LAW OFFICES OF
HOLMES WEDDLE & BARCOTT
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DAVID M. FREEMAN
E-MAIL: dfreeman@hwb-law.com

September 21, 2023

Via Email: (marijuana.licensing@alaska.gov)

State of Alaska
DCCED
Alcohol & Marijuana Control Office
550 W Seventh Avenue, Suite 1600
Anchorage, AK 99501

Re: Alaskan Coffee Pot, LLC dba Alaskan Coffee Pot
License #25190

Subject: Objection to Renewal of Marijuana Establishment License

Dear Licensing:

Our office represents AlaskaSense, LLC. Please consider this letter to be an objection by AlaskaSense, LLC to the application for license renewal submitted by Alaskan Coffee Pot, LLC ("ACP") regarding the retail marijuana store located in Juneau, Alaska. This objection is made pursuant to 3 AAC 306.065 and is timely, having been submitted by September 23, 2023.

AlaskaSense, LLC objects to renewal of ACP's license #25190 for the reason that ACP has an outstanding debt due to AlaskaSense, LLC in the amount of $99,982.08, and such debt has been due and owing since November 11, 2022. Attached is a copy of the complaint that was filed today by AlaskaSense, LLC against ACP in the Superior Court for the State of Alaska.

This objection has been sent to the board and to the applicant at the mailing address and at the electronic mail address provided in ACP's notice of application as required by 3 AAC 306.065.

Sincerely,

HOLMES WEDDLE & BARCOTT, P.C.

David M. Freeman

AMCO Recieved 9/22/2023

Enclosure:
Complaint

cc: Joe Markey (w/encl.) (via email joe_acp@hotmail.com)

Joe Markey (w.encl.) (via U.S. Mail, certified)
2219 Dunn Street
Juneau, AK 99801

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David M. Freeman, Esq.
dfreeman@hwb-law.com
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Phone: (907) 274-0666

Attorneys for Plaintiff AlaskaSense, LLC

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

ALASKASENSE, LLC, Plaintiff, vs. ALASKAN COFFEE POT, LLC, an Alaska limited liability company, Defendant.	Case No. 3AN-23-_____ CI **COMPLAINT**

COMES NOW Plaintiff AlaskaSense, LLC (hereinafter "AlaskaSense"), by and through its attorneys, Holmes Weddle and Barcott, P.C., and hereby sets forth its complaint against defendant Alaskan Coffee Pot, LLC (hereinafter "Coffee Pot"), by stating and alleging as follows:

PARTIES

1. AlaskaSense is an Alaska limited liability company which is in all ways qualified to commence this action, having paid its last annual taxes and having filed its last biennial report required to maintain its good standing pursuant to Alaska law.

2. Upon information and belief Coffee Pot is an Alaska limited liability company with its principal place of business located in Juneau, Alaska.

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JURISDICTION AND VENUE

3. This court has subject matter jurisdiction regarding this action pursuant to AS 22.10.020, as well as *in personam* jurisdiction.

4. Venue in this court at Anchorage, Alaska is appropriate pursuant to Alaska R. Civ. P. 3(c).

COMMON ALLEGATIONS

5. AlaskaSense and Coffee Pot entered into a mutual contractual agreement whereby Coffee Pot agreed to purchase marijuana from AlaskaSense through a $100,000 line of credit and AlaskaSense agreed that the debt would be paid by Coffee Pot providing marijuana trim valued at $600 per pound with the understanding that the marijuana trim would produce oil to be sold at $15 per gram or more and that any purchases above the credit line limit would be paid in cash.

6. Between September 3, 2022 and November 11, 2022, Coffee Pot purchased marijuana from AlaskaSense for which payment in the amount of $99,982.08 remains due and owing.

First Claim for Relief
Breach of Contract/Debt

7. AlaskaSense hereby realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

8. Coffee Pot has breached the parties' contract by failing to pay AlaskaSense as promised/required and owes AlaskaSense $99,982.08 worth of marijuana trim, and such debt has been due and owing since November 11, 2022.

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9. Alternatively, Coffee Pot owes AlaskaSense $99,982.08 and such debt has been due and owing since November 11, 2022.

10. On or about May 10, 2023 AlaskaSense made a demand for payment upon Coffee Pot, offering to receive a cash payment in the amount of $99,982.08 or 166.67 pounds of trim meeting the terms of the agreement, but payment has not been received.

11. The sum of $99,982.08 remains due and owing by Coffee Pot to AlaskaSense, plus interest on amounts found due and owing at the court's judgment rate from November 11, 2022 until paid.

Second Claim for Relief
Fraud and Misrepresentation

12. AlaskaSense hereby realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

13. Coffee Pot induced AlaskaSense to furnish marijuana to Coffee Pot based on false pretenses, false representations and actual fraud. Coffee Pot deceived AlaskaSense and engaged in fraud and misrepresentation by representing that AlaskaSense would be paid in marijuana trim and by failing to pay for the marijuana furnished by AlaskaSense with marijuana trim or otherwise. Coffee Pot also engaged in misrepresentation and fraud by virtue of requesting and receiving marijuana from AlaskaSense knowing at the time that Coffee Pot intended to deceive AlaskaSense and did not intend to pay AlaskaSense for the marijuana.

14. In addition to the principal amount owed plus interest, Coffee Pot is also liable to AlaskaSense for punitive/exemplary damages (in an amount to be proven at trial) based upon fraud, deceit, and/or misrepresentation.

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WHEREFORE, plaintiff AlaskaSense, LLC prays for the following relief against defendant Alaskan Coffee Pot, LLC as follows:

1. For judgment against defendant Alaskan Coffee Pot, LLC in the principal amount of $99,982.08, plus interest at the court's judgment rate from November 11, 2022 until paid.

2. For judgment against defendant Alaskan Coffee Pot for punitive/exemplary damages in an amount to be proven at trial based upon fraud, deceit, and/or misrepresentation.

3. For an award of plaintiff's attorney's fees and costs.

4. For such other and further relief as this court deems just and equitable.

DATED this 21st day of September, 2023, at Anchorage, Alaska.

HOLMES WEDDLE and BARCOTT, P.C.
Attorneys for Plaintiff AlaskaSense, LLC

By: _____
David M. Freeman
Alaska Bar No. 7808066

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