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10 **STATE COURT OF UTAH**
11 **THIRD JUDICIAL DISTRICT—SALT LAKE COUNTY**

12 COALITION FOR A SAFE AND
13 HEALTHY UTAH, D/B/A DRUG SAFE
14 UTAH, a Utah non-profit corporation; DR.
15 BRUCE H. WOOLEY, an individual,
16 WALTER J. PLUMB III, an individual,
17 ARTHUR BROWN, an individual, and
18 BRUCE F. RIGBY, an individual, on
19 behalf of those similarly-situated,

20 Plaintiffs,

21 v.

22 SPENCER J. COX, in his official capacity
23 as Lieutenant Governor of Utah; CURTIS
24 KOCH, in his official capacity as the
25 County Clerk of Davis County, Utah; the
26 STATE OF UTAH; and DOES 1-20,
27 inclusive,

28 Defendants.

Case No.

**COMPLAINT FOR DECLARATORY
RELIEF AND PRELIMINARY
INJUNCTION**

COALITION FOR A SAFE AND HEALTHY UTAH, D/B/A DRUG SAFE UTAH, a
Utah non-profit corporation, DR. BRUCE H. WOOLEY, WALTER J. PLUMB III, ARTHUR
BROWN, and BRUCE F. RIGBY, residents and taxpayers of Utah, and parents and grandparents

1 of Utah residents, on behalf of themselves and those similarly-situated, hereby submit this
2 Complaint for Declaratory Relief and Preliminary Injunction and allege and aver as follows:

3
4 **I. PARTIES**

5 1. Plaintiff, COALITION FOR A SAFE AND HEALTHY UTAH, D/B/A DRUG SAFE
6 UTAH, is, and at all relevant times herein, was, a Utah non-profit corporation, duly organized and
7 in good standing with the Utah Division of Corporations and headquartered in Salt Lake County,
8 Utah with its principal place of business in Utah.

9 2. Plaintiff DR. BRUCE H. WOOLEY is an individual residing in Salt Lake County, State
10 of Utah and is a physician duly-licensed to practice in the State of Utah.

11 3. Plaintiff WALTER J. PLUMB III is an individual residing in Salt Lake County, State of
12 Utah and is an owner of residential income properties which he leases to individuals in the State
13 of Utah and manages for profit.

14 4. Plaintiff ARTHUR BROWN is an individual residing in Salt Lake County, State of Utah.

15 5. Plaintiff BRUCE F. RIGBY is an individual residing in Salt Lake County, State of Utah.

16 6. Plaintiffs assert their claims on behalf of the residents of Utah and parents and
17 grandparents of Utah residents and on behalf of those similarly-situated, and shall hereinafter be
18 known collectively as "Plaintiffs".

19 7. Plaintiffs are informed and believe and thereon allege that Defendant SPENCER J. COX
20 is an individual residing in Salt Lake County, State of Utah, acting in his official capacity on
21 behalf of the State of Utah as its Lieutenant Governor, referred to hereinafter as "Lieutenant
22 Governor".

23 8. Plaintiffs are informed and believe and thereon allege that Defendant CURTIS KOCH is
24 an individual residing in Davis County, State of Utah, acting in his official capacity on behalf of
25 the County of Davis as its County Clerk.
26
27
28

1 9. Plaintiffs are informed and believe that Defendant STATE OF UTAH is a sovereign state
2 within the United States of America.

3 10. Plaintiff is ignorant of the true names and capacities of the Defendants sued herein as
4 “DOES 1 through 20, inclusive,” and, therefore, sues these Defendants by such fictitious names.
5 Plaintiff will amend this Complaint to allege their true names and capacities when ascertained.
6

7 II. JURISDICTION AND VENUE

8 11. This Court has jurisdiction in this civil matter pursuant to Utah Code Ann. 78-A5-102(1).

9 12. Venue is proper in this district, as the relevant actions by the Lieutenant Governor took
10 place in Salt Lake County pursuant to Utah Code Ann. 78-3-307(1)(a).
11

12 III. INTRODUCTION

13 13. The Lieutenant Governor of the State of Utah has certified an application for the Utah
14 Medical Cannabis Act (“UMCA”) to appear on the State of Utah’s November, 2018 ballot as an
15 initiative. (Attached hereto as Exhibit “A”.) The Lieutenant Governor has an affirmative,
16 statutory obligation to only certify those applications for ballot initiative which are constitutional
17 on their face and which could become law if voted in to effect. The UMCA is facially
18 unconstitutional because it contains provisions which, even on a cursory constitutional review,
19 clearly abridge the rights of Utah citizens both under the United States Constitution and the Utah
20 Constitution. One of the most constitutionally egregious provisions of the UMCA is a practical
21 mandate that Utah municipalities and counties be *required* to allow cannabis dispensaries and
22 production establishments to operate in *any* zone within their jurisdiction. This, among other ill-
23 conceived and disastrously far-reaching implications, demonstrates that the UMCA has always
24 been facially unconstitutional and should never have been certified by the Lieutenant Governor
25 for the November 2018 ballot.
26
27

28 14. As a result, the UMCA must be removed from the November 2018 ballot because it was

1 not lawfully approved in accordance with Utah Code Ann. 20A-7-202(5) subd. (a) *inter alia*,
2 because as it was proposed, the UMCA is patently unconstitutional and could not become law
3 even if passed.

4
5 15. Therefore, Plaintiffs request this honorable Court issue a declaration finding
6 that the UMCA is unconstitutional and issue a preliminary injunction, followed by a permanent
7 injunction, preventing the UMCA from appearing on the State of Utah November, 2018 ballot.

8 **IV. SUMMARY OF THE FACTS**

9
10 16. Beginning in June, 2017, the Utah Patients Coalition filed an application for the Utah
11 Medical Cannabis Act with the State of Utah Governor's Office and began collecting signatures
12 for its certification by the Lieutenant Governor. After collecting enough signatures in the course
13 of a contentious campaign, Utah Patients Coalition presented the application for the initiative to
14 the Lieutenant Governor for certification as an initiative on the November 2018 ballot.

15
16 17. On May 29, 2018, the Lieutenant Governor certified the UMCA despite the fact that as it
17 was presented, the UMCA was patently unconstitutional, and could never have become a law
18 even if it were passed by Utah voters. (See Declaration of Lieutenant Governor attached hereto as
19 Exhibit "B".)

