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Point Loma Patients Consumer Cooperative,
7 Golden State Greens, LLC, Far West Management, LLC
Far West Operating, LLC, and Far West Staffing, LLC

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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

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

05/07/2018 at 04:29:00 PM

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

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

**DECLARATION OF TAMARA LEETHAM
IN SUPPORT OF DEFENDANTS'
OPPOSITIONS TO MOTIONS TO
COMPEL**

[IMAGED FILE]

Judge: Hon. Joel Wohlfeil
Dept.: 73
Date: May 18, 2018
Time: 9:00 a.m.

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

1 I, Tamara 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 defendants Point Loma Patients Consumer Cooperative
4 (“PLPCC”), Golden State Greens, Far West Management, Far West Operating, and Far West
5 Staffing. I also work with co-counsel Matthew Dart, who represents Adam Knopf, Justus Henkes,
6 and 419 Consulting, Inc. I have personal knowledge of the facts stated in this declaration, except
7 as to those facts stated upon information and belief, which facts I believe to be true. If called as a
8 witness, I would testify competently thereto. I make this declaration in support of Defendants'
9 Oppositions to Plaintiff’s Motion to Compel Requests for Production (Set One) and Special
10 Interrogatories (Set One).

11 2. In or around August 2017, Plaintiff began demanding money from PLPCC in
12 exchange for making threats and extortive demands on defendant Point Loma Patients Consumer
13 Cooperative, and the other defendants, if it did pay. Plaintiff’s demands accuse Defendants of
14 committing crimes and engaging in money laundering.

15 3. Defendants refused to be extorted and this lawsuit ensued.

16 4. Plaintiff has propounded discovery that is so intrusive it demands access to every
17 detail about the entity and individual defendants lives and businesses.

18 5. Below is a detailed explanation of the dates the discovery was propounded and
19 meet and confer efforts with Plaintiff’s counsel, related to this opposition and Defendants’ motion
20 for protective order, set for hearing on May 24, 2018.

21 6. On November 29, 2017, Plaintiff propounded Special Interrogatories, Set One on
22 all Defendants. The scope was overbroad and intrusive and Defendants objected. For example:

- 23 a. Special Interrogatory No. 1: Identify the brand, model and serial number of
24 every computer you have ever used.
- 25 b. Special Interrogatory No. 2: Identify every person who has ever accessed or
26 used any of the computers identified in 1.
- 27 c. Special Interrogatories Nos. 4-7: Identify by brand, name and serial number all
28 software, database and cloud software ever used on all computers identified in

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No. 1.

7. Special Interrogatories, Set One are the subject of this motion to compel. Plaintiff's counsel attached both the requests and the responses to his declaration.

8. On December 1, 2017, Plaintiff propounded Request for Production of Documents, Set One on all Defendants. The scope was overbroad and intrusive and Defendants objected. For example:

- a. Request No. 2: Tax returns and all documents related thereto
- b. Request No. 3: All of your bank statements
- c. Request No. 4: All documents related to any expense
- d. Request Nos. 5-6 to Non-PLPCC entity Defendants: All documents related to salary, wages or compensation of any kind.
- e. Request No. 5 to PLPCC/No. 9 to other Defendants: All communications, without limitation, between any of the Defendants including their hundreds of employees and personnel, since 2014 (which is well before they opened).
- f. Request No. 6 to PLPCC/No. 10 to other Defendants: All communications with anyone related to cannabis since 2014 (again well before they opened).
- g. Request No. 8 to Entity and Individual Defendants: All documents related to the business of Medical Marijuana.

9. These document requests are the subject of this motion to compel. Plaintiff's counsel attached both the requests and the responses to his declaration.

10. On January 19, 2018, Plaintiff propounded Special Interrogatories, Set Two on the entity defendants (PLPCC, Far West Operating, Far West Management, Far West Staffing, Golden State Greens, and 419 Consulting. The scope is overbroad and intrusive. For example:

- a. Special Interrogatory No. 8: Identify all of your past and current employees;
- b. Special Interrogatory No. 9: Identify all of your past and current independent contractors.
- c. Special Interrogatories Nos. 12-13: Identify the brand, model, box number and location of all safe deposit boxes.

1 11. The Special Interrogatories, Set Two are the subject of Defendants' May 24, 2018
2 motion for protective order.

