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Greens, LLC, Far West Management, LLC,
8 Far West Operating, LLC and Far West Staffing, LLC

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13 Attorneys for Defendants
Adam Knopf, Justus Henkes IV,
14 and 419 Consulting, Inc.

15 **SUPERIOR COURT OF CALIFORNIA**
16 **COUNTY OF SAN DIEGO**

17 KARL BECK, individually and on behalf of)
all other similarly situated California residents,)

18 Plaintiff,)

19 v.)

20 POINT LOMA PATIENTS CONSUMER)
COOPERATIVE CORPORATION, a)
21 California corporation; ADAM KNOPF, an)
individual; JUSTUS H. HENKES, IV, an)
22 individual; 419 CONSTULTING INC., a)
California Corporation; GOLDEN STATE)
23 GREENS, LLC, a California LLC; FAR)
WEST MANAGEMENT, LLC, a California)
24 LLC; FAR WEST OPERATING, LLC, a)
California LLC; FAR WEST STAFFING,)
25 LLC, a California LLC; and DOES 1 through)
26 50, inclusive.)

27 Defendants.)
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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
07/20/2018 at 01:15:00 PM
Clerk of the Superior Court
By Jessica Pascual, Deputy Clerk

Case No: 30-2017-00037524-CU-BT-CTL

**DECLARATION OF TAMARA M.
LEETHAM IN SUPPORT OF
DEFENDANTS' JOINT MOTION TO
QUASH**

Judge: Hon. Joel Wohlfeil
Dept: 73
Date: August 24, 2018
Time: 9:00 a.m.

Complaint Filed: October 6, 2017
Trial Date: March 1, 2019

1 I, Tamara M. Leetham, declare:

2 1. I am an attorney duly licensed to practice before the courts of the State of
3 California and, along with Matthew Dart, collectively represent the Defendants in this matter. I
4 have personal knowledge of the following facts, and if called upon, I could and would
5 competently testify hereto.

6 2. This is a proposed class action whereby plaintiff Karl Beck ("Plaintiff") and the
7 proposed class seek payment from the "profits" of Point Loma Patients Consumer Cooperative,
8 a medical marijuana dispensary at all times relevant to this action, prior to December 31, 2018.

9 3. On May 18, 2018, the Court ruled on Plaintiff's Motion to Compel Production of
10 Documents. (A true and correct copy of the tentative ruling is attached as Exhibit A and
11 incorporated by reference.)

12 4. On May 22, 2018, the Court issued a minute order related to Plaintiff's Motion to
13 Compel Production of Documents. (A true and correct copy of the tentative ruling is attached as
14 Exhibit B and incorporated by reference.)

15 5. On June 22, 2018, plaintiff Karl Beck served Defendants with a Deposition
16 Subpoena For Production Of Business Records to Vladimir Drabkin dba 420soft ("Subpoena").
17 (A true and correct copy of the Subpoena is attached as Exhibit C and incorporated by
18 reference.)

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed on this 20th day of July 2018.

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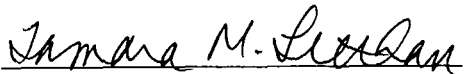

Tamara M. Leetham

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - May 15, 2018

EVENT DATE: 05/18/2018

EVENT TIME: 09:00:00 AM

DEPT.: C-73

JUDICIAL OFFICER: Joel R. Wohlfell

CASE NO.: 37-2017-00037524-CU-BT-CTL

CASE TITLE: BECK VS POINT LOMA PATIENTS CONSUMER COOPERATIVE CORPORATION
[E-FILE]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Business Tort

EVENT TYPE: Discovery Hearing

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Discovery, 04/18/2018

The Motion (ROA # 111) of Plaintiff Karl Beck ("Plaintiff") for an Order compelling Defendants Point Loma Patients Consumer Cooperative Corporation, Adam Knopf and Justus H. Henkes IV, 419 Consulting, Inc., Golden State Greens LLC, Far West Management, LLC, Far West Operating, LLC, and Far West Staffing, LLC ("Defendants") to provide full and complete verified responses to Plaintiff's Special Interrogatories numbers one (1), four (4) and six (6) from Plaintiff's Special Interrogatories (Set One), is GRANTED.

Defendant's objections are OVERRULED. Defendant is directed to serve verified further responses, without objections, within twenty (20) days of the hearing of this Motion.