20 **V. COMMON SUBSTANTIVE ALLEGATIONS**

21
22 18. The UMCA, in its current state, is clearly violative of the most fundamental rights
23 conferred on Utah residents by the United States Constitution and the Utah Constitution.

24
25 19. These rights were first enumerated when the United States Constitution was ratified by
26 Congress on June 21, 1788.

27
28 20. The U.S. Constitution states that "[t]his Constitution, and the Laws of the United

1 States which shall be made in Pursuance thereof...shall be the supreme Law of the Land.” Article
2 VI, Section 2. Article I, Section 10, Clause 1 thereof provides that the government shall not
3 interfere with the obligations of private contracts.
4

5 21. The U.S. Constitution was amended by the Bill of Rights on December 15, 1791 which
6 added, among others, the First Amendment guaranteeing the citizens of the United States
7 freedom of speech and free exercise of their religion, and the Fifth Amendment which guarantees
8 the right against government takings without just compensation and to substantive due process.

9 20. On July 9, 1868, the Fourteenth Amendment was added, guaranteeing American citizens
10 equal protection under the law and applying the United States Constitution and its Amendments
11 to the states.
12

13 21. Adopted in 1896, the Utah Constitution additionally guarantees every Utah citizen the
14 right to: acquire, possess and protect property pursuant to Article 1, Section 1; equal protection
15 under Utah’s laws pursuant to Article 1, Section 2; the free exercise of their religion pursuant to
16 Article 1, Section 4; access to Utah’s courts to seek redress of injuries pursuant to Article 1,
17 Section 11; freedom of speech pursuant to Article 1, Section 15; and freedom from interference
18 with contractual obligations pursuant to Article 1, Section 18.
19

20 22. In addition, Article VI of the Utah Constitution affords Utah citizens an initiative process
21 by which they may propose and pass legislation. Utah Code Ann. 20A-7-201(5) subd. (a) & subd.
22 (c) temper this process by requiring that the Lieutenant Governor ensure that every proposed
23 ballot initiative is constitutional, at least on its face, and that it can become a law if it is voted into
24 effect.
25

26 23. In its current form, the UMCA threatens the federal and state constitutional rights of
27 Utah citizens by intentionally interfering with their fundamental constitutional liberties,
28 including: their ability to own and control property, unlawfully creating discriminatory

1 classifications, violating due process, interfering with contractual obligations, deprivations of
2 their right to free speech and free exercise of their religion, unlawful interference with the
3 administrative functions of county and municipal governments, and by foreclosing their access to
4 Utah courts.

5
6 24. The Lieutenant Governor has a statutory duty to safeguard Utah citizens against these
7 unconstitutional attacks on their liberty and failed to do so when he certified the UMCA's
8 application anyway on May 29, 2018. The UMCA, as it stands, is facially unconstitutional, and
9 could never become a law even if it were voted into effect, because it seeks to abridge the
10 fundamental liberties afforded by the Utah Constitution and the U.S. Constitution.

11
12 25. Currently, the UMCA threatens the fundamental constitutional rights of every Utah
13 citizen, and especially those citizens who own property, wish to seek redress in Utah's courts, or
14 who are religiously opposed to cannabis and cannabis consumption, and cannot be allowed to
15 appear on the November 2018 ballot, where, if voted into effect, it will cause irreparable injury to
16 the constitutional rights of Utah's citizens. This Court has a unique, albeit time-sensitive
17 opportunity to undo the Lieutenant Governor's mistake, and to give the citizens of Utah another
18 chance to get the UMCA right.

19 20 **VI. CAUSES OF ACTION**

21 **FIRST CAUSE OF ACTION:** 22 **Violation of Utah Constitution Article 1, Section 1**

23 26. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
24 Complaint, as though set forth here in full, and further allege as follows:

25 27. Article 1, Section 1 of the Utah Constitution guarantees that "All men have
26 the inherent and inalienable right to....acquire, possess and protect property."

27 28. The Supreme Court of Utah in *Lincoln Financial Corp. v Ferrier* interpreted this
28

1 constitutional provision to guarantee a Utah citizen’s right to lease their property to whomever
2 they choose:

3 *If a landlord cannot enforce the terms of his lease and proceed under the express*
4 *provisions of our statutory law to reclaim his property, what has happened to his*
5 *property right? If [a landlord] is compelled to surrender his contractual and*
6 *statutory rights by being required to furnish an apartment to someone other than*
7 *he desires as a tenant, that is **nothing other than a deprivation of his property.***

8 (Emphasis supplied.) 567 P.2d 1105 (1977)(*Ferrier*).

9 29. Contrary to this holding, the UMCA at section 26-60b-110(2) provides that “No landlord
10 may refuse to lease to and may not otherwise penalize a person solely for the person’s status as a
11 medical cannabis card holder, unless failing to do so would cause the landlord to lose a monetary
12 or licensing-related benefit under federal law.”

13 30. This language clearly conflicts with the holding of the Supreme Court of Utah in *Ferrier*
14 and directly abridges the constitutional right of Utah property owners to lease their property to
15 whom they wish. In Utah, the right to control how, when and to whom a property owner leases
16 their property is a constitutionally-protected right, upheld by the Supreme Court of Utah, and the
17 UMCA cannot abridge that right. For the foregoing reasons, section 26-60b-110(2) the UMCA is
18 patently unconstitutional and is not justified by any compelling government interest, and is not
19 the least restrictive means of advancing that objective, nor is it narrowly-tailored, and therefore
20 should never have been certified for the ballot in Utah, and cannot become a law even if it is
21 voted in.

22 31. It is incumbent on this Court to issue a preliminary injunction, followed by a
23 permanent injunction against the UMCA appearing on the November 2018 ballot and to issue an
24 order declaring the UMCA wholly unconstitutional and to strike section 26-60b-110(2) before it
25 can be ratified and wreak havoc on the constitutional property rights of Utah’s citizens.
26
27
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1 **SECOND CAUSE OF ACTION:**
2 **Violation of Free Exercise Clause**

3 32. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
4 Complaint, as though set forth here in full, and further allege as follows:

5 33. The First Amendment to the United State Constitution guarantees that: “Congress shall
6 make no law respecting an establishment of religion or prohibiting the free exercise thereof...”

7
8 34. This “Free Exercise” clause was found to be expressly applied to the States via the
9 Fourteenth Amendment in the Supreme Court of the United States decision in *Cantwell v. State of*
10 *Connecticut*. 310 U.S. 296, 303 (1940).

