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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

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Clerk of the Superior Court
By E- Filing, Deputy Clerk

9 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN DIEGO**

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

13 Plaintiff,

14 v.

15 **POINT LOMA PATIENTS**
16 **CONSUMER COOPERATIVE**
17 **CORPORATION**, A California
18 Corporation, **ADAM KNOFF**, an
19 Individual, **JUSTUS H. HENKES IV**, an
20 Individual, **419 CONSULTING INC.**, a
21 California Corporation, **GOLDEN**
22 **STATE GREENS LLC**, a California
23 LLC, **FAR WEST MANAGEMENT,**
24 **LLC**, a California LLC, **FAR WEST**
25 **OPERATING, LLC**, a California LLC,
26 **FAR WEST STAFFING, LLC**, a
27 California LLC, and **DOES 1-50**,

28 Defendants.

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

CLASS ACTION

**DECLARATION OF WILLIAM R. RESTIS
IN SUPPORT OF PLAINTIFF'S REPLY TO
MOTION FOR JUDGMENT ON THE
PLEADINGS TO DEFENDANTS' JOINT
ANSWER**

Date: May 4, 2018

Time: 9:00 a.m.

Judge: Hon. Joel R. Wohlfeil

Ctrm: C-73

1 I, William R. Restis, hereby declare as follows:

2 1. I am the managing member of The Restis Law Firm, P.C. I have personal knowledge
3 of the matters set forth herein, based on my active participation in all material aspects of this
4 litigation. If called upon, I could and would testify competently to the facts herein based upon my
5 personal involvement in this case. I submit this declaration in support of Plaintiff Karl Beck's
6 ("Plaintiff") Reply to Motion for Judgment on the Pleadings to Defendants' Joint Answer.

7 2. Attached hereto as Exhibit A is a true and correct copy of Defendant Point Loma
8 Patients Consumer Cooperative Corporation's ("PLPCC") objections and responses to Plaintiff's
9 Form Interrogatory (Set One). All Defendants' responses to Form Interrogatory 15.1 are verbatim
10 to the PLPCC's in Exhibit A.

11 3. Since Plaintiff filed this action on October 6, 2017, none of the Defendants, separately
12 or together, have propounded even a single item of discovery.

13 I declare under penalty of perjury, under the laws of the State of California, that the forgoing
14 is true and correct to the best of my knowledge, information and belief.

15 Executed on April 27, 2018 at San Diego, California.

16
17 /s/ William R. Restis
18 William R. Restis, Esq.

EXHIBIT A

1 Gina M. Austin (SBN 246833)
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6 Attorneys for Defendants
Point Loma Patients Consumer Cooperative,
7 Golden State Greens, LLC, Far West Management, LLC
Far West Operating, LLC, and Far West Staffing, LLC

8 MATTHEW B. DART (Bar No. 216429)

DART LAW

9 12526 High Bluff Dr., Suite 300
10 San Diego, CA 92101
Tel: 858.792.3616
11 Fax: 858.408.2900

12 Attorneys for Defendants 419 Consulting,
Adam Knopf, and Justus Henkes IV

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF SAN DIEGO**

15
16 KARL BECK, individually and on behalf
17 of all other similarly situated California
residents,

18 Plaintiff,

19 vs.

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

27 Defendants.
28

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

**DEFENDANT POINT LOMA PATIENT
CONSUMER COOPERATIVE'S
RESPONSES TO PLAINTIFF'S FORM
INTERROGATORIES (SET ONE)**

Judge: Hon. Joel Wohlfeil
Dept.: 73

Complaint Filed: October 6, 2017
Trial Date: Not Set

1 Defendant Point Loma Patient Consumer Cooperative (“Defendant”) responds to
2 Plaintiff’s Form Interrogatories, Set One:

3 **GENERAL OBJECTIONS**

4 Defendant has not completed investigation of this case, has not completed discovery, and
5 has not completed preparation for trial. All of the responses contained herein are based only on
6 such information that is presently available to and specifically known to Defendant. It is
7 anticipated that further discovery, independent investigation, legal research and analysis will
8 supply additional facts, add additional meaning to the known facts, as well as establish entirely
9 new factual conclusions and legal contentions, all of which may lead to substantial additions to,
10 changes in, and variations from the responses herein set forth.

