses were prevented and/or limited from using said permit or license and/or
16 reduce the fees to be proportional to the decrease in services that were being provided and/or
17 costs of administration.

18 65. All Defendants violated California Government Code section 37101 when they
19 levied the public health permit fees and/or taxes and the alcohol license fees, taxes, and/or
20 charges, and business licensing fees, charges, and/or taxes against Plaintiff and the Class, despite
21 the fact that their businesses were ordered to close and/or severely limited in their abilities to
22 operate and that the services provided by the health department were substantially decreased.

23 66. As a result of Defendants’ violations, Plaintiffs were harmed and continue to be
24 harmed because they are forced to pay for licensing and/or permit fees when they cannot fully
25 operate their businesses.

26 67. Defendants’ failure to refund Plaintiffs and the Class is a substantial factor in
27
28

1 causing Plaintiffs' harm.

2 **FOURTH CAUSE OF ACTION**

3 **DECLARATORY AND INJUNCTIVE RELIEF**

4 **(Against all Defendants and DOES 1 to 10)**

5 68. Plaintiffs reallege and incorporate by reference the allegations contained in the
6 preceding paragraphs of this complaint, as though fully set forth herein.

7 69. The County and State have collected, and continue to collect, the public health
8 permit and licensing fees and the California Department of Alcohol Beverage Control fees, and
9 business licensing fees, charges, and/or taxes from Plaintiff and the Class in clear violation of the
10 law.

11 70. Legal remedies available to Plaintiff and the Class are inadequate to redress the
12 illegal collection of said fees, taxes, and/or charges.

13 71. The County and State provide no procedure for Plaintiff and the Class to obtain a
14 refund of the illegally collected fees, taxes, and/or charges. Further, because the County and
15 State entities continue to collect the illegal fees, taxes, and/or charges from businesses ordered to
16 close down, a refund alone is inadequate relief and would require the Class to file a multiplicity
17 of actions.

18 72. Declaratory relief is proper regarding the subject matter of this action because
19 there is an actual and present controversy between the parties concerning Plaintiffs obligations to
20 pay the County and State for their businesses' public health permit and licensing fees, alcohol
21 and beverage control fees, and business license charges, taxes, and/or fees, despite being
22 required to shut down their operations. By the terms and provisions of California Code of Civil
23 Procedure § 1060, this Court has the power to declare the obligations and duties of the parties
24 and to give such other relief as may be necessary.

25 73. By virtue of the foregoing, there exists an actual, justiciable controversy between
26 the parties. Plaintiff contends that the County's and State's imposition and collection of fees,
27
28

1 taxes, and/or charges from businesses that are prevented from operating is unlawful. Despite
2 requiring the closure and/or severely limiting the operating ability of these businesses, the
3 County and State continue to charge the businesses public health permit and licensing fees, and
4 business licensing fees, charges, and/or taxes, and alcohol and beverage control fees, as well as
5 late charges. The County and State received these fees, taxes, and/or charges from Plaintiffs but
6 failed to use the money for Plaintiffs' benefit as intended, since these businesses have been
7 ordered closed and/or had their operations severely limited due to the governmental orders. The
8 County and State do not refund the money to Plaintiffs.

9 74. Accordingly, Plaintiff and the Class are entitled to:

- 10 a) A declaration that the County and State are unlawfully levying these fees,
11 taxes, and/or charges against businesses ordered to close down, and
12 b) an injunction preventing further collection of the public health permit and
13 licensing fees by the County and alcohol and beverage control fees and/or tax by
14 the State against Plaintiff and the Class.
15

16 **FIFTH CAUSE OF ACTION**

17 **MONEY HAD AND RECEIVED**

18 **(Against all Defendants and DOES 1 to 10)**

19 75. Plaintiffs reallege and incorporate by reference the allegations contained in the
20 preceding paragraphs of this complaint, as though fully set forth herein.

21 76. Defendants received money that was intended to be used for the benefit of
22 Plaintiff and the Class. Namely, the County continues to charge Plaintiff and the Class for their
23 public health permit and licensing fees and/or tax, business license fees, charges, and/or taxes, as
24 well as late charges and business licensing fees, charges, and/or taxes; and the State entities
25 continue to charge the alcohol and beverage control fees and late charges. Plaintiff and the Class
26 have paid these fees, taxes, and/or charges to the County and State, including late fees.
27
28

1 83. The County's and State's retention of these fees, taxes, and/or charges is unjust
2 because the money was not used for Plaintiffs' benefit as intended. Plaintiff and the Class are
3 entitled to full reimbursement from the County and State in the actual amount by which the
4 County and State have been unjustly enriched at the expense of the Plaintiff and the Class.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

//

1 **PRAYER FOR DAMAGES**

2 WHEREFORE, Plaintiff and the Class pray for damages and other judicial relief as
3 follows:

- 4 1. Judgment in favor of Plaintiff and the proposed Class and against Defendants on all
5 causes of action alleged herein;
- 6 2. For general, special, compensatory, and incidental damages, plus prejudgment
7 interest and other damages according to proof;
- 8 3. A declaration that the County's and State's collection of fees, taxes, and other
9 charges from the proposed class members is invalid for one or more of the reasons
10 alleged herein;
- 11 4. Injunctive relief preventing the County and State from levying fees, taxes, and other
12 charges against Plaintiff and the proposed Class;
- 13 5. Any and all other equitable relief, including preliminary and permanent injunctive
14 relief, that the Court deems appropriate;
- 15 6. For attorneys' fees and costs;
- 16 7. For costs of suit herein;
- 17 8. For pre-judgment interest as provided for by applicable law; and
- 18 9. For such further relief as the Court may deem just and proper.
- 19

20
21 Dated: January 11, 2021

KABATECK LLP

22
23 By:  _____

Brian S. Kabateck
Shant A. Karnikian
Marina R. Pacheco

Attorneys for Plaintiffs

JURY DEMAND

Plaintiffs request a trial by jury for all claims so triable.

Dated: January 11, 2021

KABATECK LLP

By:  _____

Brian S. Kabateck
Shant A. Karnikian
Marina R. Pacheco

Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28