11 35. In *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm'n* the Supreme Court of the
12 United States made clear that the government, if it is to respect the U.S. Constitution's guarantee
13 of free exercise of religion “...cannot impose regulations that are hostile to the religious beliefs of
14 affected citizens and cannot act in a manner that passes judgment upon or presupposes the
15 illegitimacy of religious beliefs and practices. The Free Exercise Clause bars even ‘subtle
16 departures from neutrality’ on matters of religion.” 138 S. Ct. 1719, 1731 (2018)(*Masterpiece*).

17
18 36. The Supreme Court of the United States has found that when legislation infringes on a
19 person’s right to free exercise of religion, the State's interest must be weighed against a person’s
20 sincere religious objections in a way consistent with the requisite religious neutrality that must be
21 strictly observed. *Masterpiece* at 1732.

22
23 37. In the present case, the State of Utah, by and through its Lieutenant Governor,
24 had an affirmative obligation, prior to certifying the UMCA’s application for the November, 2018
25 ballot, to weigh its interest in promoting the availability of cannabis for medicinal use against the
26 religious beliefs of its citizens, which it failed to do. Utah is home to many people of many
27 diverse religious and philosophical viewpoints. Among them are members of the Church of Jesus
28 Christ of Latter Day Saints (“LDS Members”), including Plaintiff Walter J. Plumb III, whose

1 religious beliefs include a strict adherence to a code of health which precludes the consumption
2 and possession of mind-altering drugs, substances and chemicals, which includes cannabis and its
3 various derivatives.

4
5 38. In the United States of America, members of all religions, including the Church of Jesus
6 Christ of Latter Day Saints have a constitutional right to exercise their religious beliefs. This
7 includes the right not to consort with, be around, or do business with people engaging in activities
8 which their religion finds repugnant, and to refuse to lease their property to people engaging in
9 activities which they deeply oppose. The express language of the UMCA Section 26-60b-110(2)
10 mandates that LDS Members would have to open their homes and personal property to tenants
11 who possess and consume mind-altering substances, which is a direct affront to their deeply held
12 religious beliefs.

13
14 39. Any practicing member of the LDS faith would find this mandate deeply offensive and
15 incredibly repulsive to their religious beliefs and way of life. If the State of Utah wishes to ensure
16 that people who are prescribed cannabis as treatment for their maladies are not deprived thereby
17 of the opportunity to lease housing, there are many less-restrictive and violative ways in which it
18 could achieve this end.

19
20 40. For the foregoing reasons, the UMCA is patently unconstitutional because it is not
21 justified by a compelling government interest, and is not the least restrictive means of advancing
22 that objective, nor is it narrowly-tailored and therefore should never have been certified for the
23 ballot in Utah, and cannot become a law even if it is voted in.

24
25 41. Therefore, it is incumbent on this Court to issue a preliminary injunction, followed by a
26 permanent injunction against the UMCA appearing on the November, 2018 ballot and to issue an
27 order declaring the UMCA patently unconstitutional and that its application was improperly
28 certified by the Lieutenant Governor to appear on the November, 2018 ballot.

**THIRD CAUSE OF ACTION:
Violation of Utah Constitution Article 1, Section 4**

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2
3 42. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
4 Complaint, as though set forth here in full, and further allege as follows:

5 43. Article 1, Section 4 of the Utah Constitution requires that: "The State shall make no law
6 respecting an establishment of religion or prohibiting the free exercise thereof." The obvious
7 implication of UMCA Section 26-60b-110(2) will be to prohibit the free exercise of religion by
8 Utah's LDS population by in effect mandating that they lease their real property to people using
9 and possessing cannabis, the use and possession of which is morally repugnant to members of the
10 LDS faith.

11
12 44. As written, the UMCA Section 26-60b-110(2) would likewise trample Utah's
13 constitutional guarantee that its citizens may practice their religion in a manner that they see fit,
14 and may choose not to do business with or lease property to people who possess, use and whose
15 mental condition is affected by mind-altering, psychoactive substances including cannabis and its
16 derivatives.

17
18 45. For the foregoing reasons, the UMCA is patently unconstitutional because it is not
19 justified by a compelling government interest, and is not the least restrictive means of advancing
20 that objective, nor is it narrowly-tailored and therefore should never have been certified for the
21 ballot in Utah, and cannot become a law even if it is voted in.

22
23 46. Therefore, it is incumbent on this Court to issue a preliminary injunction, followed by a
24 permanent injunction, against the UMCA appearing on the November, 2018 ballot and to issue an
25 order declaring the UMCA unconstitutional and that its application was improperly certified by
26 the Lieutenant Governor to appear on the November, 2018 ballot.

27
28 ///

1 **FOURTH CAUSE OF ACTION:**
2 **Violation of United States Constitution First Amendment**

3 47. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
4 Complaint, as though set forth here in full, and further allege as follows:

5 48. The First Amendment of the United States Constitution guarantees that: “Congress shall
6 make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or
7 abridging the freedom of speech....”
8

9 49. The Fourteenth Amendment to the United States Constitution applies the United States
10 Constitution and its Amendments to the individual states.

11 50. The First Amendment has been interpreted by the Supreme Court of the United States not
12 only to protect speech itself, but also conduct, including expressive conduct and symbolic speech.

13 *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969)
14

15 51. In the present case, the UMCA Section 26-60b-201 unlawfully abridges Utah landowners’
16 constitutional right to freedom of speech by banning their expressive conduct against cannabis
17 possession and consumption on their property.

18 52. Utah landowning citizens have a right to express their freedom of speech through
19 expressive conduct, including using their property to espouse their speech and beliefs by refusing
20 to lease to individuals who possess or consume cannabis.

21 53. The State of Utah is attempting to compel the speech of Utah landowners by
22 suppressing their ability to speak out against cannabis use and consumption by only renting to
23 tenants who do not possess or consume cannabis and who support their viewpoints in opposition
24 against cannabis possession and consumption.
25

26 54. For the foregoing reasons, the UMCA is patently unconstitutional because it is not
27
28

1 justified by a compelling government interest, and is not the least restrictive means of advancing
2 that objective, nor is it narrowly-tailored and therefore should never have been certified for the
3 ballot in Utah, and cannot become a law even if it is voted in.

4
5 55. The State of Utah must be enjoined against compelling the speech of Utah landowners and
6 therefore, it is incumbent on this Court to issue a preliminary injunction, followed by a permanent
7 injunction against the UMCA appearing on the November, 2018 ballot and to issue an order
8 declaring the UMCA unconstitutional and that its application was improperly certified by the
9 Lieutenant Governor to appear on the November, 2018 ballot.

