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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KATIE ANN BARCELO and JUSTIN
ROBERTS,

Plaintiff,

vs.

CITY OF SAN DIEGO, 51
STRATEGIES L.L.C. doing business as
S & S TOWING, SEAN GERMAINE
METCALF, SONYA DEFREITAS-
METCALF, 5471 BAYVIEW
HEIGHTS, L.P., MAAC BAYVIEW
HEIGHTS, L.L.C. and DOES 1 through
10, inclusive,

Defendants.

Case No.: 3:25-cv-00329-BAS-AHG

DECLARATION OF JERRY L.
STEERING IN SUPPORT OF
PLAINTIFFS' EX PARTE
APPLICATION TO SERVE
DEFENDANTS 51 STRATEGIES
L.L.C. doing business as S & S
TOWING, SEAN GERMAINE
METCALF and SONYA DEFREITAS-
METCALF BY PUBLICATION
(PART II with Exhibit "F")

DATED: OCTOBER 9, 2026

**UNITED STATES DISTRICT
JUDGE CYNTHIA BASHANT**

**UNITED STATES MAGISTRATE
JUDGE ALLISON H. GODDARD**

1) I am counsel of record for plaintiffs Katie Ann Barcelo and Justin
Roberts in this action.

DECLARATION OF JERRY L. STEERING IN SUPPORT OF PLAINTIFFS' EX PARTE
APPLICATION TO SERVE DEFENDANTS 51 STRATEGIES L.L.C. doing business as S & S
TOWING, SEAN GERMAINE METCALF and SONYA DEFREITAS-METCALF
BY PUBLICATION

- 1 2) As I previously alleged in plaintiffs’ First and Second Ex Parte
2 Applications to this Honorable Court to Enlarge Time to Serve
3 defendants 51 Strategies L.L.C. doing business as S & S Towing,
4 Sean Germaine Metcalf and Sonya Defreitas-Metcalf, this action was
5 filed on February 13 2025 [Civil Docket Number 1], and plaintiffs
6 filed their First Amended Complaint on March 11, 2025 [Civil
7 Docket Number 5].
- 8 3) As I also previously alleged in plaintiffs’ prior Ex Parte
9 Applications to Enlarge Time to Serve defendants 51 Strategies
10 L.L.C. doing business as S & S Towing, Sean Germaine Metcalf and
11 Sonya Defreitas-Metcalf in this action, in a nutshell, this action
12 involves allegations by the plaintiffs that on February 26, 2024
13 plaintiff Katie Barcelo (hereinafter “BARCELO”) drove her car, a
14 2017 Hyundai Elantra¹, to the Hillside Views Apartments, located at
15 5446 Bayview Heights Place, San Diego, California, to pick up her
16 children from a friend’s apartment².
- 17 4) As I also previously alleged in plaintiffs’ prior Ex Parte Applications
18 in this action, there were no guest spots for parking at the Hillside
19 Views Apartments available for BARCELO to park her Hyundai
20 Elantra sedan to go pick up her children, so plaintiff BARCELO
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23
24 ¹ Said vehicle bearing Vehicle Identification Number KMHD35LH2HU384029 and California
25 license plate number 8KKY404.

26 ² Plaintiff BARCELO’s 2017 Hyundai Elantra (hereinafter, “Hyundai” or “car” or “plaintiffs’
27 car” or “Hyundai Elantra”) was registered to plaintiff ROBERTS, who is plaintiff BARCELO’s
28 nephew. Plaintiff BARCELO had been making payments on the 2017 Hyundai Elantra for
approximately six months and was in the process of purchasing the car from ROBERTS.

1 parked her car approximately 15 feet away from her friend's
2 apartment on the street next to the curb, leaving her hazard lights, on
3 and went to and into her friend's apartment to get her children.

4 5) As also previously alleged in plaintiffs' prior Ex Parte Applications,
5 plaintiff BARCELO's friend had noticed that a tow truck driver
6 employed by defendant S & S Towing³, the towing
7 company owned by defendant 51 Strategies, L.L.C. that is owned by
8 and by defendants Sean Metcalf and Sonya Metcalf, was in the
9 process of towing plaintiff BARCELO's car, and had her 2017
10 Hyundai Elantra coupled to the tow truck.