Plaintiff's Motion (ROA # 117), pursuant to California Code of Civil Procedure 2031.310, for an Order: (1) Compelling Defendant Point Loma Patients Consumer Cooperative Corporation to respond to Requests two (2) through seven (7) from Plaintiff's Requests for Production (Set One); (2) Compelling Defendants Adam Knopf and Justus H. Henkes IV to respond to Requests one (1) through seven (7), and nine (9) through ten (10) from Plaintiff's Requests for Production (Set One); (3) Compelling Defendants 419 Consulting, Inc., Golden State Greens LLC, Far West Management, LLC, Far West Operating, LLC, and Far West Staffing, LLC to respond to Requests one (1) through seven (7), and nine (9) through eleven (11) from Plaintiff's Requests for Production (Set One); and (4) Compelling Defendants to produce all documents and electronic data responsive to the above Requests, is GRANTED IN PART AND DENIED IN PART.

Defendant's assertion of the tax return privilege is SUSTAINED.

Defendant's assertion of the attorney client privilege and attorney work product doctrine is SUSTAINED subject to the provision of a privilege log as described below.

Defendant's objections to requests that seek "ALL ... DOCUMENTS and DATA ... (or) COMMUNICATIONS ..." as overbroad are SUSTAINED.

The balance of Defendant's objections are OVERRULED.

Event ID: 1948031

TENTATIVE RULINGS

Calendar No.:

Page: 1

CASE TITLE: BECK VS POINT LOMA PATIENTS CASE NUMBER: 37-2017-00037524-CU-BT-CTL
CONSUMER COOPERATIVE

To the extent not SUSTAINED, Defendant is directed to serve verified further responses within twenty (20) days of the hearing of this Motion; and provide a privilege which specifies the withheld materials with sufficient particularity to enable Plaintiff to evaluate the propriety of the assertion of the attorney client privilege and the attorney work product doctrine, and produce the requested documents within twenty five (25) days of the hearing of this Motion.

Defendant's request for sanctions is DENIED. Plaintiff has not acted without substantial justification; however, the Court notes that Plaintiff appears to have chosen to take a shotgun approach to discovery which, as the litigation ensues, is less likely to be persuasive to the Court.

EXHIBIT B

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 05/21/2018

TIME: 10:50:00 AM

DEPT: C-73

JUDICIAL OFFICER PRESIDING: Joel R. Wohlfeil

CLERK: Andrea Taylor

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **37-2017-00037524-CU-BT-CTL** CASE INIT.DATE: 10/06/2017

CASE TITLE: **Beck vs Point Loma Patients Consumer Cooperative Corporation [E-File]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Business Tort

APPEARANCES

The Court, having taken the above-entitled matter under submission on 5/18/18 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

At the hearing on May 18, 2018, the Court took under submission the limited issue of "Request No. 3 to the Individual Defendants and Shell Companies ... **All of YOUR bank statements**" reflected in Plaintiff's Motion (ROA # 117).

Bank statements, as properly narrowed, may be relevant or reasonably calculated to lead to the discovery of admissible evidence to one or more of the elements of Plaintiff's claims. See paragraphs 43 – 44 of Plaintiff's Complaint as follows:

43. The Individual Defendants and the Shell Companies are responsible for the harm to Plaintiff and the Class because each of them agreed to conceal operation of a for-profit marijuana business.

44. The Individual Defendants, themselves, and as owners and operators of the Shell Companies were aware of the requirements of California's medical marijuana laws, and were in agreement with the PLPCCC and each other to divert revenues from the PLPCC in a manner calculated to avoid detection of their for-profit enterprise.

True, bank statements are protected by a qualified privilege; however, this protection may yield to Plaintiff's need for this discovery.

The Court finds that bank statements (which reflect transactions between Defendants) are discoverable; however, the scope of this request is so broad as to encompass transactions which have nothing to do with the transactions at issue in this case. Accordingly, the Court **SUSTAINS**, without prejudice, Defendants' objection that this request is overly broad. To be clear, Plaintiff is entitled to re-propound a narrower request which seeks the same, or substantially similar, records between Defendants.

DATE: 05/21/2018

MINUTE ORDER

DEPT: C-73

Page 1
Calendar No.