10
11 **FIFTH CAUSE OF ACTION:**
12 **Violation of Utah Constitution Article 1, Section 15**

13 56. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
14 Complaint, as though set forth here in full, and further allege as follows:

15 57. Article 1, Section 15 of the Utah Constitution guarantees: “No law shall be passed to
16 abridge or restrain the freedom of speech.”

17 58. In the present case, the UMCA section 26-60b-201 unlawfully abridges Utah landowners’
18 constitutional right to freedom of speech by banning their expressive conduct.

19 59. Utah landowners have a right to express their freedom of speech through conduct,
20 including using their property to espouse their beliefs by refusing to lease to individuals who
21 possess or consume cannabis. Inherent in this right is the ability to choose not to permit
22 possession of cannabis and consumption of cannabis on property they own.

23 60. Here, the State of Utah is attempting to compel the speech of Utah landowners by
24 suppressing their ability to speak out against cannabis use and consumption by leasing their
25 property only to tenants who support their viewpoints in opposition against cannabis possession
26 and consumption.

27
28 61. For the foregoing reasons, the UMCA is patently unconstitutional because it is not

1 justified by a compelling government interest, and is not the least restrictive means of advancing
2 that objective, nor is it narrowly-tailored and therefore should never have been certified for the
3 ballot in Utah, and cannot become a law even if it is voted in.

4
5 62. Therefore, the State of Utah must be enjoined against compelling the speech of Utah
6 landowners and it is incumbent on this Court to issue a preliminary injunction, followed by a
7 permanent injunction, against the UMCA appearing on the November 2018 Ballot and to issue an
8 order declaring the UMCA unconstitutional and that its application was improperly certified by
9 the Lieutenant Governor to appear on the November, 2018 ballot.

10
11 **SIXTH CAUSE OF ACTION:
Violation of United States Constitution Fifth Amendment**

12 63. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
13 Complaint, as though set forth here in full, and further allege as follows:

14 64. The Fifth Amendment of the United States Constitution provides that the government
15 cannot take private property for public use, without paying just compensation.

16
17 65. Application of the UMCA Section 26-60b-110(2) necessarily constitutes a taking because
18 it is a physical invasion of Utah landowners' property which requires that they allow tenants who
19 possess and use cannabis to lease from them, and necessarily then permit possession and
20 consumption of cannabis to take place on property they own. Cannabis in all its forms is a
21 pungent, odorous substance which when smoked produces a stench which lingers for months and
22 years in spaces where it is regularly consumed. The effect of having to permit such activity on
23 private property will be a diminution in value of the property—including increased costs and
24 expenses associated with cleaning the odor of cannabis from carpet, paint, HVAC systems and
25 furniture in an affected property and is a significant disenfranchisement of long-held property
26 rights for property owners in Utah.

27
28 66. The UMCA Section 26-60b-110(2) forecloses any attempts to mitigate

1 these expenses and damages by preventing landowners from “otherwise penalizing” cannabis-
2 users by charging increased rent, an additional deposit or cleaning fees. The UMCA does not
3 permit or mandate that the State of Utah furnish payment for these additional expenses, and thus,
4 constitutes a physical invasion and taking from Utah landowners.
5

6 67. Additionally, the UMCA clearly interferes with the investment-backed expectations of
7 Utah landowners who purchased their property with the reasonable expectation that they would
8 not suffer diminutions in value caused by cannabis consumption and would be able to control the
9 type of tenants and activities which would take place on these properties.

10 68. For the foregoing reasons, the UMCA is patently unconstitutional because it is not
11 justified by a compelling government interest, and is not the least restrictive means of advancing
12 that objective, nor is it narrowly-tailored and therefore should never have been certified for the
13 ballot in Utah, and cannot become a law even if it is voted in.
14

15 69. Therefore, it is incumbent on this Court to issue a preliminary injunction, followed by a
16 permanent injunction against the UMCA appearing on the November, 2018 ballot and to issue an
17 order declaring the UMCA unconstitutional and that its application was improperly certified by
18 the Lieutenant Governor to appear on the November, 2018 ballot.
19

20 **SEVENTH CAUSE OF ACTION:**
21 **Violation of United States Constitution 14th Amendment Equal Protection Clause**

22 70. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
23 Complaint, as though set forth here in full, and further allege as follows:

24 71. The UMCA as-written is violative of the United States Constitution’s 14th Amendment
25 both because it seeks to establish a new protected class of Utah cannabis-users who will enjoy
26 rights superior to those of other Utah citizens and because it creates a class of landowners with
27 fewer rights than other landowners in Utah, neither of which is rationally related to the State of
28 Utah’s goal of ensuring access by patients to cannabis under the UMCA.

1 72. As written, the UMCA favors cannabis-users above other Utah citizens by granting them
2 rights and protections not afforded to normal citizens of the state of Utah. Under UMCA's current
3 schema, a cannabis-user is protected from discrimination in housing the same way that the FHA
4 protects classifications of race, religion, gender, and sexual orientation. Where a landlord can
5 lawfully prohibit a cigarette-smoker, for example, from smoking cigarettes in the landlord's
6 property, or may refuse to rent to a cigarette smoker, cannabis users in Utah are favored and a
7 landlord may not discriminate against them, nor can he prevent them from consuming cannabis
8 on his property.

9
10 73. Additionally, because Section 26-60b-110(2) reads that a property owner also may not
11 "otherwise penalize" such tenants, which while admittedly ambiguous, upon a plain reading
12 suggests a Utah property owner could not charge such tenants additional rent, cleaning fees or a
13 security deposit to cover any damage from their storing and using cannabis on his property.

14
15 74. Under the current UMCA cannabis-users will enjoy rights above and beyond
16 those other Utah citizens, and the creation of this new class of citizen is not rationally-related to
17 any underlying legitimate government objective. It is clear that on its face, the UMCA is a piece
18 of legislation designed to afford Utah citizens the ability to be prescribed and to have access to
19 sources of cannabis, and to use that cannabis in the course of their treatment of maladies and
20 afflictions. The creation of a class of cannabis-using tenants who cannot be denied housing by
21 Utah property owners and who are free to use cannabis on the property of others does not advance
22 the underlying objective of ensuring that cannabis is available for the treatment of their maladies.