11 6) As also previously alleged in plaintiffs' prior Ex Parte Applications,
12 Plaintiff BARCELO immediately ran outside and confronted the S &
13 S Towing tow truck driver and demanded the release of her car;
14 something that she was entitled to do even if the towing of her
15 vehicle had been lawful⁴, which it was not.

16 7) As also previously alleged in plaintiffs' prior Ex Parte Applications,
17 thereafter, the S & S Towing tow truck driver handed plaintiff
18 BARCELO a defendant S & S TOWING's business card that had no
19 address and only had a phone number shown on it, to pick up her car
20 that he intended to tow away.

21 8) As also previously alleged in plaintiffs' prior Ex Parte Applications,
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25 ³ That is defendant 51 Strategies doing business as S & S Towing.

26 ⁴ Cal. Veh. Code § 22658(g)(1)(B) provides: "(B) Upon the request of the owner of the vehicle
27 or that owner's agent, the towing company or its driver shall immediately and unconditionally
28 release a vehicle that is not yet removed from the private property and in transit."

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BY PUBLICATION

1 during this time, the S & S tow truck driver stopped towing plaintiff's
2 car, away, and was waiting for the S & S Towing dispatcher to tell
3 him what to do next.

4 9) As also previously alleged in plaintiffs' prior Ex Parte Applications,
5 thereafter, both plaintiff BARCELO and the tow truck driver called
6 the San Diego Police Department.

7 10) As also previously alleged in plaintiffs' prior Ex Parte Applications,
8 when the DOE defendant San Diego Police Department police
9 officers arrived they told plaintiff BARCELO that because she
10 was parked in a "fire lane," that the S & S Towing tow truck driver
11 could take her car and tow it away; something untrue, as she had a
12 right to demand the release of her car under Cal. Veh. Code §
13 22658(g)(1)(B), and as plaintiffs' car was not parked in a fire lane⁵.

14 11) As also previously alleged in plaintiffs' prior Ex Parte Applications,
15 the San Diego Police Department police officers then told the tow
16 truck driver to tow plaintiffs' car away, which he then did.

17 12) As also previously alleged in plaintiffs' prior Ex Parte Applications,
18 plaintiff BARCELO kept calling defendant S & S Towing to retrieve
19 her car, but S & S Towing refused to answer her phone call and
20 blocked plaintiff BARCELO's cellphone number.

21 13) As also previously alleged in plaintiffs' prior Ex Parte Applications,
22 plaintiff Justin Roberts, hereinafter referred to as "ROBERTS", who
23 was the registered owner of the towed away 2017 Hyundai, was
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27 ⁵ A merely painted red curb is not a legitimate or lawful "fire lane" under Cal. Veh. Code §
28 22500.1.

1 texting with a representative of defendant S & S Towing⁶ who
2 refused to tell ROBERTS where he could pick up his car and how
3 much it would cost to retrieve it from S & S Towing.

4 14) As also previously alleged in plaintiffs' prior Ex Parte Applications,
5 I personally did extensive internet searches for and about S & S
6 Towing and learned that defendants Sean Metcalf and Sonya Metcalf
7 were the principals and owners of S & S Towing, and that they were
8 the Managers, the Managing Members, and the owners and the *alter*
9 *egos* of 51 Strategies L.L.C.; the business entity that owned and did
10 business as S & S Towing.

11 15) As also previously alleged in plaintiffs' prior Ex Parte Applications,
12 I was also able to find a telephone number for defendant Sean
13 Metcalf, and on or about March 4, 2024 I spoke with Sean
14 Metcalf by phone.

15 16) As also previously alleged in plaintiffs' prior Ex Parte Applications,
16 told defendant Sean Metcalf that plaintiffs' car had been illegally
17 towed by S & S Towing⁷, and demanded to know where plaintiffs'
18 vehicle was being stored, and demanded the return of plaintiffs' 2017
19 Hyundai sedan or plaintiff would sue defendant Sean Metcalf and his
20 company(ies) for the felonious and tortious taking and keeping
21 plaintiffs' car.