11 Defendant’s responses contained herein are made in a good faith effort to supply as much
12 factual information as is presently known, but should in no way lead to the prejudice of
13 Defendant in relation to further discovery, research or analysis. The following responses are
14 given without prejudice to Defendant’s right to produce evidence of any subsequently discovered
15 fact or facts that it may later develop.

16 Defendant incorporates the following General Objections into each of its responses to
17 these Interrogatories. Each specific response is limited by these General Objections.

18 1. Defendant objects to each interrogatory to the extent each interrogatory is
19 unlimited or ambiguous as to the timeframe intended to be covered, and to the extent that the
20 timeframe is not relevant to the issues in this action and is thus overly broad and unduly
21 burdensome.

22 2. Defendant objects to each interrogatory to the extent each interrogatory calls for
23 production of documents or information protected from disclosure by the attorney-client
24 privilege, the work product doctrine or any other applicable privilege or protective doctrine.

25 3. Defendant objects to each interrogatory to the extent each interrogatory seeks
26 information that is readily available from public sources.

27 4. Defendant objects to each interrogatory to the extent that each interrogatory seeks
28 information not within the possession, custody or control of Defendant or purports to impose

1 upon Defendant a duty to produce information from individuals or entities that are not under
2 Defendant's custody or control.

3 5. Defendant objects to each interrogatory to the extent that each interrogatory
4 imposes obligations on Defendant that are different from or beyond that required by the Rules of
5 Civil Procedure.

6
7 **RESPONSES TO FORM INTERROGATORIES**

8 **INTERROGATORY NO. 1.1:**

9 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON**
10 who prepared or assisted in the preparation of the responses to these interrogatories. (*Do not*
11 *identify anyone who simply typed or reproduced the responses.*)

12 **RESPONSE TO INTERROGATORY NO. 1.1:**

13 Justus Henkes, IV; Matthew B. Dart; Tamara M. Leetham. Mr. Henkes can be reached
14 only through counsel.

15 **INTERROGATORY NO. 3.1:**

16 Are you a corporation? If so, state:

- 17 (a) the name stated in the current articles of incorporation;
18 (b) all other names used by the corporation during the past 10 years and the dates each
19 was used;
20 (c) the date and place of incorporation;
21 (d) the **ADDRESS** of the principal place of business; and
22 (e) whether you are qualified to do business in California.

23 **RESPONSE TO INTERROGATORY NO. 3.1:**

24 Yes.

- 25 (a) Point Loma Patients Consumer Cooperative Corporation;
26 (b) n/a
27 (c) April 24, 2014, California
28 (d) 3452 Hancock Street, San Diego, CA 92110

1 (e) Yes.

2 **INTERROGATORY NO. 3.2:**

3 Are you a partnership? If so, state:

4 (a) the current partnership name;

5 (b) all other names used by the partnership during the past 10 years and the dates each
6 was used;

7 (c) whether you are a limited partnership and, if so, under the laws of what
8 jurisdiction;

9 (d) the name and **ADDRESS** of each general partner; and

10 (e) the **ADDRESS** of the principal place of business.

11 **RESPONSE TO INTERROGATORY NO. 3.2:**

12 No.

13 **INTERROGATORY NO. 3.3:**

14 Are you a limited liability company? If so, state:

15 (a) the name stated in the current articles of organization;

16 (b) all other names used by the company during the past 10 years and the date each
17 was used;

18 (c) the date and place of filing of the articles of organization;

19 (d) the **ADDRESS** of the principal place of business; and

20 (e) whether you are qualified to do business in California.

21 **RESPONSE TO INTERROGATORY NO. 3.3:**

22 No.

23 **INTERROGATORY NO. 3.4:**

24 Are you a joint venture? If so, state:

25 (a) the current joint venture name;

26 (b) all other names used by the joint venture during the past 10 years and the dates
27 each was used;

28 (c) the name and **ADDRESS** of each joint venturer; and

1 (d) the **ADDRESS** of the principal place of business.