3 12. On January 22, 2018, Plaintiff propounded Request for Production of Documents,
4 Set Two on the entity defendants (PLPCC, Far West Operating, Far West Management, Far West
5 Staffing, Golden State Greens, and 419 Consulting). The scope is overbroad and intrusive. For
6 example:

- 7 a. Request for Production No. 8: All documents and data that refer or relate to
8 your federal, state, and local tax returns and amended returns, including all
9 supporting schedules, attachments, notes, work sheets and work papers;
- 10 b. Request for Production No. 9: All communications with the Internal Revenue
11 Service and state or local taxation agencies made by you or on your behalf (by
12 for example, a certified public accountant);
- 13 c. Request for Production No. 10: All K-1s, 1099s, and W-2s issues to any of
14 your owners and related parties;
- 15 d. Request for Production No. 12: All documents and data that comprise your
16 general ledger;
- 17 e. Request for Production No. 13: All documents and that that refer or relate to
18 your financial statements...
- 19 f. Request for Production No. 15: All statements, cancelled checks, and deposit
20 receipts for any of your accounts at any financial institution;
- 21 g. Request for Production Nos. 16-17: Your employment manual, benefits
22 summaries and retirement-related documents;
- 23 h. Request for Production No. 20: All documents that refer or relate to billing
24 from your certified public accountant, and/or business attorney;
- 25 i. Request for Production No. 25: All documents relating to any business or
26 personal transactions between you and any certified public accountant,
27 including, but not limited to leases, contracts, promissory notes, mortgages,
28 loans, gifts, and financial transfers, whether or not for consideration.

1 13. The Requests for Production, Set Two are the subject of Defendants’ May 24,
2 2018 protective order.

3 14. On January 31, 2018, Mr. Restis e-mailed and mailed me a meet and confer letter
4 regarding “Document Production Protocols” whereby he requested Defendants refrain from
5 producing any documents or ESI until the parties agreed on production protocols and formats. To
6 Defendants’ knowledge, no such agreement has been made.

7 15. On January 31, 2018, Plaintiff propounded Request for Production of Documents,
8 Set Two on Adam Knopf and Justus Henkes and Request for Production of Documents, Set Three
9 on PLPCC. The scope was overbroad and intrusive. For example:

- 10 a. Request for Production No. 11: To the extent not covered by a previous request
11 to you in this action, all documents and data (including communications) that
12 refer or relate to your federal, state and local tax returns and amended returns,
13 including all supporting schedules, attachments, notes, work sheets, and work
14 papers;
- 15 b. Request for Production No. 12: To the extent not covered by a previous request
16 to you in this action, all communications with the internal revenue service and
17 state or local taxation agencies made by you or on your behalf (by for example,
18 a certified public accountant).
- 19 c. Request for Production No. 13: To the extent not covered by a previous request
20 to you in this action, All K-1s, 1099s, and W-2s issued to you.
- 21 d. Request for Production No. 14: A mirror image copy of your personal
22 bookkeeping software, such as Quicken or QuickBooks, and all reports
23 generated therefrom.
- 24 e. Request for Production No. 18: To the extent not covered by a previous request
25 to you in tis action, all documents and data that refer or relate to your accounts
26 at any financial institution, including but not limited to statements, cancelled
27 checks, and deposit receipts.
- 28 f. Request for Production No. 19: To the extent not covered by a previous request

1 in this action, all documents and data that refer or relate to any of your
2 retirement account(s) such as IRA, 401(k), pension, and profit-sharing,
3 including but not limited to benefits summaries and statements.

4 g. Request for Production No. 22: To the extent not covered by a previous request
5 to you in this action, all of your credit card statements (business and personal).

6 16. These Requests for Production are the subject of Defendants May 24, 2018 motion
7 for protective order.

8 17. On February 1, 2018, I e-mailed a meet and confer letter to Mr. Restis regarding
9 PLPCC's response to Request for Production Number 1. My letter discusses PLPCC's objection
10 to production of its "member" list as the production requires disclosure of protected medical
11 information.

12 18. That same day, Mr. Restis e-mailed me a response to my meet and confer letter
13 indicating his proposed noticing procedures would resolve PLPCC's objections.

14 19. On February 8, 2018, I responded to Mr. Restis' February 1, 2018 letter. In my
15 letter, I reiterated PLPCC's position that disclosing "member" information violates the California
16 Constitution's express right to privacy. I also addressed his *Cash Call* request for pre-
17 certification discovery and indicated Defendants' to oppose any such request.

