

The owners Cannabis Lounge business model **DOES NOT PROVIDE, PROVIDE FOR DONATION, SELL OR GIFT CANNABIS. IT IS a BRING YOUR OWN CANNABIS PURCHASE HERE Business Model.**

Under City Manager Gabe Engeland, our business peacefully co-existed with City Hall on good terms; employees of the city visited, we even share a parking lot and grassy courtyard with City Hall

- I. very supportive and positive city attitude toward our business
- li. confirmation of support directly from City Council member Carlos Lopez *at one of our events*
- iii. echoing CM Gabe Engeland support of our business

City attitude toward cannabis dramatically changed when City Manager Gabe Engeland left.

D. City attitude toward our business concept/ model changed when Mayor Phil Rico became dominant negative influence in city management in March 2017.

E. The owners allege conspiracy via covert EX POST FACTO legislation by certain city officials and the City Council (excluding Carlos Lopez) to cause closure to the ONLY cannabis Lounge in Southeastern Colorado, in a city with 22 dispensaries ***and no public or private location or venue for travelling adult cannabis buyers to enjoy their legal cannabis purchase.***

F. A main tenant of the Colorado Constitution clearly states in **Section 11. *Ex post facto laws. No ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the general assembly.***

G. The Chief of Police made two visits to our business and four unknown officers visited our lounge insisting we remove ALL our signage that read “Smoke Lounge” then only “Lounge”, “420” and even our OPEN sign. **A violation of Colorado Constitution Section 10. *Freedom of speech and press. No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.***

H. Trinidad City Officials and Law Enforcement colluded and conspired to covertly cause closure of the ONLY cannabis Lounge in the city.

- i. Disallowed other cannabis lounges by way of a “moratorium” on other public or privately owned cannabis lounges

ii. Not a moratorium but an indefinite ban with no limits

iii. Colluded and conspired to close existing cannabis Lounge that was used as a “bellwether” to allow or disallow other cannabis Lounges in Trinidad

Iv. District Attorney Henry Solano issued an edict forbidding using marijuana, in violation of Colorado Constitution Article 18 section 16 A which states “(a) **Possessing, using, displaying,** purchasing, or transporting marijuana accessories **or one ounce or less of marijuana. (is NOT UNLAWFUL)**

v. **Further part C states (c) Transfer of one ounce or less of marijuana without remuneration to a person who is twenty- one years of age or older.**

vi. **(d) Consumption of marijuana provided that nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers others.**

vii. **(e) Assisting another person who is twenty- one years of age or older in any of the acts described in paragraphs (a) through (d) of this subsection. IS NOT UNLAWFUL according to the Colorado Constitution.**

L. ***Collusion and conspiracy to eliminate the business opportunity for others*** to open a cannabis service business

M. Covert actions to DISALLOW ANY public or private cannabis Lounge in a city with 22 mostly recreational dispensaries

- I. 13 miles from New Mexico and
- II. 160 miles from Texas.

N. TWO other well funded existing business owners were disallowed opening a cannabis lounge

A main tenant of the Colorado Law Enforcement and MED guidelines clearly states

“Cannabis purchase MUST BE CONSUMED LAWFULLY WITHIN THE STATE OF COLORADO”.

O. Disallowance of a cannabis lounge financially benefits the city, law enforcement and private co conspirators.

P. Disallowance of any public or private cannabis lounges enhances the city's ability to gain federal law enforcement “drug war” funds and enhances city finances.

The aforementioned in violation of the Colorado Constitution, Section 3. *Inalienable rights.* All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

6. We assert that under this Statement of Claim

- A. The easy availability of recreational cannabis for a dramatically lower price than that of the street value in Texas, the beauty of the SE Colorado area, the warmth and friendliness of Trinidadians, the low prices of food and accommodations in Trinidad lures unassuming Texans to “come to visit Trinidad and purchase and enjoy legal cannabis” constitutes “**enticement**”
- B. to come to Trinidad, Colorado to buy recreational cannabis *WHERE NO SAFE CONSUMPTION LOCATION/VENUE EXISTS.***
- C. estimates indicate that 85% of cannabis purchases are to Texans; therefore the majority of cannabis arrests are of Texans.
- D. No public signage informing out of state tourists of the terms and conditions of the use of recreational cannabis exists.
- E. No public signage exists that inform the public if the legal consequences of public use or consumption exists.
- F. In the knowledge that law enforcement is aware no public or private location or venue exists to allow the out of state tourist or adult recreational cannabis user to enjoy their legal cannabis purchases in a safe, weather proof environment; as well as no signage or information about the rules and consequences of legal cannabis exists constituents “**entrapment**”.
- G. Allowing out of state recreational cannabis buyers to purchase cannabis without a location or venue to consume their legal cannabis in the legal cannabis state, forcing tourists to attempt intrastate transportation constitutes “**endangerment**”.