23
24 75. The UMCA draws another illegitimate class: landlords who receive applications to lease
25 their property from cannabis-using applicants. These landlords have significantly fewer rights
26 than other landlords, including the loss of their right to choose not to rent to these types of
27 applicants, and no longer having the right to prohibit property-damaging activities such as
28

1 cannabis consumption on the properties which they own, and no ability to assess additional fees
2 to cover any such damage or cleaning necessitated by tenants using cannabis on their property.
3 While any other landlord would be able to turn away a cigarette-smoking tenant, for example,
4 solely on the basis that they use tobacco, which the landlord may find repugnant or likely to
5 damage or cause loss to their property, a landlord who receives an application from a medical
6 cannabis cardholding tenant no longer has those rights under the UMCA.
7

8 76. Even if the landlord chose to lease to the cigarette smoker, he could prohibit the cigarette-
9 smoker from having cigarettes or smoking cigarettes on his property, which is a commonly-
10 accepted practice in the State of Utah or he might charge additional rent, a greater security deposit
11 or additional cleaning or repair fees. A landowner leasing to a medical cannabis cardholder
12 meanwhile has lost the rights to bar the cannabis-user from possessing or consuming cannabis on
13 his property or to recoup his losses owing to the damage caused by cannabis use, because he is
14 enjoined by the UMCA from “otherwise penaliz[ing]” such cannabis using tenants. The creation
15 of this class of landlords who have fewer rights than typical landlords does not advance any
16 underlying governmental objective.
17

18 77. For the foregoing reasons, the UMCA is patently unconstitutional because the
19 discriminatory classifications its creates are not justified by an important government interest, and
20 is not the least restrictive means of advancing that objective, nor is it narrowly-tailored and
21 therefore should never have been certified for the ballot in Utah, and cannot become a law even if
22 it is voted in.
23

24 78. The State of Utah must be enjoined against depriving Utah property owners of equal
25 protection and from elevating medical cannabis cardholders above other classes of individuals.
26 Therefore, it is incumbent on this Court to issue a preliminary injunction, followed by a
27 permanent injunction, against the UMCA appearing on the November 2018 ballot and to issue an
28

1 order declaring the UMCA unconstitutional and that its application was improperly certified by
2 the Lieutenant Governor to appear on the November, 2018 ballot.

3 **EIGHTH CAUSE OF ACTION:**

4 **Violation of Article 1, Section 10, Clause 1 of U.S. Constitution and Article I, Section 18 of**
5 **Utah Constitution**

6 79. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
7 Complaint, as though set forth here in full, and further allege as follows:

8 80. The “Contracts Clause” Article 1, Section 10, Clause 1 of the U.S. Constitution provides
9 that: “No State shall ... pass any ... Law impairing the Obligation of Contracts...” Similarly, the
10 Utah Constitution Article 1, Section 18 provides: “No ... law impairing the obligation of contracts
11 shall be passed.”

12 81. These constitutional prohibitions apply to initiatives and referenda because the Supreme
13 Court of Utah specifically held in *Low v. City of Monticello* that “prohibitions against the passage
14 of laws which impair the obligations of contract *extend to any form of legislative action,*
15 *including referenda and other direct action by the people.*” (Emphasis supplied.) 54 P.3d 1153,
16 1159.

17 82. Here, the UMCA is violative of each of these sections of the U.S. Constitution and the
18 Utah Constitution because section 26-60b-110(2) requires that “No landlord may refuse to lease
19 to and may not otherwise penalize a person solely for the person's status as a medical cannabis
20 card holder, unless failing to do so would cause the landlord to lose a monetary or licensing-
21 related benefit under federal law.”

22 83. Here, the State’s interference with the ability of Utah citizens to enter into contracts is
23 twofold: 1) the UMCA seeks to mandate with whom a Utah landowner is obligated to enter into a
24 lease agreement by requiring that the landowner cannot refuse to lease to medical cannabis
25 cardholders on that basis alone and 2) the UMCA forecloses the ability of the landlord to
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1 “otherwise penalize” a medical cannabis cardholding tenant. While admittedly ambiguous, a plain
2 reading of this latter sentence would indicate, in the context of the surrounding provision, that a
3 landlord would be unable to charge, for example, increased rent, a greater security deposit or
4 cleaning fees to any medical cannabis cardholding tenant than he would any other type of tenant.
5 This is clearly an interference with the terms that a landowner may offer to such a prospective
6 tenant, which he may only be doing to cover the greater costs of having a cannabis-using tenant
7 as a renter as the consumption of cannabis can produce long-lasting odors which can be difficult
8 to remove and can damage carpet, furnishings and the interior of a house.
9

10 84. Mandating with whom a party must contract and what terms they may or may not choose
11 to offer to is a patent interference with contractual obligations, and the State of Utah has no power
12 to do so generally, and by ruling of the Supreme Court of Utah, has no power to do so by an
13 initiative in this case.
14

15 85. For the foregoing reasons, the UMCA is patently unconstitutional because it is not
16 justified by a compelling government interest, and is not the least restrictive means of advancing
17 its objective relating to the UMCA, nor is its interference with contractual obligations narrowly-
18 tailored and therefore, the UMCA should never have been certified for the ballot in Utah, and
19 cannot become a law even if it is voted in.
20

21 86. The State of Utah must be enjoined from impairing its citizens’ ability to contract
22 under the UMCA and therefore, it is incumbent on this Court to issue a preliminary injunction,
23 followed by a permanent injunction against the UMCA appearing on the November 2018 Ballot
24 and to issue an order declaring the UMCA unconstitutional and that its application was
25 improperly certified by the Lieutenant Governor to appear on the November, 2018 ballot.
26

27 ///

28 ///

1 **NINTH CAUSE OF ACTION:**
2 **Violation of U.S. Constitution Fifth Amendment Due Process**

3 87. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
4 Complaint, as though set forth here in full, and further allege as follows:

5 88. The UMCA as-written is violative of Utah landowners' rights to substantive due process.

6 89. The Fourteenth Amendment of the United States Constitution applies the Fifth
7 Amendment to the States, which requires that no one may be "deprived of life, liberty or property
8 without due process of law."
9

10 90. Additionally, in this case, the Utah Constitution Article 1, Section 1 guarantees that "All
11 men have the inherent and inalienable right to....acquire, possess and protect property."