EXHIBIT C

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): William R. Restis (SBN 246823) The Restis Law Firm, P.C. 550 W C St, Ste 1760, San Diego, CA 92101 TELEPHONE NO.: 619-270-8388 FAX NO.: E-MAIL ADDRESS: william@restislaw.com ATTORNEY FOR (Name): Karl Beck	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice	
PLAINTIFF/PETITIONER: Karl Beck DEFENDANT/RESPONDENT: Pt. Loma Patients Consumer Coop. Co., et al	
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS	CASE NUMBER: 37-2017-37524

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Vladimir Drabkin dba 420soft, 5400 Yarmouth Ave, Apt 245, Encino, CA 91316

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Nationwide Legal LLC On (date) : July 27, 2018 At (time): 10:00 am Location (address): 110 West C Street, Suite 1211, San Diego, 92101
Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - b. by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - c. by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):
 See Attachment
- Continued on Attachment 3.

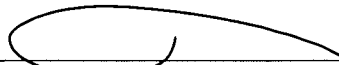
4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: June 22, 2018

William R. Restis

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney

 (TITLE)

(Proof of service on reverse).

PLAINTIFF/PETITIONER: Karl Beck	CASE NUMBER:
DEFENDANT/RESPONDENT: Pt. Loma Patients Consumer Coop. Co., et al	37-2017-37524

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. (1) Witness fees were paid.
Amount: \$ _____

(2) Copying fees were paid.
Amount: \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

- a. Not a registered California process server.
- b. California sheriff or marshal.
- c. Registered California process server.
- d. Employee or independent contractor of a registered California process server.
- e. Exempt from registration under Business and Professions Code section 22350(b).
- f. Registered professional photocopier.
- g. Exempt from registration under Business and Professions Code section 22451.
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

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THE RESTIS LAW FIRM, P.C.
William R. Restis, Esq. (SBN 246823)
550 West C Street, Suite 1760
San Diego, California 92101
Tel: +1.619.270.8383
Fax: +1.619.752.1552
william@restislaw.com

Attorney for Plaintiff

[Additional Counsel listed on Signature Page]

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

KARL BECK, individually and on behalf of all
other similarly situated California residents,

Plaintiff,

v.

**POINT LOMA PATIENTS CONSUMER
COOPERATIVE CORPORATION**, A
California Corporation, **ADAM KNOPF**, an
Individual, **JUSTUS H. HENKES IV**, an
Individual, **419 CONSULTING INC.**, a
California Corporation, **GOLDEN STATE
GREENS LLC**, a California LLC, **FAR WEST
MANAGEMENT, LLC**, a California LLC,
FAR WEST OPERATING, LLC, a California
LLC, **FAR WEST STAFFING, LLC**, a
California LLC, and **DOES 1-50**,

Defendants.

Case No. 37-2017-00037524-CU-BT-CTL

ATTACHMENT 3

TO DEPOSITION SUBPOENA FOR
PRODUCTION OF BUSINESS RECORDS TO
VLADIMIR DRABKIN dba 420soft

Hon. Joel L. Wohlfeil
Dept. C-73

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DESCRIPTION OF BUSINESS RECORDS

REQUEST NO. 1:

Export data from the 420soft database, in electronic CSV file, for all columns pertaining to the Point Loma Patients Consumer Cooperative Corporation, 3452 Hancock Street, San Diego, CA 92110, from January 1, 2015 through and including December 31, 2017.

This Request should NOT include the “Patient” column or any column that contains “Patient” name, address, phone number, drivers’ license, date of birth, recommendation number, MMIC, SSMP, passport number, electronic mail address, physician information, or other individually identifiable “Patient” information.

REQUEST NO. 2:

Export data from the 420soft database, in separately labeled electronic CSV files, for the following “Reports”¹ pertaining to the Point Loma Patients Consumer Cooperative Corporation, 3452 Hancock Street, San Diego, CA 92110, from January 1, 2015 through and including December 31, 2017:

- (a) “Sales” Report for “Individual Transactions”
- (b) “Sales” Report for “Daily Activity”
- (c) “Sales” Report for “Merged”
- (d) “Sales” Report for “Monthly Sales”
- (e) “Inventory” Report for “Purchases”
- (f) “Inventory” Report for “Transfers”
- (g) “Inventory” Report for “Consignment”
- (h) “Inventory” Report for “Balances”
- (i) “Inventory” Report for “Orders”
- (j) “Logs” Report for “Inventory Adjustment”
- (k) “Logs” Report for “Cash Register”

¹ See <https://www.420soft.com/main.aspx>

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(l) "Logs" Report for "User Activity"

(m) "Logs" Report for "Returns"

This Request should NOT include the "Patient" column or any column that contains "Patient" name, address, phone number, drivers' license, date of birth, recommendation number, MMIC, SSMP, passport number, electronic mail address, physician information, or other individually identifiable "Patient" information.