2 **RESPONSE TO INTERROGATORY NO. 3.4:**

3 No.

4 **INTERROGATORY NO. 3.5:**

5 Are you an unincorporated association? If so, state:

6 (a) the current unincorporated association name;

7 (b) all other names used by the unincorporated association during the past 10 years
8 and the dates each was used; and

9 (c) the **ADDRESS** of the principal place of business.

10 **RESPONSE TO INTERROGATORY NO. 3.5:**

11 No.

12 **INTERROGATORY NO. 3.6:**

13 Have you done business under a fictitious name during the past 10 years? If so, for each
14 fictitious name state:

15 (a) the name;

16 (b) the dates each was used;

17 (c) the state and county of each fictitious name filing; and

18 (d) the **ADDRESS** of the principal place of business.

19 **RESPONSE TO INTERROGATORY NO. 3.6:**

20 No.

21 **INTERROGATORY NO. 3.7:**

22 Within the past five years has any public entity registered or licensed your business? If
23 so, for each license or registration:

24 (a) identify the license or registration;

25 (b) state the name of the public entity; and

26 (c) state the dates of issuance and expiration.

27 **RESPONSE TO INTERROGATORY NO. 3.7:**

28 Yes. PLPCC is and always has been a properly-licensed medical marijuana dispensary.

1 The City of San Diego issued PLPCC a Conditional Use Permit, recorded as document number
2 2015-0157638. The City of San Diego issued PLPCC an Amendment to its Conditional Use
3 Permit, recorded as document number 2016-0523756.

4 **INTERROGATORY NO. 4.1:**

5 At the time of the **INCIDENT**, was there in effect any policy of insurance through which
6 you were or might be insured in any manner (for example, primary, pro-rata, or excess liability
7 coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of
8 the **INCIDENT**? If so, for each policy state:

- 9 (a) the kind of coverage;
- 10 (b) the name and **ADDRESS** of the insurance company;
- 11 (c) the name, **ADDRESS**, and telephone number of each named insured;
- 12 (d) the policy number;
- 13 (e) the limits of coverage for each type of coverage contained in the policy;
- 14 (f) whether any reservation of rights or controversy or coverage dispute exists
15 between you and the insurance company; and
- 16 (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.

17 **RESPONSE TO INTERROGATORY NO. 4.1:**

18 Objection. The term “INCIDENT” is not defined in the set of interrogatories, rendering
19 this interrogatory vague and ambiguous. Subject to and without waiving said objection,
20 Defendant responds as follows: No.

21 **INTERROGATORY NO. 4.2:**

22 Are you self-insured under any statute for the damages, claims, or actions that have arisen
23 out of the **INCIDENT**? If so, specify the statute.

24 **RESPONSE TO INTERROGATORY NO. 4.2:**

25 Objection. The term “INCIDENT” is not defined in the set of interrogatories, rendering
26 this interrogatory vague and ambiguous. Subject to and without waiving said objection,
27 Defendant responds as follows: No.

1 **INTERROGATORY NO. 15.1:**

2 Identify each denial of a material allegation and each special or affirmative defense in
3 your pleadings and for each:

- 4 (a) state all facts upon which you base your denial or special or affirmative defense;
- 5 (b) State the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who
6 have knowledge of those facts; and
- 7 (c) Identify all **DOCUMENTS** and other tangible things that support your denial or
8 special or affirmative defenses, and state the name, **ADDRESS**, and telephone
9 number of the **PERSON** who has each **DOCUMENT**.

10 **RESPONSE TO INTERROGATORY NO. 15.1:**

11 Objection. This request is unduly burdensome and oppressive. This request is also
12 premature as discovery has only begun. This request is also vague and ambiguous and impossible
13 to answer given the state of the pleadings. Plaintiff has filed a motion for judgment on the
14 pleadings as to Defendants' Answer. Defendants' Answer, and the denials of material
15 allegations, and special and affirmative defenses therein, may change by stipulation or by order of
16 the Court. After that time, Defendants will supplement this response.

17
18
19 Dated: April 4, 2018



20
21 A handwritten signature in blue ink, appearing to read "M. Dart".

22 By _____
23 MATTHEW B. DART
24 Attorneys for Defendants