

# EXHIBIT A



Andrew Flores &lt;afloreslaw@gmail.com&gt;

## Demand regarding the City of San Diego's processing of cannabis conditional use permits

1 message

Joe Hurtado &lt;j.hurtado1@gmail.com&gt;

Wed, Nov 9, 2022 at 10:16 PM

To: mphelps@sandiego.gov

Cc: "Andrew. SD Attorney." &lt;andrew@floreslegal.pro&gt;, Andrew Flores &lt;afloreslaw@gmail.com&gt;, Amy Sherlock &lt;amyjoshlock@gmail.com&gt;, greg.moran@suniontribune.com, gary.robbins@suniontribune.com, Kristina.Davis@suniontribune.com

Mr. Phelps,

I am writing regarding the City of San Diego's processing of conditional use permit (CUP) applications for cannabis businesses submitted by attorney Gina Austin on behalf of her clients. Clients (principals) who have been sanctioned for unlicensed commercial cannabis activities and who applied via third parties (agents) (the "Strawman Practice"). The Strawman Practice violates the San Diego Municipal Code (SDMC), California's cannabis licensing statutes and numerous other criminal and civil statutes. As you know, the application for and/or ownership of cannabis businesses by Mrs. Austin's sanctioned clients via the Strawman Practice has been directly or indirectly been the subject of numerous lawsuits by various parties (I was cc'ed in numerous of Darryl Cotton's emails that were sent by him to you and other parties). I have professional and personal interests in seeing the illegality of the Strawman Practice declared illegal.

Please find attached a recent ex parte application submitted in federal court in *Flores, et al. v. Austin, et al.*, Case No. 20-CV-000656, to vacate an order that recognizes the validity of a state court judgment that enforces a contract whose object was the ownership of a CUP for a dispensary by one of Mrs. Austin's sanctioned clients (the "Application"). That action was brought by attorney Andrew Flores, Amy Sherlock and her minor children seeking to recover damages from the unlawful acquisition of CUPs by Mrs. Austin's clients that include Lawrence Geraci, Salam Razuki and Ninus Malan. Attached as Exhibit C to the Application is a list of cases in the City of San Diego in which attorney Andrew Flores states the ownership rights by Mrs. Austin's sanctioned clients for cannabis businesses are being directly or indirectly enforced by the courts under the belief that their ownership rights via the Strawman Practice is not illegal. The cases in Exhibit C are referred to as *Cotton I – VII*.

You were an attorney of record in *Cotton II*. As you know, both *Cotton I* and *Cotton II* arose from a real estate contract dispute between Lawrence Geraci and Darryl Cotton. Mr. Cotton lost both cases and numerous subsequent matters have sought to have the *Cotton I* and *Cotton II* judgments declared void as acts in excess of the court's jurisdiction for enforcing an illegal contract. A contract whose object was Mr. Geraci's illegal ownership of a dispensary via the Strawman Practice.

The primary reason for the Courts finding the Strawman Practice is not illegal is the fact that Judge Joel Wohlfeil rendered the *Cotton I* judgment. At the trial of *Cotton I*, Mrs. Austin and Mrs. Tirandazi both testified that it was lawful for Mr. Geraci to apply for a CUP to operate a cannabis business in the name of Mrs. Berry via the Strawman Practice. This is clearly false and constitutes perjury by both Mrs. Austin and Mrs. Tirandazi and a fraud on the court.

In support of the Application, Mr. Flores provided recently discovered evidence that demonstrates that Mrs. Austin and Mrs. Tirandazi knew that their testimony was false. The evidence includes email communications in which Mrs. Tirandazi communicated to Mrs. Austin that parties were required to undergo a background check prior to issuance of a CUP pursuant to SDMC Chapter 4, Article 2, Division 15. This evidence was provided to a third party by the City pursuant to a Freedom of Information Act request. Furthermore, as argued in the Application, the discovered evidence also provides support for the Sherlock Family's claim that Michael Sherlock may have been murdered to steal his ownership interests in two dispensaries valued at over \$10,000,000.

Mr. Phelps, I am going to be direct. At the trial of *Cotton I*, you, Mrs. Tirandazi and I were outside the courtroom while Mrs. Tirandazi and I waited to be called for our testimony. I assume you were there prepping her for her testimony. As far as I know, your affirmative actions in this matter are limited to opposing Mr. Cotton's petition to the California Supreme Court to have his appeal heard in the *Cotton II* action because his attorney filed the appeal late (despite the City having filed a statement of non-opposition). And you being with Mrs. Tirandazi prior to her providing her perjured testimony.

I want to believe that you are a good faith actor. Please consider this my demand that you and the City (i) take immediate action to cease the City's continued processing of CUP applications submitted via the Strawman Practice; (ii) file motions in the *Cotton I* and *Cotton II* actions to have the judgments vacated based on the perjured testimony of Mrs. Tirandazi; and (iii) intervene in the ongoing litigation matters in which ownership interests in cannabis businesses acquired via the Strawman Practice are being judicially enforced by the Courts. The City has a duty to abide by the SDMC and California's cannabis licensing laws and you have an affirmative duty as an attorney to disclose and prevent a fraud on the court, which is what Mrs. Austin and Mrs. Tirandazi's perjured testimony constitutes.

Alternatively, if your position is that the Strawman Practice is not illegal, and parties like Mr. Geraci and Mr. Razuki can have ownership interests in cannabis businesses via the Strawman Practice, please provide the legal authority for that position.

If you fail to provide any legal authority for the proposition that the Strawman Practice is illegal, you fail to take action to prevent the City's continued processing of CUP applications via the Strawman Practice, or do not action to prevent the ongoing judicial ratification of the legality of the Strawman Practice based on Mrs. Tirandazi's testimony, then I will be forced to conclude that your presence with Mrs. Tirandazi prior to her testifying in *Cotton I* was to coach her to provide perjured testimony. If such is the case, I will be filing a lawsuit in federal court seeking to have the *Cotton I* and *Cotton II* actions declared void for being a product of a fraud on the court. I will allege that you conspired with Mrs. Tirandazi and Mrs. Austin to deceive the Court in order to cover up the City's role in the processing of CUP applications via the Strawman Practice in order to limit the City's liability. I will name you as the lead defendant.

I will also be filing three state court actions. A petition for a writ of mandate against the City of San Diego seeking that it cease processing CUP applications submitted via the Strawman Practice. I will also file a separate petition, not in San Diego, against the Department of Cannabis Control seeking that it take action against the City for its issuance of CUPs to sanctioned parties via the Strawman Practice.

Lastly, because I made representations to the Sherlock Family that the Strawman Practice is illegal and the Sherlock Family has accused me of making fraudulent representations regarding the illegality of the Strawman Practice, I will be filing a declaratory relief action in the State of Texas against the Sherlock Family and Mr. Flores. Either the Strawman Practice is illegal or it is not. If it is not, then Mr. Flores made fraudulent representations to me and I in turn made them to the Sherlock Family, a Texas judge will determine whether Mr. Flores has committed fraud against me and the Sherlock Family.

Mr. Phelps, I sincerely urge you to take action irrespective of whether you are a good faith actor or not. I do not want to bring forth lawsuits and be associated with this mess. But, the alternative is not an option. I will be sued for fraud if the Strawman Practice is not declared illegal as well as lose my significant investment in these matters. I cannot allow that. I went to law school, clerked for a federal judge, and worked at Latham & Watkins. Although I was never a litigator, I understand the basic law at issue here and have consulted with my past coworkers regarding the illegality of the Strawman Practice and void judgments such as the ones at issue here. I am very clear on the long road ahead of me in seeking to have the Strawman Practice declared illegal if I file suit given the history of judicial action in these matters and the perception of judicial bias, but I am also very clear that the facts are undisputed and the illegality of the Strawman Practice is of public importance and will be exposed sooner or later. Please do not force me to bring forth legal actions to prove what anybody with basic common sense knows - drug dealers can't own cannabis businesses held in the name of third parties.

Lastly, please note that I have cc'ed Greg Moran, Gary Robbins, and Kristina Davis at the San Diego Union Tribune. I previously contacted them regarding this matter. When you reply, please include them in your reply. You will either reply with legal authority that the Strawman Practice is lawful or you will not. If you do not, then that will be evidence that City of San Diego employees and attorneys have conspired with

private parties to illegally acquire cannabis businesses and have deceived numerous state and federal judges directly or by omission into enforcing the illegal ownership of these cannabis businesses.

Please respond by 5:00 p.m. this coming Monday with any authority you have for the proposition that the Strawman Practice is not illegal or confirm that you will take the requested actions. If you fail to respond, I will be forced to bring forth the actions described above.

Joe

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