

UNITED STATES DISTRICT COURT

for the

District of New Jersey

_____ CIVIL ___ Division

ZENA L. POWELL

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CLOUD KITCHENS INC.DBA 500 CORTLAND ST
BEL LLC, & OTTER COMPUTER INC.

Defendant(s)

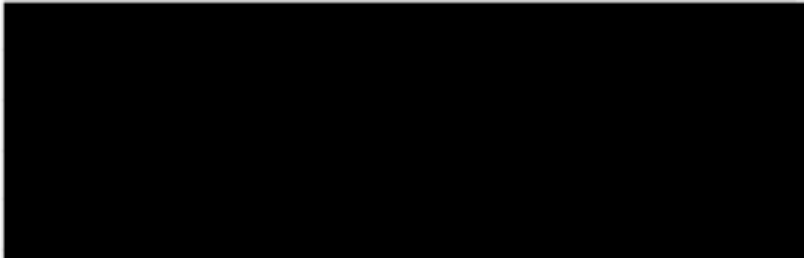
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	ZENA L POWELL
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address	

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	CLOUD KITCHENS
Job or Title <i>(if known)</i>	COMPANY
Street Address	777 S. FIGUEROA ST. SUITE 4100
City and County	LOS ANGELES, LOS ANGELES
State and Zip Code	CALIFORNIA 90017
Telephone Number	301-756-5257
E-mail Address <i>(if known)</i>	SALES@CLOUDKITCHENS.COM

Defendant No. 2

Name	OTTER COMPUTER INC
Job or Title <i>(if known)</i>	COMPANY
Street Address	3350 SCOTT BLVD BLDG 4
City and County	SANTA CLARA
State and Zip Code	CALIFORNIA 954054-3108
Telephone Number	408-735-7358
E-mail Address <i>(if known)</i>	WWW.OTTERUSA.COM

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

FTC ACT SECTION 5(A) UNFAIR OR DECEPTIVE TRADE PRACTICES, NJSA 56:8-2, AND THE FEDERAL LANHAM ACT TITLE 15 U.S.C 1125(A)

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* ZENA L POWELL, is a citizen of the State of *(name)* NEW JERSEY.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

- b. If the defendant is a corporation

The defendant, *(name)* CLOUD KITCHENS INC. _____, is incorporated under the laws of the State of *(name)* CALIFORNIA _____, and has its principal place of business in the State of *(name)* CALIFORNIA _____.
Or is incorporated under the laws of *(foreign nation)* _____,
and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

I am requesting compensatory, consequential, and nominal damages

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
IN THE STATE OF NEW JERSEY

- B. What date and approximate time did the events giving rise to your claim(s) occur?

7/27/2021

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

The business relationship was formed on deceptive business practices and false statements of services to be provided and fees being all inclusive by Georgia Morhbacher on behalf of Cloud Kitchens. In my brief the details of the aforementioned communications resulting in the approved transaction by my son Teo Powell who funded the business initially from his brokerage account. In addition the company operates in unsafe practices as there are no twenty four hour facilities managers that are qualified HVAC Osha certified facilities manager to shut off gas line in the event of an emergency gas leak or water issues. The promise of nightly general kitchen cleaning (all equipment and floors), weekly hood cleaning and quarterly deep cleaning, marketing, application assistance, and signage were lies. Also charged operational fees prior to any equipment being delivered or me taking complete possession of the space. Charging licensing fees of \$3600 monthly in addition to \$2000 operational fees and a storage fee of 250 per rack but cannot explain what it is that they are licensing since you cannot license commercial space.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The business model they have imposed with the assistance of their partnership with Tryotter.com is one that guarantees high turn-over of merchants within the building. Not even the franchises that have contracted with them are satisfied and have left their facilities such as TGIFridays left during the month of November acknowledging that their fees for licensing were bogus and the additional fees hidden incurred were not what was promised during the sales pitch. The merchant such as myself can never become profitable because Otter system is used to control sales flow and since Cloud does not advertise or market on your business as stated in the sales presentation you wont pickup the foot traffic needed to sustain the monthly cost in which they rely on and they intentionally donot respond during the onboarding process immediately to take up the time you would have to withdraw from the contract upon discovering the issues mentioned because that would result in a refund of the initial deposit. The organization targets a specific group of consumers as well that are less educated in business but have dream of becoming a food business owner. Merchants are bankrupt or return to prior fields and I

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am seeking damages of \$200,000 which would include the money given to cloud thus far of \$12,259.22 the equipment fees I paid of \$4,704.00 and the cost of Food \$3,314.00and the additional damages requested in compensatory, and other damages. I am also requesting an investigation into Cloud as they are the same executives who left Weworx prior to charges being brought against the company they left and formed this one but also own City Storage systems, LLC an a host of other subsidiaries across the country. The company needs to have the merchants they lease to speak with investigators to share their experience and the pattern of deceptive sales tactics will become very transparent as we all had different sales persons. To temporarily bar the licensing fees until it is determined what it is that the company is licensing you for and to review how many cleints have been illegally evicted without court paperwork. How many sales were effected by the Otter system being turned off on them during business for lack of payment of an invoice within the same month? And, How many have been affected by Otter being down offline or their sales flow experieince with otter directing the sales traffic.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/10/2021

Signature of Plaintiff



Printed Name of Plaintiff

Zena I. Powell

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Jersey

ZENA L. POWELL

Plaintiff(s)

v.

CLOUD KITCHENS INC, & OTTER COMPUTER INC.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) OTTER COMPUTER INC.
3350 SCOTT BLVD
BLDG 4
SANTA CLARA, CA 95054-3108
ATTN: LEGAL DEPARTMENT

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

ZENA L. POWELL
[Redacted address]

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 12/10/2021

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset