

1 Gina M. Austin (SBN 246833)
E-mail: gaustin@austinlegalgroup.com
2 Tamara M. Leetham (SBN 234419)
E-mail: tamara@austinlegalgroup.com
3 AUSTIN LEGAL GROUP, APC
3990 Old Town Ave, Ste A-112
4 San Diego, CA 92110
Phone: (619) 924-9600
5 Facsimile: (619) 881-0045

6 Attorneys for Defendants Point Loma
7 Patients Consumer Cooperative, Golden State
Greens, LLC, Far West Management, LLC,
8 Far West Operating, LLC and Far West Staffing, LLC

9 MATTHEW B. DART (Bar No. 216429)
10 **DART LAW**
12526 High Bluff Dr., Suite 300
11 San Diego, CA 92101
Tel: 858.792.3616
12 Fax: 858.408.2900

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
04/16/2018 at 12:09:00 PM
Clerk of the Superior Court
By Katelin O'Keefe, Deputy Clerk

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

CLASS ACTION

**DECLARATION OF TAMARA M.
LEETHAM IN SUPPORT OF PLPCC'S
OPPOSITION TO PLAINTIFF'S
MOTION TO COMPEL**

[Imaged File]

Judge: Hon. Joel R. Wohlfeil
Dept: C-73
Date: March 23, 2018
Time: 9:00 a.m.

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

1 I, TAMARA M. LEETHAM, declare as follows:

2 1. I am a member in good standing of the California state bar and, along with Gina
3 M. Austin, am the attorney for all defendant Point Loma Patients Consumer Cooperative
4 (“PLPCC”). I also work with co-counsel Matthew Dart, who represented the individual
5 defendants and 419 Consulting. I have personal knowledge of the facts stated in this
6 declaration, except as to those facts stated upon information and belief, which facts I believe to
7 be true. If called as a witness, I would testify competently thereto. I make this declaration in
8 support of Defendant PLPCC’s Ex Parte Application to Stay the Court’s March 23, 2018
9 Discovery Order.

10 2. On or around February 15, 2018, Plaintiff Karl Beck (“Plaintiff” or “Beck”) filed
11 a Motion to Compel Plaintiff’s Request for Production No. 1 to defendant Point Loma Patients
12 Consumer Cooperative Corporation (“Motion to Compel”).

13 3. In the Motion to Compel, Plaintiff sought “[a]n export list [from the PLPCC’s
14 customer database] containing the names and addresses of all [associate] members of the
15 PLPCCC since January 1, 2015.”

16 4. On or around March 12, 2018, Defendant opposed the Motion to Compel on the
17 grounds that medical privacy under California’s Confidentiality of Medical Information
18 (“CMIA”) and risk of criminal exposure outweighed the necessity for precertification discovery
19 of class members’ personal information.

20 5. On or around April 10, 2018, PLPCC hired appellate counsel for the purpose of
21 filing a writ of mandate to prevent the disclosure of PLPCC’s patients’ medical records.

22 6. After discussing the terms of the writ of mandate, appellate counsel told PLPCC
23 that it needs time to get up to speed and to prepare the necessary briefing.

24 7. On or around April 13, 2018 at 3:26 p.m., Defendant’s co-counsel emailed
25 Plaintiff’s counsel to notify him of Defendant’s intent to file an ex parte application to stay the
26 discovery order and requested Plaintiff stipulate to it. A true and correct copy of the email is
27 attached hereto as **Exhibit 1**.

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8. Plaintiff's counsel has notified Defendant that he opposes and will appear.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 16TH day of April, 2018.

By Tamara M. Leetham
TAMARA M. LEETHAM

Exhibit 1

Andrews, Richard

From: Matthew Dart <matt@dartlawfirm.com>
Sent: Friday, April 13, 2018 3:26 PM
To: William Restis
Cc: Leetham, Tamara; Andrews, Richard
Subject: Beck v PLPCC et al: Notice of ex parte re stay of discovery order

Bill,

PLPCC intends to file a writ with respect to the Court's March 23rd discovery order. To allow time to retain appropriate appellate counsel and prepare the writ, we will be requesting from Judge Wohlfeil a stay of the order. We have set an **ex parte for Tuesday, April 17 at 8:30** to make that request. Please advise if you would stipulate to that request, or if you oppose. Please also advise if you intend to appear at the ex parte.

Thanks, and have a good weekend,
Matt

Matthew B. Dart
Principal



12526 High Bluff Drive, Suite 300
San Diego, CA 92130
T: 858.792.3616
www.dartlawfirm.com