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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

07/20/2018 at 01:15:00 PM

Clerk of the Superior Court
By Jessica Pascual, Deputy Clerk

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

**DEFENDANTS' JOINT STATEMENT OF
DISPUTED MATTERS (CRC 3.1345) IN
SUPPORT OF MOTION TO QUASH
DEPOSITION SUBPOENA FOR
PRODUCTION OF BUSINESS RECORDS
TO VLADIMIR DRABKIN DBA 420SOFT**

Judge: Hon. Joel Wohlfeil

Dept.: 73

Date: August 24, 2018

Time: 9:00 a.m.

Complaint Filed: October 6, 2017

Trial Date: March 1, 2019

1 **STATEMENT OF DISPUTED MATTERS**

2 Under California Rules of Court Rule 3.1345(a), the following constitutes Defendants’
3 separate statement of disputed items listed as follows:

4 **DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

5 Issued on June 22, 2018 by William R. Restis, attorney for plaintiff Karl Beck, San Diego
6 Superior Court case number 37-2017-00037524-CU-BT-CTL on Judicial Council of California
7 Form SUBP-010.

8 1. The People of the State of California to Vladimir Drabkin dba 420soft, 5400
9 Yarmouth Ave, Apt 245, Encino, CA 91316.

10 2. You are ordered to produce the business records described in item 3 as follows:

11 To: Nationwide Legal LLC

12 On: July 27, 2018 At: 10:00 a.m.

13 Location: 110 West C Street, Suite 1211, San Diego 92101

14 by delivering a true, legible, and durable copy of the business records described in item 3,
15 enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and
16 date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer
17 envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.

18 **SEPARATE STATEMENT IN SUPPORT OF MOTION TO QUASH SUBPOENA**

19 Defendants submit the following separate statement in support of its motion to quash the
20 Deposition Subpoena For Production Of Business Records to Vladimir Drabkin dba 420soft.

21 **REQUEST NO. 1:**

22 Export data from the 420soft database, in electronic CSV file, for all columns pertaining
23 to the Point Loma Patients Consumer Cooperative Corporation, 3452 Hancock Street, San Diego,
24 CA 92110, from January 1, 2015 through and including December 31, 2017.

25 This Request should NOT include the “Patient” column or any column that contains
26 “Patient” name, address, phone number, drivers’ license, date of birth, recommendation number,
27 MMIC, SSMP, passport number, electronic mail address, physician information, or other
28 individually identifiable “Patient” information.

1 FACTUAL AND LEGAL REASONS IN SUPPORT OF MOTION TO QUASH:

2 The Subpoena is overbroad, oppressive, burdensome, and not reasonably calculated to
3 lead to the discovery of admissible evidence particularly in light of the pre-class certification state
4 of this litigation. The Subpoena seeks information which is beyond the scope of discovery and
5 which will not lead to the discovery of admissible evidence. Responding Party further objects
6 because the interrogatory seeks information which is confidential and private information. The
7 Subpoena request improper pre-class certification discovery. The Subpoena is not reasonably
8 calculated to lead to the discovery of admissible evidence.

9 The Complaint was filed in October of 2017 and the Court approved Plaintiff's opt-out
10 notice in March of 2018. Plaintiff has not filed a motion for class certification and the class has
11 yet to be certified. Despite the pre-class certification stage of litigation, Plaintiff's Subpoena is his
12 most invasive discovery demand yet. With regards to pre-class certification discovery, the
13 Subpoena well exceeds the scope of pre-class certification discovery and should be quashed.
14 "[C]ontact information regarding the identity of potential class members is generally
15 discoverable, so that the lead plaintiff may learn the names of other persons who might assist in
16 prosecuting the case. (*Bartold v. Glendale Federal Bank* (2000) 81 Cal.App.4th 816, 820–821,
17 836; *Budget Finance Plan v. Superior Court* (1973) 34 Cal.App.3d 794, 799–800; Code Civ.
18 Proc. § 2017.010.) Such disclosure involves no revelation of personal or business secrets, intimate
19 activities, or similar private information, and threatens no undue intrusion into one's personal life,
20 such as mass-marketing efforts or unsolicited sales pitches. (*Pioneer Electronics (USA), Inc. v.*
21 *Superior Court* (2007) 70 Cal.4th 360, 373.)

22 The Subpoena, in particular Request No. 1, requests everything related to PLPCC in his
23 possession without limitation. This amounts to a complete free for all for Plaintiff. There is no
24 ascertainable limitation or boundary by which 420soft can produce and is not reasonably
25 particularized as to how the records are kept. Request No. 2 is simply a regurgitation of Request
26 No. 1, broken into subparts.