12 91. UMCA Section 26-60b-110(2) deprives a landowner of the right to refuse to lease their
13 property to medical cannabis cardholders and effectively thereby also deprives a landlord of the
14 right to prevent the consumption of cannabis on his property. In *Ferrier* the Supreme Court of
15 Utah recognized the right of a property owner to lease to whomever they desire as being a
16 fundamental property right, the deprivation of which under the UMCA necessarily constitutes the
17 loss of significant property rights for Utah landowners without due process.
18

19 92. The UMCA does not advance a legitimate state interest, as the State of Utah does not have
20 an interest in ensuring that landlords cannot use cannabis possession or consumption as a
21 selection-criteria for leasing their property to prospective tenants.
22

23 93. The right to use one's property as he sees fit is a fundamental constitutional right in the
24 State of Utah, the deprivation of which constitutes a loss of Utah landowner's substantive due
25 process and for that reason alone the UMCA is patently unconstitutional.

26 94. Additionally, the UMCA unlawfully deprives Utah citizens of their rights to freedom of
27 speech, free exercise of their religion, equal protection under the law, and constitutes an unlawful
28 taking, and unlawfully interferes with their rights to contract, as specifically enumerated above,

1 each deprivation of which is a violation of the due process afforded to Utah's citizens by the U.S.
2 Constitution's Fifth Amendment.

3 95. For the foregoing reasons, the UMCA is patently unconstitutional because it is not
4 justified by a compelling government interest, and is not the least restrictive means of advancing
5 that objective, nor is it narrowly-tailored and therefore should never have been certified for the
6 ballot in Utah, and cannot become a law even if it is voted in.

8 96. The State of Utah must be enjoined against compelling the speech of Utah landowners and
9 therefore, it is incumbent on this Court to issue a preliminary injunction, followed by a permanent
10 injunction against the UMCA appearing on the November, 2018 ballot and to issue an order
11 declaring the UMCA unconstitutional and that its application was improperly certified by the
12 Lieutenant Governor to appear on the November, 2018 ballot.

14 **TENTH CAUSE OF ACTION:**
15 **Violation of Open Courts Provision of Utah Constitution**

16 97. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
17 Complaint, as though set forth here in full, and further allege as follows:

18 98. The UMCA is violative of Section Article 1, Section 11 of the Utah Constitution which
19 reads:

20 *All courts shall be open, and every person, for an injury done to him in his person,*
21 *property or reputation, shall have remedy by due course of law, which shall be*
22 *administered without denial or unnecessary delay; and no person shall be barred*
23 *from prosecuting or defending before any tribunal in this State, by himself or*
counsel, any civil cause to which he is a party.

24 100. Section 26-60b-108 of the UMCA forecloses the seeking of remedy by due course of law
25 because it states that "a physician who recommends treatment with cannabis or a cannabis
26 product to an individual in accordance with chapter may not, based on the recommendation, be
27 subject to *civil liability...*" (Emphasis added.)

28 101. The plain language of the UMCA forecloses civil remedies sought by Utah citizens

1 against physicians for complications, injury, malpractice or other damages caused by the
2 physician's recommendation or prescribing of cannabis.

3 102. The UMCA is therefore clearly violative of Article 1 Section 11 of the Utah Constitution
4 because a plain reading of it indicates that patients suffering adverse reactions, injury or damages
5 from a physician's negligent or mistaken prescribing of cannabis would be barred from initiating
6 a civil suit against that physician.

7
8 103. For the foregoing reasons, the UMCA is patently unconstitutional because it is not
9 justified by a compelling government interest, and is not the least restrictive means of
10 advancing that objective, nor is it narrowly-tailored and therefore should never have been
11 certified for the ballot in Utah, and cannot become a law even if it is voted in.

12
13 104. The right to seek civil redress of injuries is a constitutional right of Utah citizens, and for
14 that reason alone, the UMCA is patently unconstitutional and it is incumbent on this Court to
15 issue a preliminary injunction, followed by a permanent injunction against the UMCA appearing
16 on the November 2018 ballot and to issue an order declaring the UMCA unconstitutional and that
17 its application was improperly certified by the Lieutenant Governor to appear on the November,
18 2018 ballot.

19
20 **ELEVENTH CAUSE OF ACTION:**
21 **Unconstitutional Application of Utah Constitution Article VI Initiative Power**

22 105. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
23 Complaint, as though set forth here in full, and further allege as follows:

24 106. Sections 4-41b-405(1) and 26-60b-506(1) of the UMCA require that "[a]
25 municipality or county may not enact a zoning ordinance that prohibits a cannabis dispensary
26 from operating in a location within the municipality's or county's jurisdiction on the sole basis
27 that the cannabis [dispensary/production establishment] possesses, grows, manufacturers, or sells
28 cannabis [or is a cannabis dispensary]."

1 107. Sections 4-41b-405(1) and 26-60b-506(1) of the UMCA are unconstitutional because
2 they unlawfully seek to amend Utah municipal and county land use ordinances to include
3 cannabis production establishments and cannabis dispensaries as conditional land uses, which the
4 Supreme Court of Utah has ruled is an administrative exercise of power which cannot be achieved
5 via legislative means such as the UMCA initiative.
6

7 108. In *Krejci v. City of Saratoga Springs*, the Supreme Court of Utah clearly laid out the
8 framework for determining how referendums and initiatives may challenge municipal and county
9 land-use and zoning decisions.
10

11 *Article VI of the Utah Constitution vests legislative power in the people, to be*
12 *exercised by petition for ballot initiatives and referenda. That power is limited to*
13 *actions constituting 'a valid exercise of legislative rather than executive or judicial*
14 *power.' Thus, when a city council exercises its legislative authority, voters retain*
 the constitutional prerogative of challenging its decisions by referendum. But
 where the city council is acting pursuant to its administrative authority, the voters
 have no such right.

15 *Krejci v. City of Saratoga Springs*, 322 P.3d 662, 666 (2013) (*Krejci*) citing *Carter*
16 *v. Lehi City*, 269 P.3d 141 (2012).
17

18 109. The Court in *Krejci* then further distinguished which types of land-use decisions
19 constitute legislative decisions by a municipality or county, and which constitute an
20 administrative decision. It held that rezoning an existing county or municipal zone constituted a
21 legislative decision, which could lawfully be achieved by referendum or initiative. It
22 differentiated a rezoning from grants of conditional use permits or variances by holding that “[a]
23 rezoning decision...is open-ended. No fixed criteria are required to be met as a prerequisite for
24 rezone. Any and all considerations are on the table, such that rezoning decisions are made by
25 ‘considering the wide range of policy consideration of relevance to all who fall within the scope
26 of a particular law.’” At 667. While on the other hand, the Court held that grants of variances and
27 conditional use permits were “fundamentally administrative acts” which granted “authorization to
28

1 use property in a way that is identified a special exception in a zoning ordinance” based on
2 “evaluation of specific criteria fixed by law”. *Id.*

3 110. Here, the UMCA does not seek to rezone Utah’s counties and municipalities via an open-
4 ended act of legislation, rather, it attempts to leave Utah county and municipal zoning largely
5 intact while allowing cannabis dispensaries and production establishments to operate within those
6 zones as conditional uses excepted from the general zoning plan.