We allege the above actions by the Defendants constitute a violation of Colorado Constitution

Article 18 subsection 16 governing proposition 64, legal cannabis and terms for consumption.

Article II, Bill of Rights Colorado Constitution

Section 1. *Vestment of political power.* All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, *and is instituted solely for the good of the whole.*

Section 3. *Inalienable rights.* All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

Section 10. *Freedom of speech and press.* No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

Section 11. *Ex post facto laws.* No ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the general assembly.

Title 18 ss 241 of the US Constitution E.I.A. 1983 Reconstruction Civil Rights Act

In summary,

Ms. Mullen and Ms Lyon request these adaptations be made immediately by the City of TRINIDAD COLORADO and Trinidad Law Enforcement, on behalf of the citizens of the GREAT state of Texas and ALL Tourists,

And that Ms Mullen and Ms Lyon be awarded

\$8 million dollars in compensatory damages suffered from the defendants and their activities.

- I. For the intentional distress to the visitors and tourists to the licensed business caused by repeated unwanted police visits.
- II. For disallowing tourists a safe haven to assemble to discreetly and privately without endangering others, enjoy their legal cannabis purchases in accordance with Colorado State law,
- III. For intentionally endangering Tourists who have legally purchased cannabis, by not publicly posting or providing information and resources about the legal possession, benefits and legal liabilities of legal cannabis.

- IV. For allowing 22 recreational dispensaries within five miles of each other and providing no public or supporting no private cannabis enjoyment area.
- V. For having 22 recreational cannabis dispensaries within the Trinidad City Limits which is 13 miles from the state border of New Mexico and 160 miles from the state border of Texas and no place to smoke legal marijuana within the city of Trinidad.
- VI. For closing the extant licensed cannabis smoke lounge without notice or cause and disallowing other smoke lounges to exist, without cause.

Provide a safe, scenic riverside cannabis enjoyment area.

Provide cannabis container recycling cans in strategic areas; provide container recycling incentives.

Provide a visible and welcoming STATE OF COLORADO Cannabis Welcome Center to fully inform and educate tourists of the benefits and hazards of cannabis, in health and in local law.

Provide or support a public or private cannabis enjoyment areas for adults over 21 to enjoy their legal cannabis.

Provide a traveller shelter in ALL SEASONS for those cannabis tourists hiking or camping or in need of immediate overnight shelter in dire circumstances.

- IN PROPORTION TO THE AMOUNT OF MONEY EARNED FROM CANNABIS REVENUES in the city.

Compensatory Damages

Kathryn Mullen and Laurette Lyon request Compensatory Damages in the sum of \$8,000,000.00 (eight million dollars) for:

**Disallowance of tourists to Colorado their constitutional right to assemble
impeding of Visitors to Trinidad endeavor to “life, liberty and the pursuit of happiness”
via a cannabis enjoyment lounge**

For endangerment and entrapment of our visitors;

Strong arm tactics used to close our business displayed while guests were here

Assumed criminality by out of town visitors from repeated police visits

Issues created in otherwise healthy personal relationships,

Healthy business reputation as a safe venue for cannabis consumption destroyed

Diminished professional reputation of gift shop / cannabis lounge ownership by Ms Mullen and Ms. Lyon among their out of town visitors.

And as punitive or exemplary damages from the Defendants.

District Court

Las Animas County

200 E. First Street Trinidad, Colorado

July 17, 2017

COURT USE ONLY

Plaintiffs

Kathryn Mullen
Dallas, Texas

Laurette Lyon
San Antonio, Texas



Owners FEED YOUR HEAD SHOP
419 West Main St Trinidad Colorado 81082



CASE NUMBER:

DEFENDANTS

Mayor Phil Rico

Trinidad City Council (excluding Carlos Lopez)

135 N. Animas St

Trinidad Colorado

DIVISION

COURTROOM

Trinidad Police (excluding Chief Charles Glorioso)

200 E First St

Trinidad Colorado

Las Animas County DA Henry Solano

200 E First St

Trinidad Colorado

ATTORNEY or Party Without Attorney

Kathryn Mullen PRO SE

419 w Main st Trinidad Colorado 81082

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Request for Default Judgement

In the knowledge that *this Notice of Claim was sent to and subsequently received by the defendants via their attorney Les Downs on the 5th of June, 2017,*

and no response or answer has been provided by the Defendant to the Plaintiff for over 40 days;

Ms Mullen and Ms Lyon respectfully request the damages be unconditionally awarded to them by or before the 1st of August 2017.

Filed in person at State of Colorado District Court this day July 17, 2017

Kathryn Mullen

Laurette Lyon

419 W Main St Trinidad Colorado 81082

On behalf of themselves

The citizens

of the

GREAT State of Texas and

Tourists and visitors to Trinidad Colorado

District Court

Las Animas County

200 E. First Street Trinidad, Colorado

July 17, 2017

COURT USE ONLY

Plaintiffs

Kathryn Mullen
Dallas, Texas

Laurette Lyon
San Antonio, Texas

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