27 The Subpoena as served requires 420soft to compile and produce information regarding
28 every single transaction from the day the dispensary opened in August 2015 through December

1 31, 2017, including all information related to those people who supplied medical cannabis to
2 PLPCC, price, date, time, product, etc. This microlevel information is not necessary for Plaintiff
3 to attempt to prove his case, particularly at the pre-certification stage of this litigation and the
4 discovery is irrelevant to class certification as discussed above. Because the Subpoena literally
5 asks for everything in 420soft's possession related to PLPCC, it is grossly overbroad and should
6 be quashed.

7 Defendants, *particularly the individual defendants*, and third parties in these
8 circumstances would not expect to have details related to their finances disclosed to a man who
9 purchased cannabis a handful of times at a dispensary. The Subpoena as served requires 420soft
10 to produce every document related to PLPCC which amounts to a request to compile and produce
11 information regarding every single transaction from the day the dispensary opened in August
12 2015 through December 31, 2017, including all information related to those people who supplied
13 medical cannabis to PLPCC, price, date, time, product, etc. Plaintiff's attempted invasion is
14 serious in scope because it allows Plaintiff to have intimate and private non-party financial
15 information. This is serious to third parties who have no control over how and the extent to which
16 their information is viewed, analyzed, and disclosed.

17 Plaintiff has indicated the Subpoena does not include the "Patient" column or any column
18 that contains "Patient" name, address, phone number, drivers' license, date of birth,
19 recommendation number, MMIC, SSMP, passport number, electronic mail address, physician
20 information, or other individually identifiable "Patient" information. 420soft does not have the
21 ability to filter this data point out of its program and would require a herculean, if not impossible,
22 requirement to redact all of this information from the documents and information produced.
23 Because this is oppressive, and the data cannot be produced without such an effort, the Subpoena
24 should be quashed.

25 Here, the burden of 420soft in responding, or producing every single record ever
26 generated related to PLPCC, is incommensurate with the result sought. Again, this is particularly
27 egregious in light of the pre-certification request and the fact that the "Patient" information
28 cannot be filtered out of the requests unless it is done entry by entry. Defendants are not seeking

1 to avoid any discovery or to gain any tactical advantage but instead seek to curtail “oppression”
2 and “undue burden” by quashing the Subpoena or appropriately limiting its scope. The totality of
3 the documents requested in the Subpoena amount to production of every single aspect of every
4 transaction housed by 420soft from the day PLPCC opened to December 31, 2017. The
5 Subpoena requests information about each of these transactions in multiple formats. It requests
6 documents broken down by individual sales transactions, inventory logs, and cash register logs.
7 Not only is this unreasonable, it is cumulative, and unduly burdensome and incommensurate with
8 the result sought.

9 REQUEST NO.2:

10 Export data from the 420soft database, in separately labeled electronic CSV files, for the
11 following “Reports”¹ pertaining to the Point Loma Patients Consumer Cooperative Corporation,
12 3452 Hancock Street, San Diego, CA 92110, from January 1, 2015 through and including
13 December 31, 2017:

- 14 (a) “Sales” Report for “Individual Transactions”
- 15 (b) “Sales” Report for “Daily Activity”
- 16 (c) “Sales” Report for “Merged”
- 17 (d) “Sales” Report for “Monthly”
- 18 (e) “Inventory” Report for “Purchases”
- 19 (f) “Inventory” Report for “Transfers”
- 20 (g) “Inventory” Report for “Consignment”
- 21 (h) “Inventory” Report for “Balances”
- 22 (i) “Inventory” Report for “Orders”
- 23 (j) “Logs” Report for “Inventory Adjustment”
- 24 (k) “Logs” Report for “Cash Register”
- 25 (l) “Logs” Report for “User Activity”
- 26 (m) “Logs” Report for “Returns”

27 This Request should NOT include the “Patient” column or any column that contains

28 ¹ See <https://www.420soft.com/main.aspx>

1 “Patient” name, address, phone number, drivers’ license, date of birth, recommendation number,
2 MMIC, SSMP, passport number, electronic mail address, physician information, or other
3 individually identifiable “Patient” information.

4 FACTUAL AND LEGAL REASONS IN SUPPORT OF MOTION TO QUASH:

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13 notice in March of 2018. Plaintiff has not filed a motion for class certification and the class has
14 yet to be certified. Despite the pre-class certification stage of litigation, Plaintiff’s Subpoena is his
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12
13 Dated: July 20, 2018

DART LAW

14
15 By 

MATTHEW B. DART
Attorney for Defendants 419 Consulting,
Inc., Adam Knopf and Justus Henkes

16
17 Dated: July 20, 2018

AUSTIN LEGAL GROUP, APC

18
19 By: 

Gina M. Austin/Tamara Leetham,
Attorneys for Point Loma Patients
Consumer Cooperative Corporation,
Golden State Greens, LLC, Far West
Management, LLC, Far West Operating,
LLC, and Far West Staffing, LLC