7
8 111. Taken as a whole, sections 4-41b-405(1) and 26-60b-506(1) of the UMCA carve out an
9 exemption for cannabis operations from the zoning ordinances of Utah’s various counties and
10 municipalities by preventing municipalities and counties from enacting zoning ordinances which
11 would prohibit cannabis operations from operating in any zone within the county or
12 municipality’s jurisdiction. This language necessarily requires that cannabis operations will be
13 considered conditional land uses because via the UMCA they are “...authoriz[ed] to use property
14 in a way that is identified as a special exception in a zoning ordinance.” *Id.* at 668. The Supreme
15 Court of Utah in *Krejci* specifically held that determinations relating to conditional land uses and
16 variances are administrative decisions by the respective counties and municipalities, and
17 administrative decisions cannot be made via initiative or referendum. *Id.* The UMCA clearly
18 seeks to establish cannabis-related land uses as special exceptions to existing Utah municipal and
19 county land use ordinances, in effect making these activities conditional land uses, the approval
20 of which, is an administrative decision reserved for the county or municipal land use authority,
21 not Utah’s voters.

22
23
24 112. Therefore, because UMCA sections 4-41b-405(1) and 26-60b-506(1) are part of the
25 UMCA ballot initiative, which is an exercise of legislative power, and each provision mandates
26 an administrative decision regarding the conditional use of land in Utah municipalities and
27 counties, the UMCA unconstitutionally seeks to use the legislative initiative power to enact
28

1 administrative land use decisions, and must be declared unconstitutional and barred from
2 appearing on the November, 2018 ballot for that reason. The initiative power, while broad, is a
3 constitutional grant of legislative power only, and cannot be used to compel administrative
4 decisions by Utah's land-use authorities.
5

6 113. It is therefore incumbent on this Court to issue a preliminary injunction, followed by a
7 permanent injunction against the UMCA appearing on the November 2018 ballot and to issue an
8 order declaring the UMCA unconstitutional and that its application was improperly certified by
9 the Lieutenant Governor to appear on the November, 2018 ballot.
10

11 114. Plaintiff Walter J. Plumb III is a property owner in a municipality in Utah whose existing
12 zoning ordinances would be affected by the unlawful application of sections 4-41b-405(1) and
13 26-60b-506(1) of the UMCA. Additionally, given the far-reaching implications of the UMCA,
14 the application of these provisions are issues of significant public importance which will affect
15 millions of Utahans who live subject to land-use and zoning ordinances that will be unlawfully
16 disrupted by the appearance of cannabis operations in zones in which no other type of business
17 may operate under the UMCA and Plaintiff Walter J. Plumb III is therefore entitled to bring suit
18 to enjoin the unlawful legislative usurpation of county and municipal administrative decision-
19 making mandated by the UMCA.
20

21 **TWELFTH CAUSE OF ACTION:**
22 **UMCA Sections 4-41b-405(1) and 26-60b-506(1) Violate the Equal Protection Clause of the**
23 **United States Constitution and the Utah Constitution**

24 115. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
25 Complaint, as though set forth here in full, and further allege as follows:

26 116. The 14th Amendment to the United States Constitution, and Article 1, Section 2 of the
27 Utah Constitution guarantee Utah citizens equal protection under the law.
28

1 117. The guarantee of equal protection may be violated if a person or class of people is
2 afforded fewer rights under the law, and may likewise be violated if a person or class of people is
3 afforded more rights than others under the law without any rational basis related to an articulable
4 government objective.

5
6 118. The UMCA sections 4-41b-405(1) and 26-60b-506(1) will create a class of cannabis
7 land-users who will be entitled greater rights than any other Utah citizen. All Utah citizens
8 seeking to use land must do so subject to lawfully-enacted zoning ordinances created through a
9 delegation of powers by the State of Utah to their respective counties and municipalities, under
10 Utah's land use regulations. If Utah citizens are granted an exception to that zoning, in the form
11 of a conditional use permit or variance, it is only after sufficient public notice, hearings, and other
12 due process which benefits and protects members of that county or municipality, and which
13 affords their land-use authority the ability to make an administrative decision to grant or deny
14 such an exception.

15
16 119. Land users seeking to operate a cannabis production operation or cannabis dispensary,
17 however, will be unlawfully entitled to skirt these requirements, because the UMCA forecloses
18 the power of the municipalities and counties to bar their operation in *any* part of the county or
19 municipality's jurisdiction and in doing so, unlawfully establishes those land uses as conditional
20 uses under *every* zoning ordinance in the State of Utah. The only condition these land-uses must
21 meet, is to be either a cannabis dispensary, or a cannabis production establishment.

22
23 120. UMCA Sections 4-41b-405(1) and 26-60b-506(1) read: "A municipality or county may
24 not enact a zoning ordinance that prohibits a cannabis production establishment [[or] cannabis
25 dispensary] from operating in a location within the municipality's or county's jurisdiction on the
26 sole basis that the cannabis production establishment possesses, grows, manufactures, or sells
27 cannabis [[or] is a cannabis dispensary]."
28

1 121. Upon a plain reading, this overbroad language mandates that a Utah municipality or
2 county *cannot* bar a cannabis dispensary or production facility from *any* zone within its
3 jurisdiction. The language does not differentiate between different zones within a county or
4 municipality, stating over-broadly that the municipality or county may not “prohibit a cannabis
5 operation from operating *in a location within the municipality or county’s jurisdiction.*”
6
7 Therefore, under a plain reading, if a cannabis operation wished to establish itself in a residential
8 zone, for example, the county or municipality would have no power to prohibit it from doing so
9 based on the type of land use sought. This turns Utah county and municipal zoning ordinances on
10 their head, where a municipality or county may normally freely prohibit any land use as long as
11 doing so is reasonably-related to an articulable objective in connection with the zoning of a
12 certain area within the municipality or county’s jurisdiction.
13

