

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 05/21/2018

TIME: 10:50:00 AM

DEPT: C-73

JUDICIAL OFFICER PRESIDING: Joel R. Wohlfeil

CLERK: Andrea Taylor

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **37-2017-00037524-CU-BT-CTL** CASE INIT.DATE: 10/06/2017

CASE TITLE: **Beck vs Point Loma Patients Consumer Cooperative Corporation [E-File]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Business Tort

APPEARANCES

The Court, having taken the above-entitled matter under submission on 5/18/18 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

At the hearing on May 18, 2018, the Court took under submission the limited issue of "Request No. 3 to the Individual Defendants and Shell Companies ... **All of YOUR bank statements**" reflected in Plaintiff's Motion (ROA # 117).

Bank statements, as properly narrowed, may be relevant or reasonably calculated to lead to the discovery of admissible evidence to one or more of the elements of Plaintiff's claims. See paragraphs 43 – 44 of Plaintiff's Complaint as follows:

43. The Individual Defendants and the Shell Companies are responsible for the harm to Plaintiff and the Class because each of them agreed to conceal operation of a for-profit marijuana business.

44. The Individual Defendants, themselves, and as owners and operators of the Shell Companies were aware of the requirements of California's medical marijuana laws, and were in agreement with the PLPCCC and each other to divert revenues from the PLPCC in a manner calculated to avoid detection of their for-profit enterprise.

True, bank statements are protected by a qualified privilege; however, this protection may yield to Plaintiff's need for this discovery.

The Court finds that bank statements (which reflect transactions between Defendants) are discoverable; however, the scope of this request is so broad as to encompass transactions which have nothing to do with the transactions at issue in this case. Accordingly, the Court SUSTAINS, without prejudice, Defendants' objection that this request is overly broad. To be clear, Plaintiff is entitled to re-propound a narrower request which seeks the same, or substantially similar, records between Defendants.