22 17) As also previously alleged in plaintiffs' prior Ex Parte Applications,
23 _____

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25
26 ⁶ Because defendants at S & S Towing, defendants SEAN METCALF and/or SONYA
27 METCALF and/or DOE 1 and/or DOE 2 had blocked plaintiff BARCELO's phone number.

28 ⁷ And why it was an illegal tow.

1 during my internet search for and about defendant Sean Metcalf I
2 learned that defendant Sean Metcalf was a criminal, that he “steals”
3 cars, using his towing company as a vehicle to “steal” vehicles by
4 illegally towing vehicles and by refusing to return or release them to
5 the owners of the vehicles and then selling them off.

6 18) As also previously alleged in plaintiffs’ prior Ex Parte Applications,
7 during my internet search for and about defendant Sean Metcalf, I
8 also learned that defendant Sean Metcalf and his front company S &
9 S Towing, did not have an actual tow yard to tow vehicles to, and
10 that defendant Sean Metcalf, his wife defendant Sonya Metcalf and
11 their companies were a nationwide group of scam companies used to
12 advance various criminal schemes in cities across the United States
13 of America.

14 19) As also previously alleged in plaintiffs’ prior Ex Parte Applications,
15 the San Diego Police Department has issued a bulletin about criminal
16 towing by S & S Towing. See, attached Exhibit “A”; the August 15,
17 2024 News Release by the San Diego Police Department entitled:
18 “SDPD Investigating Illegal Practices by S&S Towing in the City of
19 San Diego, Investigators Seeking Additional Information From
20 People Who’ve Been Unlawfully Towed In Past 3 Years”, [20240815-
21 sdpd-investigating-illegal-practices-by-ss-towing-in-the-city-of-san-
22 diego.pdf](https://www.sdpd.org/news-releases/sdpd-investigating-illegal-practices-by-ss-towing-in-the-city-of-san-diego.pdf).

23 20) As also previously alleged in plaintiffs’ prior Ex Parte Applications,
24 on August 5, 2024 the San Diego Police Department executed a
25 search warrant on S & S Towing, and during the search
26 warrant execution, an S & S Tow Truck driver committed suicide
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BY PUBLICATION

during that raid. See also, “San Diego police investigating illegal practices by towing company”, NBC 7 News, [San Diego police investigating illegal practices by towing company – NBC 7 San Diego](#); “*San Diego police looking for potential victims in towing fraud investigation, S&S Towing is accused by alleged victims of towing away cars illegally then demanding cash for their return, police said*”, San Diego Union-Tribune, August 16, 2024 ([SDPD investigating tow company for alleged exploitation](#)).

- 21) As also previously alleged in plaintiffs’ prior Ex Parte Applications, after this instant lawsuit was filed on February 13 2025, I served a F.R.Civ.P. 4 Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons documents, along with the Summons and the First Amended Complaint on all of the defendants to this action.
- 22) As also previously alleged in plaintiffs’ prior Ex Parte Applications, since the filing of Plaintiffs’ First Ex Parte Application to Enlarge Time to Serve Defendants 51 Strategies L.L.C. doing business as S & S Towing, Sean Germaine Metcalf and Sonya Defreitas-Metcalf on May 14, 2025, all of the other defendants to this action have either filed their Answers to the First Amended Complaint in this action⁸ or have filed a Motion to Dismiss First Amended Complaint pursuant to

⁸ To wit, defendants MAAC Valencia Pointe MGP L.L.C., MAAC Bayview Heights, L.L.C. filed their Answer to the First Amended Complaint on May 27, 2025 [Civil Docket Item Number 16] and defendant CRP Valencia Pointe L.P. filed its Answer on June 23, 2025 [Civil Docket Item 18].

DECLARATION OF JERRY L. STEERING IN SUPPORT OF PLAINTIFFS’ EX PARTE APPLICATION TO SERVE DEFENDANTS 51 STRATEGIES L.L.C. doing business as S & S TOWING, SEAN GERMAINE METCALF and SONYA DEFREITAS-METCALF
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F.R.Civ.P. 12(b)(6)⁹.

23) As also previously alleged in plaintiffs' prior Ex Parte Applications, thereafter, on June 5, 2025 an Order issued out of this Honorable Court Granting Plaintiffs' Ex Parte Application to Enlarge Time to Serve defendants 51 Strategies L.L.C. doing business as S & S Towing, Sean Germaine Metcalf and Sonya Defreitas-Metcalf, and ordering that plaintiff serve said defendant and to file proof of service upon them by September 3, 2025.

24) As also previously alleged in plaintiffs' prior Ex Parte Applications, I sent my law clerk, Shahin Shams to personally serve defendants 51 Strategies L.L.C., Sean Metcalf and Sonya Metcalf at 4182 El Cajon Blvd., San Diego, CA 92105; the address that at that time was listed with the California Secretary of State's Office had on file for defendants 51 Strategies L.L.C.

25) As also previously alleged in plaintiffs' prior Ex Parte Applications, when Shahin Shams went to that address at 4182 El Cajon Blvd., San Diego, CA 92105 to serve said defendants with the Summons and First Amended Complaint in this case, he was told that said defendants had not been at that address for over one year.

26) As also previously alleged in plaintiffs' prior Ex Parte Applications, on May 14, 2025 I checked with the California Secretary of State's Office as to any new address for defendant 51 Strategies L.L.C., but there has been no change in the address for that defendant. See,

⁹ To wit, defendant City of San Diego, filed its Motion to Dismiss First Amended Complaint pursuant to F.R.Civ.P. 12(b)(6) on May 27, 2025 [Civil Docket Item 15].

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1 attached Exhibit “C”, a true and correct printout from of California
2 Secretary of State’s Office of May 14, 2025 showing the address of
3 defendant 51 Strategies L.L.C. as that same address; 4182 El Cajon
4 Blvd., San Diego, CA 92105.

5 27) As also previously alleged in plaintiffs’ prior Ex Parte Applications,
6 I hired a Private Investigator to attempt to find addresses where I can
7 serve defendants 51 Strategies L.L.C., Sean Metcalf and Sonya
8 Metcalf.

9 28) As also previously alleged in plaintiffs’ prior Ex Parte Applications,
10 after the June 5, 2025 Order enlarging time to serve defendants 51
11 Strategies L.L.C., Sean Metcalf and Sonya Metcalf I was planning on
12 serving defendant 51 Strategies L.L.C. by serving at the California
13 Secretary of State’s Office.

14 29) As also previously alleged in plaintiffs’ prior Ex Parte Applications,
15 when I checked with the California Secretary of State’s Office to see
16 if defendant 51 Strategies L.L.C. changed its address for its Officers
17 and Agent(s) for service of process, I learned that said LLC was
18 officially dissolved by Sean Germaine Metcalf and Sonya Defreitas-
19 Metcalf on June 23, 2025. See, attached Exhibit “B”, a true and
20 correct copy of the Statement of Dissolution of defendant 51
21 Strategies L.L.C. from the California Secretary of State’s Office.

22 30) As also previously alleged in plaintiffs’ prior Ex Parte Applications,
23 my Private Investigator, Joseph Travers, again did a search to locate
24 Sean Germaine Metcalf and Sonya Defreitas-Metcalf, and he
25 confirmed again and as recently as September 3, 2025 that they
26 resided at 2828 Oakwood Creek Way, Escondido, CA 92027.

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28 DECLARATION OF JERRY L. STEERING IN SUPPORT OF PLAINTIFFS’ EX PARTE
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BY PUBLICATION

1 31) As also previously alleged in plaintiffs' prior Ex Parte Applications,
2 therefore, I sent my law clerk Shahin Shams to personally serve Sean
3 Germaine Metcalf and Sonya Defreitas-Metcalf, and whatever was
4 left of 51 Strategies LLC at that 2828 Oakwood Creek Way,
5 Escondido, CA 92027.

6 32) As also previously alleged in plaintiffs' prior Ex Parte Applications,
7 my law clerk Shahin Shams attempted to personally serve Sean
8 Germaine Metcalf and Sonya Defreitas-Metcalf, and whatever was
9 left of 51 Strategies LLC at that 2828 Oakwood Creek Way,
10 Escondido, CA 92027 single family residence on four separate
11 occasions, as recently as July 2, 2025.

12 33) As also previously alleged in plaintiffs' prior Ex Parte Applications,
13 each time that Shahin Shams attempted to serve the Metcalfs at the
14 2828 Oakwood Creek Way, Escondido address, there was a car
15 parked in the driveway, and Mr. Shams believed that someone was
16 home, but were refusing to open the door of that residence.

17 34) As also previously alleged in plaintiffs' prior Ex Parte Applications,
18 as recently as September 3, 2025 my Private Investigator's persons
19 locating service showed that the Metcalfs still resided at the 2828
20 Oakwood Creek Way, Escondido address. See attached Exhibit "D";
21 true and correct printouts that I received from my Private Investigator
22 on September 3, 2025 showing that Sean Metcalf and Sonya Metcalf
23 both reside at that address.

24 35) As also previously alleged in plaintiffs' prior Ex Parte Applications,
25 accordingly, thereafter rather than move this Honorable Court for an
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27 Order to Serve Sean Metcalf and Sonya Metcalf by Publication, I

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1 decided to make one last attempt to serve them by serving them by
2 mail pursuant and to mail to them a F.R.Civ.P. 4 Waiver of Service
3 of Summons, as all of the legal authorities that I consulted
4 recommended attempting all other means to serve a defendant before
5 obtaining an order from this Honorable Court to serve a defendant by
6 publication.

7 36) As also previously alleged in plaintiffs' prior Ex Parte Applications,
8 accordingly, on August 8, 2025 I served defendants 51 Strategies
9 L.L.C., Sean Metcalf and Sonya Metcalf by sending to them by
10 Certified Mail, return receipt requested, a Notice of Lawsuit and
11 Request for Waiver of Service of Summons, the Summons on
12 Amended Complaint and the First Amended Complaint in this action.
13 See, attached Exhibit "E", pages 1 through 52, a true and correct
14 copy of the Notice of Lawsuit and Request for Waiver of Service of
15 Summons, the Summons on Amended Complaint and the First
16 Amended Complaint sent to Sean Metcalf for defendant 51
17 Strategies, attached Exhibit "F", pages 1 through 52, a true and
18 correct copy of the Notice of Lawsuit and Request for Waiver of
19 Service of Summons, the Summons on Amended Complaint and the
20 First Amended Complaint sent to Sean Metcalf individually, and
21 attached Exhibit "G", pages 1 through 52, a true and correct copy of
22 the Notice of Lawsuit and Request for Waiver of Service of
23 Summons, the Summons on Amended Complaint and the First
24 Amended Complaint sent to Sonya Metcalf individually.

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26 37) As also previously alleged in plaintiffs' prior Ex Parte Applications,
27 on September 2, 2025 and September 3, 2025 all three of those

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1 packages (Exhibits “E, “F” and “G”) were returned to my office
2 showing “Return to Sender, Undeliverable to Addressee, Unavailable
3 to Forward” (See, pages 53 through 57 on Exhibits “E, “F” and “G”).

4 38) I have exhausted every manner of attempting service of the Summons
5 on Amended Complaint and the First Amended Complaint for
6 Damages on defendants 51 Strategies LLC doing business as S & S
7 Towing, Sean Germaine Metcalf and Sonya Defreitas-Metcalf and it
8 has become clear to me that the Metcalfs, who also own defendant 51
9 Strategies LLC, are either avoiding service of process in this case, or,
10 with reasonable and sufficient diligence, plaintiffs have not been able
11 to locate them.

12 39) I also believe that the Metcalfs are experienced criminals and that 51
13 Strategies LLC is a criminal enterprise with offices/places of shady
14 businesses in California and in other cities in the United States of
15 America, and that they cannot with reasonable diligence be served
16 personally, by substituted service, or by mail, despite exhaustive
17 efforts to serve them.

