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8 Plaintiff *in Propria Persona*
9 and Attorney for Plaintiffs
10 Amy Sherlock, Minors T.S.
11 and S.S.

12 SUPRIOR COURT OF CALIFORNIA
13 COUNTY OF SAN DIEGO, HALL OF JUSTICE

14 AMY SHERLOCK, an individual and on behalf of)
15 her minor children, T.S. and S.S., ANDREW)
16 FLORES, an individual,)

17 Plaintiffs,)

18 vs.)

19 GINA M. AUSTIN, an individual; AUSTIN)
20 LEGAL GROUP, a professional corporation,)
21 LARRY GERACI, an individual, REBECCA)
22 BERRY, an individual; JESSICA MCELFRISH, an)
23 individual; SALAM RAZUKI, an individual;)
24 NINUS MALAN, an individual; FINCH,)
25 THORTON, AND BARID, a limited liability)
26 partnership; ABHAY SCHWEITZER, an individual)
27 and dba TECHNE; JAMES (AKA JIM) BARTELL,)
28 an individual; NATALIE TRANG-MY NGUYEN,)
an individual; AARON MAGAGNA, an individual;)
BRADFORD HARCOURT, an individual; SHAWN)
MILLER, an individual; LOGAN)
STELLMACHER, an individual; EULENTIAS)
DUANE ALEXANDER, an individual; STEPHEN)
LAKE, and individual, and DOES 1 through 50,)
inclusive,)

Defendants.)

Case No.:37-2021-0050889-CU-AT-CTL

DECLARATION OF ANDREW
FLORES IN SUPPORT OF
PLAINTIFF'S EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER

1 I, ANDREW FLORES, declare:

2 1. I am over the age of eighteen years, and a Plaintiff in the above entitled action.

3 2. I am also s attorney duly licensed in the State of California with my primary place of
4 business in San Diego County (SBN#272958), and represent the other named and similarly situated
5 Plaintiffs.

6 3. The facts set forth herein are true and correct as of my own personal knowledge or belief.

7 4. This declaration is submitted in support of Plaintiffs’ request for an ex parte application
8 for a temporary restraining order and OSC re permanent injunction.

9 5. As part of my representation of various parties I have undertaken factual and legal
10 research into the Austin Legal Group, APC’s (“ALG”) business practice of applying for and/or
11 maintaining cannabis conditional use permits (“CUPs”) for principals - who are prohibited by law from
12 owning an interest in cannabis businesses for prior sanctions for engaging in unlicensed commercial
13 cannabis activities – through proxies who fail to disclose the principal and their disqualifying sanctions
14 in the applications for the CUP (the “Proxy Practice”).

15 6. Through my investigations I learned that Mr. Michael “Biker” Sherlock had acquired
16 interests in the Balboa CUP¹ and the Ramona CUP².

17 7. In January 2020, I discovered that on December 21, 2015, three weeks after the death of
18 Mr. Sherlock, Leading Edge Real Estate, LLC (“LERE”) was dissolved via a submission to the Secretary
19 of State purportedly executed by Mr. Sherlock (the “Dissolution Form”).

20 8. LERE had been the owner of record of the Balboa Property and I believed it was the
21 entity that held the Balboa CUP for Mr. Sherlock.

22 9. Subsequently, I discovered that the Balboa and Ramona CUPs had been transferred to
23 Stephen Lake and Bradford Harcourt who were Mr. Sherlock’s business partners.

24 10. In January 2020, because the Dissolution Form was filed three weeks after Mr.
25 Sherlock’s death, I contacted Mrs. Sherlock regarding the Dissolution Form.

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28 ¹ The “Balboa CUP” was issued at 8863 Balboa Avenue, Unit E, San Diego, California 92123 (the
“Balboa Property”).

² The “Ramona CUP” was issued at 1210 Olive Street, Ramona, CA 92065 (the “Ramona Property”).

1 11. I informed Mrs. Sherlock that subsequent to Mr. Sherlock's death, Harcourt had acquired
2 interests in the Balboa and Ramona CUPs.

3 12. I forwarded the Dissolution Form to Mrs. Sherlock, which she reviewed and told me that
4 she did not recognize her husband's signature.

5 13. On or around February 21, 2020, I, on behalf of Mrs. Sherlock, contacted Harcourt's
6 counsel, Allan Claybon of Messner Reeves LLP, to inquire as to how Harcourt had acquired Mr.
7 Sherlock's interest in the Balboa and Ramona CUPs and Mrs. Sherlock's belief that Mr. Sherlock's
8 signature was forged.

9 14. On that initial call, Claybon expressly stated to me that he appreciated me contacting him
10 and bringing this to his attention, that he understood the timing of the submission of the Dissolution
11 Form was suspicious, and that he would contact Harcourt to provide an explanation.

12 15. Shortly thereafter, Mrs. Sherlock informed me that Lake showed up at her home and
13 requested that she not initiate litigation against Harcourt alleging that he saw Mr. Sherlock execute the
14 Dissolution Form.

15 16. Mrs. Sherlock informed me of Lake's visit and conversation and I followed-up with
16 Claybon regarding Harcourt's explanation as to how he acquired Mr. Sherlock's interest in the
17 Balboa/Ramona CUPs, as well as the allegation made by Lake that he saw Mr. Sherlock execute the
18 Dissolution Form.

19 17. Claybon responded that Harcourt had also seen Mr. Sherlock execute the Dissolution
20 Form as well as c

21 18. Despite his original representation that he would inquire from Harcourt how he acquired
22 the Balboa/Ramona CUPs, over the course of weeks, Claybon and I exchanged numerous phone calls
23 and emails in which Claybon repeatedly refused to explain how Harcourt acquired Mr. Sherlock's
24 interest in the Balboa/Ramona CUPs.

25 19. However, Claybon did communicate that Harcourt also allegedly saw Mr. Sherlock
26 execute the Dissolution Form the day before he passed away.

27 20. Claybon also communicated Harcourt's affirmative defenses in anticipation of litigation:
28 (i) the statute of limitations bars any fraud-based causes of action that Mrs. Sherlock may have and (ii)

1 the statute of limitations was not tolled because Mrs. Sherlock did not “exercise reasonable diligence”
2 because she did not check the State’s records after Mr. Sherlock passed away.

3 21. On February 15, 2021, I received a handwriting expert report that determined that Mr.
4 Sherlock’s signature on the Dissolution Form was most likely forged.

5 22. The State’s records reflect that attorney David K. Demergian (SBN:95008) is the agent
6 of process for both Prodigious and Allied.

7 I declare under penalty of perjury according to the laws of the State of California that the
8 foregoing is true and correct, and that this declaration was executed on December 7, 2021 at San Diego,
9 California.

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13 ANDREW FLORES
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