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Clerk of the Superior Court  
By T. Automation , Deputy Clerk

5 Attorneys for Defendant  
6 STEPHEN LAKE

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8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF SAN DIEGO, HALL OF JUSTICE**

10 AMY SHERLOCK, an individual and on  
behalf of her minor children, T.S. and S.S.,  
11 ANDREW FLORES, an individual;

12 Plaintiffs,

13 vs.

14 GINA M. AUSTIN, an individual; AUSTIN  
15 LEGALGROUP, a professional corporation,  
16 LARRY GERACI, an individual, REBECCA  
BERRY, an individual; JESSICA  
17 MCELFRISH, an individual; SALAM  
RAZUKI, an individual; NINUS MALAN, an  
18 individual; FINCH, THORTON, AND  
BARID, a limited liability partnership;  
19 ABHAY SCHWEITZER, an individual and  
dba TECHNE; JAMES (AKA JIM)  
20 BARTELL, an individual; NATALIE  
21 TRANG-MY NGUYEN, an individual,  
AARON MAGAGNA, an individual;  
22 BRADFORD HARCOURT, an individual;  
23 SHAWN MILLER, an individual; LOGAN  
STELLMACHER, an individual;  
24 EULENTIAS DUANE ALEXANDER, an  
individual; STEPHEN LAKE, an individual,  
25 ALLIED SPECTRUM, INC., a California  
corporation, PRODIGIOUS COLLECTIVES,  
26 LLC, a limited liability company, and DOES 1  
through 50, inclusive,

27 Defendants.  
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Case No. **37-2021-00050889-CU-AT-CTL**

**DEFENDANT STEPHEN LAKE'S  
OPPOSITION TO PLAINTIFF'S MOTION  
FOR LEAVE TO FILE SECOND  
AMENDED COMPLAINT**

**Hearing Date: February 27, 2026**  
**Hearing Time: 9:00 a.m.**

Case Filed: December 3, 2021  
Department: C-75  
Judge: Hon. Euketa Oliver  
Trial Date: N/A

1 Defendant STEPHEN LAKE (“Defendant” or “LAKE”) hereby opposes Plaintiff AMY  
2 SHERLOCK’s, an individual and on behalf of her minor children T.S. and S.S. (“Plaintiff” or  
3 “SHERLOCK”) Motion for Leave to File a Second Amended Complaint (“SAC”)(collectively  
4 “Motion”).

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. OPPOSITION**

7 As a threshold matter, Plaintiffs fail to articulate any “new facts” that would justify amending  
8 the FAC at this late stage. The supporting Declaration of Matthew Clarke is particularly deficient;  
9 beyond containing inadmissible hearsay, it confirms that the purported “new” facts relate to events  
10 occurring as far back as 2023 and 2024. (Clarke Decl. ¶¶ 7-11.) Plaintiffs offer no explanation—let  
11 alone the 'reasonable' one required by law—as to why they waited years to seek leave based on this  
12 information. A motion for leave to amend should be denied when there is an 'unreasonable or  
13 unexcused delay' in seeking the amendment, and Plaintiffs’ silence on this point is fatal to their  
14 request.

15 Furthermore, the "new facts" asserted in the Clarke Declaration are not facts at all; they  
16 consist almost entirely of objectionable hearsay and inadmissible expert opinion. (See Clarke Decl.  
17 ¶¶ 7-11). For instance, the claim that a 2023 reconstruction report found Mr. Sherlock’s death “100  
18 percent inconsistent with suicide” is a subjective expert conclusion, not a newly discovered  
19 foundational fact. Additionally, the statement in paragraph 9 regarding Defendant Alexander’s  
20 alleged admission is inadmissible hearsay that improperly attempts to transform Mr. Clarke from an  
21 advocate into a percipient witness.

22 For nearly 11 years, Plaintiffs have known the circumstances surrounding Mr. Sherlock’s  
23 death and have had ample opportunity to retain experts or conduct investigations. Presenting a fresh  
24 “expert opinion” in 2023 regarding a 2015 event does not constitute “newly discovered evidence”  
25 sufficient to overcome a lack of diligence in amending the pleadings. Because this “new”  
26 information is merely a strategic, late-stage re-interpretation of long-known facts by a paid  
27 consultant, it cannot serve as a valid basis for leave to amend.

1 Unexplained delays in presenting amendments or failure to provide required documentation  
2 can justify denial of a motion for leave to amend. (*Champlin/GEI Wind Holdings, LLC v. Avery*  
3 (2023) 92 Cal.App.5th 218). The policy of liberality in allowing leave to amend does not override  
4 procedural requirements. (*Mac v. Minassian* (2022) 76 Cal.App.5th 510; *Foundation for Taxpayer*  
5 *& Consumer Rights, supra*; *McMillin v. Eare* (2021) 70 Cal.App.5th 893, 2021).

6 Accordingly, since there are no new claims or facts, the motion must be denied.

7 **II. LAKE RESERVES ALL RIGHTS**

8 Should the Court grant Plaintiffs' Motion for Leave to Amend, such leave should not be  
9 construed as a validation of the merits or the legal sufficiency of the new allegations. Defendant  
10 expressly reserves all rights to move to demurrer to, dismiss, strike, or otherwise challenge the Second  
11 Amended Complaint since these "new" claims remain legally deficient, factually unsupported, or  
12 time-barred.

13 **III. CONCLUSION**

14 Given the foregoing, LAKE requests that the Motion be denied.

15  
16 Dated: February 13, 2026

**BLAKE LAW FIRM**

17  
18 By: 

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