

ELECTRONICALLY RECEIVED
Superior Court of California,
County of San Diego
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Clerk of the Superior Court
By Katelin O'Keefe, Deputy Clerk

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

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

Plaintiff,

v.

POINT LOMA PATIENTS CONSUMER
COOPERATIVE CORPORATION, A
California Corporation, **ADAM KNOFF**, an
Individual, **JUSTUS H. HENKES IV**, an
Individual, **419 CONSULTING INC.**, a
California Corporation, **GOLDEN STATE**
GREENS LLC, a California LLC, **FAR WEST**
MANAGEMENT, LLC, a California LLC, **FAR**
WEST OPERATING, LLC, a California LLC,
FAR WEST STAFFING, LLC, a California
LLC, and **DOES 1-50**,

Defendants.

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

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR JUDGMENT
ON THE PLEADINGS TO DEFENDANTS'
JOINT ANSWER**

Date: May 4, 2018

Time: 9:00 a.m.

Judge: Hon. Joel R. Wohlfeil

Ctrl: C-73

1 This cause came before the Court upon Plaintiff Karl Beck's ("Plaintiff") Motion for
2 Judgment on the Pleadings to Defendants' Point Loma Patients Consumer Cooperative Corporation,
3 Adam Knopf, Justus H. Henkes IV, 419 Consulting Inc., Golden State Greens LLC, Far West
4 Management, LLC, Far West Operating, LLC, and Far West Staffing, LLC (collectively
5 "Defendants") Joint Answer (the "Motion"). The Court, having reviewed the submissions and heard
6 oral argument on Plaintiff's Motion, hereby GRANTS Plaintiff's Motion as follows:

7 (1) Defendants' First, Sixth, Seventh, Eighth, Twelfth, Fifteenth, and Sixteenth
8 Affirmative Defenses are dismissed without leave to amend because they fail to constitute "new
9 matter," and are thus not affirmative defenses as a matter of law.

10 (2) Defendants' Third, Fourth, Fifth, Tenth, Eleventh, and Fifteenth Affirmative Defenses
11 are dismissed without leave to amend as to Plaintiff's claim for "unlawful" conduct in violation of
12 California Business and Professions Code § 17200, because such equitable defenses are not available
13 to this claim.

14 (3) Defendants' Second, Third, Fourth, Fifth, Tenth, Eleventh, Thirteenth, and Fourteenth
15 Affirmative Defenses are conclusory and fail to plead ultimate facts establishing the elements thereof.
16 Such Defenses are dismissed with leave to amend.

17 **IT IS SO ORDERED.**

18
19 DATED: _____

Honorable Joel R. Wohlfeil
Judge of the Superior Court