14 122. Under the UMCA, land-users seeking a cannabis-based land use will have superior rights
15 to other land users by being exempt from land-use ordinances which restrict or prohibit cannabis-
16 related land uses within their jurisdiction. Therefore, the UMCA unlawfully discriminates in
17 favor of cannabis land users over other land users in the State of Utah. The creation of this class
18 cannot be said to be rationally-related to any important objective of the State of Utah, and does
19 not constitute the least restrictive means for advancing the State of Utah’s goal of allowing
20 cannabis-businesses to operate within the jurisdictions of Utah’s counties and cities as the UMCA
21 could just as easily have narrowed the scope of sections 4-41b-405(1) and 26-60b-506(1) by
22 providing that counties and municipalities could not prohibit cannabis operations in some zones,
23 such as commercial or retail zones, but could prohibit those land use activities in other zones,
24 such as residential or industrial.
25
26

27 123. Plaintiff Walter J. Plumb III is a business owner and land user within the State of Utah
28 who is a member of the class of land users who would be unlawfully discriminated against by the

1 preferential treatment of cannabis land users by the UMCA, and who owns property in zones
2 where cannabis land users would be entitled to operate their dispensaries and production
3 establishments, including his personal residence and residential income properties which he own,
4 all of which are subject to municipal zoning ordinances.

5
6 124. Because UMCA Sections 4-41b-405(1) and 26-60b-506(1) draw this class of land-users
7 who will be afforded rights superior to those of other land-users, and because drawing this class is
8 not rationally-related to any goal of the State of Utah, and does not constitute the least-restrictive
9 means of doing so and is not narrowly tailored, the UMCA itself is patently unconstitutional and
10 for this reason alone, should never have been certified, and Plaintiffs respectfully request an order
11 from this Court declaring that the UMCA should never have been certified, and an injunction
12 against it appearing on the November 2018 ballot, and an order directing the Lieutenant Governor
13 to withdraw his certification of the UMCA application.
14

15 **THIRTEENTH CAUSE OF ACTION:**
16 **Violation of Utah Code Ann. 20A-7-201(5) subd. (a) & subd. (c)**

17 125. Plaintiffs reallege and incorporate by reference herein the preceding paragraphs of the
18 Complaint, as though set forth here in full, and further allege as follows:

19 126. The Lieutenant Governor did unlawfully certify the UMCA application as a valid ballot
20 initiative because the UMCA as-written was and is patently unconstitutional and the laws
21 proposed by it could not become law, even if passed. Utah Code Ann. 20A-7-201(5) subd. (a)
22 requires that the Lieutenant Governor *shall reject any ballot application if*: “the law proposed by
23 the initiative is patently unconstitutional.” On information and belief, the Lieutenant Governor
24 did not so much as request an opinion from the Utah Attorney General as to whether or not the
25 UMCA as-proposed to him was constitutional.
26

27 127. Because the UMCA blatantly infringes upon obvious rights guaranteed by the United
28 States Constitution and the Utah Constitution such as freedom of speech, free exercise of religion,

1 equal protection under the laws, the right to control property, the right to contract, due process
2 and many others, it is patently unconstitutional. Even a cursory constitutional overview by the
3 Lieutenant Governor would have revealed these constitutional transgressions.
4

5 128. Any one of these constitutional deficiencies would necessarily require that the Lieutenant
6 Governor reject the UMCA's application to appear as a ballot initiative and therefore, Plaintiff
7 respectfully requests an order from this Court declaring that the UMCA is unconstitutional and
8 should never have been certified, and an injunction against it appearing on the November 2018
9 ballot, and an order directing the Lieutenant Governor to withdraw his certification of the UMCA
10 application.
11

12 129. Additionally, the Lieutenant Governor violated Utah Code Ann. 20A-7-201(5) subd. (c)
13 when he certified the UMCA to appear on the November 2018 ballot, because the UMCA as-
14 written could not become a law even if passed, because it is violative of the United States
15 Constitution, which is the "supreme law of the land" and the State of Utah has no authority or
16 power to make any law which abridges any right conferred by the United States Constitution. For
17 that reason alone, the UMCA should never have been certified by the Lieutenant Governor, and
18 Plaintiffs respectfully request an order from this Court declaring that the UMCA should never
19 have been certified, and an injunction against it appearing on the November 2018 ballot, and an
20 order directing the Lieutenant Governor to withdraw his certification of the UMCA application.
21

22 120. Therefore, it is incumbent on this Court to issue a preliminary injunction, followed by a
23 permanent injunction against the UMCA appearing on the November 2018 ballot and to issue an
24 order declaring the UMCA unconstitutional and that its application was improperly certified by
25 the Lieutenant Governor to appear on the November, 2018 ballot.
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VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray judgement against Defendants, and each of them, as follows:

1. For reasonably attorneys’ fees, as allowed by law;
2. For costs of suit, allowed by law;
3. As to Causes of Action One through Thirteen, inclusive: For immediate issuance of a preliminary injunction, and ultimately by a permanent prohibitory injunction preventing the UMCA in its entirety from appearing on the November 2018 ballot.
4. As to Causes of Action One through Thirteen, inclusive: For a declaration from this Court that the UMCA as a whole is patently unconstitutional and the application should never have been certified by the Lieutenant Governor.
5. As to Causes of Action One through Thirteen, inclusive: For a declaration from this Court that the UMCA as a whole could never become law even if passed by the November 2018 ballot, and that the application should never have been certified by the Lieutenant Governor.
6. As to Cause of Action Nine: For a declaration from this Court that Sec. 26-60b-108 is violative of Utah Constitution Article 1, Section 11, and is therefore unconstitutional and must be stricken from the UMCA.
7. As to Causes of Action One through Nine, and Twelve, inclusive: For a declaration from this Court that Sec. 26-60b-110(2) is violative of U.S. Constitution Amendments 1, 5, 14, and Utah Constitution Article 1, Section 1, and must be stricken from the UMCA.
8. As to Causes of Action Eleven and Twelve, inclusive: For a declaration from this Court that UMCA Sections 4-41b-405(1) and 26-60b-506(1) are violative of U.S. Constitutional Amendment 14, and Utah Constitution Article 1, Section 2, and constitute an unlawful application of Article VI of the Utah Constitution, and must therefore stricken from the UMCA.

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9. Any other such relief as this Court may deem appropriate.

Dated: August 15th, 2018

Respectfully Submitted,

FARLEY LAW FIRM



Kenneth J. Melrose,
Attorney for Plaintiffs