18 40) Accordingly, based on the above and foregoing, plaintiffs pray that
19 an order issue out of this Honorable Court permitting plaintiffs to
20 serve defendants 51 Strategies L.L.C. doing business as S & S
21 Towing, Sean Germaine Metcalf and Sonya Defreitas-Metcalf by
22 Publication in this case.

23 41) I declare under penalty of perjury under the laws of the United States
24 of America that the above and foregoing is true and correct.
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BY PUBLICATION

1 42) This the 9th day of October, 2025 at Newport Beach, California.

2 /s/ Jerry L. Steering

3 JERRY L. STEERING, ATTORNEY FOR
4 PLAINTIFFS KATIE ANN BARCELO and JUSTIN
5 ROBERTS
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28 DECLARATION OF JERRY L. STEERING IN SUPPORT OF PLAINTIFFS' EX PARTE
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BY PUBLICATION

NEWS > CRIME AND PUBLIC SAFETY

San Diego police looking for potential victims in towing fraud investigation

S&S Towing is accused by alleged victims of towing away cars illegally then demanding cash for their return, police said



By **CALEB LUNETTA** | caleb.lunetta@sduniontribune.com | The San Diego Union-Tribune

UPDATED: August 16, 2024 at 12:21 PM PDT

San Diego police are investigating a local tow company after several people, particularly migrants and non-English speakers, complained that their vehicles were towed despite being legally parked, officials said Thursday.

The Police Department said investigators are working with the City Attorney's Office to investigate the case and find more potential victims.

S&S Towing could not be reached for comment Thursday. The company's Yelp page lists the business as "closed," and the number listed for the company's after-hours dispatch service did not respond to multiple calls.

According to court documents, S&S Towing and its parent company 51 Strategies LLC have been the subject of several lawsuits in small claims court in recent years.

In one case, a Santee man said he was wrongfully towed from a small shopping center off El Cajon Boulevard in City Heights in 2022, according to his claim filed in San Diego Superior Court.



He stated in the claim that his vehicle was towed less than 10 minutes after he had parked, that S&S Towing was not the designated tow company listed on placards in the parking lot and that the company did not provide a copy of the tow authorization from the property owner.

A judge ruled after an October 2023 trial that 51 Strategies owed the plaintiff \$1,652 in damages — four times the cost of retrieving the car from the tow yard. A representative for the tow company was not present at trial.

Officials from 51 Strategies could also not be reached for comment Thursday.

S&S Towing became the focus of a criminal investigation last spring after the

“The ACE Unit interviewed victims and witnesses, researched S&S’s business operations, and inspected its tow yard,” Detective Sgt. John Ampol said in a news release Thursday. “After confirming predatory practices were occurring, the ACE Unit referred the matter to SDPD for potential criminal prosecution.”

In May, the City Attorney’s Office asked victims with claims to meet with investigators, lawyers and traffic officers, and learned S&S Towing was illegally impounding vehicles and violating other laws regarding towed vehicles, Ampol said.

On Aug. 5, police were serving a search warrant at the company’s property on El Cajon Boulevard just west of state Route 15 for alleged unlawful towing, when a tow-truck driver ran into the parking lot and pulled a gun on himself, police said. Officers attempted to render aid to the driver after he shot himself, but he died before he could be taken to a hospital, Ampol said.

Officials did not provide further details about the specific allegations against the company on Thursday but listed several ways how someone could be an alleged victim in this case:

- The vehicle was towed from a legally parked area by S&S Towing;
- The tow-truck driver refused to release the vehicle on-site — meaning it hadn’t yet been removed from private property and was not in transit;
- The tow-truck driver asked for payment of more than half the regular towing charge after it was already hooked up to the tow truck or other towing device;
- The tow-truck driver or company refused to accept a credit card as a form of payment and would only accept cash;
- The owner of the vehicle was not provided a photocopy of the written authorization; or
- The owner was not provided a notice with information regarding reporting of wrongful towing.

The investigation remains ongoing, Ampol said. Investigators asked anyone who might have had a vehicle illegally towed by S&S Towing to contact the police traffic unit at TowingFraudReport@nd.sandiego.gov.