18 20. On February 21, 2018, I e-mailed Mr. Restis a meet and confer letter on behalf of
19 all Defendants with respect to Special Interrogatories, Set Two.

20 21. On February 22, 2018, I participated in the case management conference meet and
21 confer phone call with Mr. Restis and co-defense counsel, Matthew Dart, and an associate at my
22 office, Richard Andrews. The parties discussed multiple case related issues primarily focused on
23 discovery including disagreement over what Defendants would respond to and what documents
24 they would produce, Plaintiff's access to the patient list, and the scope of ESI. I voiced my
25 continued concern that Plaintiff has repeatedly accused Defendants of committing crimes, has
26 referred to them as criminals, has accused them of engaging in a criminal enterprise (RICO)
27 including money laundering and tax fraud. At the end of the phone call, **Plaintiff continued to**
28 **assert his entitlement to every document requested and a response to every special**

1 **interrogatory** and stated that we would litigate the issues including the requests at issues in this
2 motion.

3 22. On February 22, 2018, Mr. Restis e-mailed me a meet and confer letter prior to
4 filing a motion to compel on Request for Production of Documents, Set One, Number 1, to
5 PLPCC.

6 23. On February 27, 2018, Plaintiff propounded Form Interrogatories, Set One on all
7 Defendants.

8 24. On February 28, 2018, Plaintiff propounded Special Interrogatories, Set Three on
9 PLPCC. This set contains a single request, requesting PLPCC to identify the total number of
10 unique patrons who purchased any product since 2014. The scope is overbroad and unduly
11 burdensome.

12 25. On March 6, 2018, Plaintiff agreed to extend Defendants time to respond to all
13 discovery to March 30, 2018.

14 26. On March 9, 2018, Mr. Restis e-mailed me a meet and confer letter regarding
15 Defendants objections to Request for Production, Set One.

16 27. On March 12, 2018, Mr. Restis e-mailed me a meet and confer letter regarding
17 Defendants objections to Special Interrogatories, Set One.

18 28. **On March 13, 2018, in response to his March 9 and March 12 letters, I e-**
19 **mailed Mr. Restis that Defendants would be sending him a comprehensive meet and confer**
20 **letter related to discovery propounded to date along with a request that we arrange a**
21 **mutually agreeable date and time to meet and confer.** (A true and correct copy of my March
22 13, 2018 e-mail is attached as Exhibit A and incorporated by reference.)

23 29. **On March 14, 2018, I e-mailed Mr. Restis a meet and confer letter that**
24 **identified general categories of objectionable information with specific examples.** (A true
25 and correct copy of my March 14, 2018 e-mail and letter to Mr. Restis is attached as Exhibit B
26 and incorporated by reference.)

27 30. On March 23, 2018, Mr. Dart and I met in person with Mr. Restis to discuss
28 outstanding discovery including those requests that are the subject of these motions to compel. In

1 part, we used my March 14, 2018 letter as an agenda to guide the discussion. Through the
2 discussion, we touched upon the following topics, without agreement:

- 3 a. The scope of discoverable financial records for entity defendants;
- 4 b. The scope of discoverable financial records for individual defendants;
- 5 c. Employee records;
- 6 d. Applicability of the tax return privilege;
- 7 e. Applicability of the attorney-client privilege.

8 31. The parties were unable to come to an agreement limiting the scope of discovery,
9 necessitating Defendants motion for a protective order and Defendants oppositions to these
10 motions.

11 32. Through the date of this declaration, Plaintiff has propounded 37 sets of discovery
12 requests on the entity defendants and 10 sets of discovery requests on the individual defendants
13 totaling 47 sets of discovery requests. In total, Plaintiff has propounded more than 400 separate
14 discovery requests on Defendants. The totality of Plaintiff's discovery requests demands access
15 to every documents and information related to all aspects of entity defendants' businesses and the
16 individual defendants' personal lives.

17 I declare under penalty of perjury under California state law that the foregoing is true and
18 correct. Executed May 7, 2018 in San Diego, California.

