

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 Patients Consumer Cooperative Corp.
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 Adam Knopf,
Justus Henkes IV, and 419 Consulting, Inc.

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

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

18 Plaintiff,

19 vs.

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

26 Defendants.
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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

02/08/2018 at 02:38:00 PM

Clerk of the Superior Court
By Richard Day, Deputy Clerk

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

**DEFENDANTS' JOINT ANSWER TO
PLAINTIFF'S COMPLAINT**

Judge: Hon. Joel Wohlfeil
Dept.: C-73

Complaint Filed: October 6, 2017

Trial Date: NONE

1 Defendants Point Loma Patients Consumer Cooperative Corporation (“PLPCC”), Adam Knopf,
2 Justus H. Henkes, IV, 419 Consulting, Inc., Golden State Greens, LLC, Far West Management,
3 LLC, Far West Operating, LLC, and Far West Staffing, LLC (collectively “Defendants”) respond
4 to the unverified Complaint filed by plaintiff Karl Beck, individually and on behalf of all other
5 similarly situated California residents, (“Plaintiff” or “Beck”) as follows:

6 **I. GENERAL DENIAL**

7 Pursuant to the provisions of Code of Civil Procedure section 431.30(d), Defendants deny
8 generally and specifically each and every material allegation contained in the Complaint. In
9 addition, Defendants deny that Plaintiff has sustained, or will sustain, any loss or damage in the
10 manner or amount alleged, or otherwise, by reason of any act or omission, or any other conduct or
11 absence thereof on the part of Defendants.

12 **II. AFFIRMATIVE DEFENSES**

13 **FIRST SEPARATE AND AFFIRMATIVE DEFENSE**

14 As a separate and distinct affirmative defense, Defendants allege that the Complaint, and
15 each and every alleged cause of action therein, fails to state facts sufficient to constitute a cause
16 of action upon which relief can be granted.

17 **SECOND SEPARATE AND AFFIRMATIVE DEFENSE**

18 As a separate and distinct affirmative defense, Defendants allege that each cause of action
19 in the Complaint is barred, in whole or in part, by the applicable statutes of limitations, including
20 without limitation, California Civil Procedure Code section(s) 338(a), 340(a), and/or 343,
21 California Civil Code section 1783, and California Business and Professions Code section 17208.

22 **THIRD SEPARATE AND AFFIRMATIVE DEFENSE**

23 As a separate and distinct affirmative defense, Defendants allege that the Complaint, and
24 each and every alleged cause of action therein are barred, in whole or in part, by the equitable
25 doctrine of laches.

26 **FOURTH SEPARATE AND AFFIRMATIVE DEFENSE**

27 As a separate and distinct affirmative defense, Defendants allege that the Complaint, and
28 each and every alleged cause of action therein are barred by the doctrine of waiver.

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FIFTH SEPARATE AND AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendants allege that the Complaint, and each and every alleged cause of action therein are barred, in whole or in part, because Plaintiff consented to the conduct about which he now complains.

SIXTH SEPARATE AND AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendants allege that Plaintiff lacks standing to bring his claims as to all or a portion of the claims alleged in the Complaint.

SEVENTH SEPARATE AND AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendants allege that their business actions or practices were not unfair, unlawful, fraudulent or deceptive within the meaning of California Business and Professions Code section 17200, et seq.

EIGHTH SEPARATE AND AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendants oppose class certification and dispute the propriety of class treatment. If the Court certifies a class over Defendants' objections, then Defendants assert the affirmative defenses set forth herein against each and every member of the certified class.

NINTH SEPARATE AND AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Defendants allege that the adjudication of the claims of the putative class through generalized classwide proof violates Defendants' right to trial by jury guaranteed by the United States and California Constitutions.

TENTH SEPARATE AND AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Plaintiff is estopped by his conduct from recovering any relief under his Complaint, or any purported cause of action alleged therein.

ELEVENTH SEPARATE AND AFFIRMATIVE DEFENSE

Any recovery on Plaintiff's Complaint, or any purported cause of action alleged therein, is barred in whole or in part by Plaintiff's failure to mitigate his damages. Consequently, any damages suffered by Plaintiff must be reduced in an amount by which Plaintiff and/or his agents could have mitigated those damages, if any.

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TWELFTH SEPARATE AND AFFIRMATIVE DEFENSE

Defendants allege that any recovery on Plaintiff’s Complaint, or any cause of action contained therein, may be barred by Defendants’ compliance or substantial compliance with all applicable laws underlying Plaintiff’s claims of violation of the Corporations Code, violation of the UCL, violation of the CLRA and conversion. Additionally, for this reason, Plaintiff cannot allege a claim that Defendants’ business practices were unfair or unlawful under California Business & Professions Code section 17200.

THIRTEENTH SEPARATE AND AFFIRMATIVE DEFENSE

Defendants allege that any recovery on Plaintiff’s Complaint, or any cause of action contained therein, may be barred by the Business Judgment Rule applicable to claims of unlawful business practices under Business & Professions Code section 17200.

FOURTEENTH SEPARATE AND AFFIRMATIVE DEFENSE

Defendants allege that any recovery on Plaintiff’s Complaint, or any cause of action contained therein, may be barred by the business justification defense to any alleged unfair business practices under Business & Professions Code section 17200.

FIFTEENTH SEPARATE AND AFFIRMATIVE DEFENSE

As a separate and distinct affirmative defense, Plaintiff is estopped from making a demand for business records because Plaintiff is not a member of PLPCC.

SIXTEENTH SEPARATE AND AFFIRMATIVE DEFENSE

Defendants allege that Plaintiff cannot recover on a conversion claim because the alleged converted property is unidentifiable and Plaintiff cannot claim a specific, identifiable sum.

SEVENTEENTH SEPARATE AND AFFIRMATIVE DEFENSE

Defendants reserve the right to amend this answer to assert additional defenses and/or supplement, alter or change this answer as may be warranted by the revelation of information during discovery and investigation.

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1 WHEREFORE, Defendants pray for judgment as follows:

2 1. That Plaintiff takes nothing by reason of his Complaint, that the same be dismissed
3 in its entirety with prejudice, and that judgment be entered for Defendants.

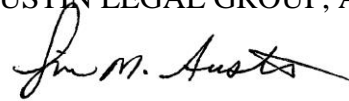
4 2. That Defendants be awarded their costs and attorneys' fees as allowed by statute;
5 and

6 3. That Defendants be awarded such other and further relief as the Court deems just
7 and proper.

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10 Dated: February 8, 2018

Respectfully Submitted,

AUSTIN LEGAL GROUP, APC



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

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20
21 By

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Attorneys for Defendants 419 Consulting,
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