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20 By: Jamara H. Seaborn
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EXHIBIT A

Leetham, Tamara

From: Leetham, Tamara
Sent: Tuesday, March 13, 2018 1:26 PM
To: William Restis (william@restislaw.com); 'Matthew Dart'
Subject: Meet and Confer Telephone Call

Bill,

I am in receipt of your March 9 and March 12 meet and confer letters. Matt and I are working on a comprehensive meet and confer letter which will facilitate a meet and confer telephone call. I anticipate sending you the letter tomorrow. We can arrange a call Thursday, Friday, or next week on a mutually agreeable date and at a mutually agreeable time.

Please let me know what works for you.

Tami

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EXHIBIT B

Leetham, Tamara

From: Leetham, Tamara
Sent: Wednesday, March 14, 2018 7:08 PM
To: William Restis (william@restislaw.com)
Cc: 'Matthew Dart'
Subject: Beck v. PLPCC et al.- Meet and Confer Letter
Attachments: 18-0314 Discovery Meet And Confer To W..pdf

Bill,

Please see the attached.

Thank you,

Tami

Tamara M. Leetham, Esq. | Austin Legal Group, APC | tamara@austinlegalgroup.com
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March 14, 2018

William Restis, Esq.
The Restis Law Firm
550 W. C Street, Suite 1760
San Diego, CA 92101
william@restislaw.com

Via E-mail Only

Re: Discovery Meet And Confer Letter
Beck v. PLPCC, et al.
Case No. 37-2017-00037524-CU-BT-CTL

Dear Mr. Restis,

This letter constitutes Defendants' continued meet and confer efforts related to all discovery and in anticipation of motions to compel and Defendants' motion for a protective order. As you know, the parties have exchanged numerous meet and confer letters in response to discovery propounded by your office on all Defendants. By my count, Plaintiff has propounded a total of 37 discovery requests on the entity defendants and 10 on the individual defendants totaling 47 discovery requests. The parties have exchanged 8 meet and confer letters in addition to numerous e-mails related to a stipulated protective order and extensions of time on both sides.

This letter is my attempt to comprehensively summarize pervasive discovery issues which I hope will facilitate a productive meet and confer telephone call, or perhaps meeting, that significantly narrows the issues. Defendants intend on raising, and discussing, the following issues:

- 1- Generally, Plaintiff's discovery requests are largely irrelevant, harassing, overbroad and cumulative. The totality of the requests requires Defendants to regurgitate every aspect of every part of their personal and business lives from January 2015 to December 31, 2017. This is improper, unreasonable and abusive and the scope of discovery must be narrowed. For example, Request for Production of Documents, Set Two, number 6 to PLPCC essentially asks for every document PLPCC has as the PLPCC's business is exclusively related to cannabis. There are similar requests to all other Defendants. It is impossible to imagine a scenario where Defendants would be compelled to give you everything you want. It is our hope that we can reach some consensus on this.

- 2- Plaintiff seeks documents and information that are private and protected from disclosure.
 - a. Financial right to privacy with respect to Defendants and third parties. For example, see Request for Production of Documents, Set Two, to PLPCC, numbers 14, 15, 18, and 25. Set One, number 3, requests all bank statements.
 - b. Employment and personnel records and files of Defendants and third parties. For example, see Request for Production of Documents, Set Two, to all entity Defendants other than PLPCC numbers 16, 17, 18, 19, and 25.
 - c. Medical Records Of PLPCC patients and qualified caregivers. As you know, this applies, at a minimum to Request for Production number 1 to PLPCC.
 - d. Proprietary and commercially sensitive information. For example, see Request for Production, Set Two, to the non PLPCC entity Defendants, number 19.
- 3- Plaintiff seeks privileged documents and information
 - a. Attorney-client privilege as to all Defendants. For example, Request for Production, Set Two, to PLPCC, number 20 asks for billing information from any business attorney.
 - b. Privilege against self-incrimination as to individual Defendants. We have detailed in prior correspondence, and you have written in letters and in your Complaint, that PLPCC, its principals, and all of its members, are criminals and money launderers.
 - c. Tax return privilege as to all Defendants. For example, see Request for Production of Documents, Set One, to all non PLPCC entity Defendants, numbers 2 and 4, and Set Two, numbers 12, 13, and 14.

These examples are illustrative, not exhaustive, of Defendants' objections.

As I indicated in my e-mail yesterday, Matt and I would like to have this discussion as soon as possible. Please provide dates in the immediate future to discuss these issues.

Thank you,

AUSTIN LEGAL GROUP, APC



Tamara M. Leetham