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EXEMPT FROM FILING FEES
GOV. CODE, § 6103

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**
11 **NORTH VALLEY DISTRICT – CHATSWORTH COURTHOUSE**

12
13 **DEPARTMENT OF CANNABIS**
14 **CONTROL,**

15 Plaintiff,

16 v.

17 **VERTICAL BLISS, INC., KUSHY**
18 **PUNCH, INC., CONGLOMERATE**
19 **MARKETING, LLC, MORE**
20 **AGENCY, INC., RUBEN KACHIAN**
21 **aka RUBEN CROSS, ARUTYUN**
22 **BARSAMYAN, KEVIN HALLORAN,**
23 **MIKE A. TOROYAN, and DOES 1**
24 **through 30, inclusive,**

25 Defendant

Case No. 20CHCV00560

DECLARATION OF DEPUTY
ATTORNEY GENERAL ETHAN
TURNER IN SUPPORT OF MOTION FOR
EVIDENCE SANCTION AGAINST
DEFENDANT ARUTYUN BARSAMYAN

Date: November 3, 2022
Time: 08:30 A.M.
Dept: F49
Judge: The Honorable Stephen P.
Pfahler

Trial Date: January 30, 2023
Action Filed: September 23, 2020

RESERVATION NO. 725141047423

1 I, Ethan Turner declare as follows:

2 1. I am an attorney duly licensed to practice law before the Courts of the State of
3 California. I am a Deputy Attorney General assigned to represent Plaintiff Department of
4 Cannabis Control (hereinafter, “Plaintiff”) in the above entitled matter. I have personal
5 knowledge of the information set forth herein below, all of which is true and correct of my own
6 personal knowledge and belief that the following evidence, declarations, exhibits, and writings
7 are true and correct. If called as a witness in this proceeding, I could truthfully testify to the
8 following:

9 2. On January 31, 2022, Plaintiff propounded Request for Production of Documents, Set
10 One (hereinafter, “Request for Production”), on Defendant Arutyun Barsamyan (hereinafter,
11 “Defendant”) through Defendant’s attorney of record, Margarita Salazar (hereinafter, “Salazar”);
12 the Request for Production was served on Salazar via first class U.S. mail and a courtesy copy
13 was sent to Salazar via email, that same day. True and correct copies of the Request for
14 Production and email are attached hereto as Exhibits 1 and 2, respectively.

15 3. On January 31, 2022, Salazar replied to confirm receipt of my email which contained
16 the Request for Production. In reply, Salazar wrote, “I will produce documents tomorrow.” A
17 true and correct copy of the email exchange is attached hereto as Exhibit 3.

18 4. On March 8, 2022, after not having received any responses to the request—other than
19 Salazar’s representation on January 31, 2022, that she would be producing the documents
20 “tomorrow”—I sent an email to Salazar to state that (1) we served her and Defendant “with
21 requests for production on January 31, 2022 [...] with proofs of service [...] by regular mail with
22 courtesy copies sent via email,” (2) the deadline for Defendant’s responses was “March 7, 2022,”
23 (3) Plaintiff had stipulated to electronic service, (4) a file exchange link could be provided “if
24 documents are excessive in size or number,” (5) the email correspondence constituted Plaintiff’s
25 “effort to meet and confer on the topic of [Salazar’s and Defendant’s] failure to respond to the
26 discovery requests, (6) we “would appreciate a response . . . confirming that no responses have
27 been sent [to us],” and (7) Plaintiff would “make another motion to compel and request for
28

1 sanctions in response to [her] clients' refusal to participate in the discovery process." A true and
2 correct copy of the email is attached hereto as Exhibit 4.

3 5. On May 3, 2022, I observed a hearing on Plaintiff's Motion for Sanctions against
4 another defendant in this case. During the hearing, the Court ordered both Plaintiff's counsel and
5 Salazar to meet and confer "in the next five days" to discuss and attempt to resolve any issues
6 pertaining to outstanding defense discovery ahead of the scheduled and/or reserved discovery
7 motion hearings on calendar. On the same day, I was a co-recipient of the email that Deputy
8 Attorney General Michael Yun (hereinafter, "DAG Yun") sent to Salazar, pursuant to the Court's
9 directions. A true and correct copy of the email is attached hereto as Exhibit 5.

10 6. On May 6, 2022, DAG Yun, Supervising Deputy Attorney General Josh Eisenberg,
11 and I attended a telephonic meet and confer with Salazar to discuss the outstanding defense
12 discovery responses in this case. During the meet and confer, Salazar represented that she will
13 provide all responses to the Requests for Production as to the seven defendants she represents,
14 including Defendant, by May 13, 2022. On the following Monday, May 9, 2022, DAG Yun sent
15 an email to Salazar to confirm the telephonic meet and confer and Salazar's representation during
16 the meeting. A true and correct copy the email is attached hereto as Exhibit 6.

17 7. As of the date of this declaration—253 days after Plaintiff propounded the Request
18 for Production—Plaintiff's counsel has not received any responses regarding the Request for
19 Production from Defendant or Salazar. Defendant and Salazar have never communicated the
20 reason for the delay and never requested an extension by which to provide the responses.
21 Plaintiff's counsel have also not received any responses or replies to the meet and confer
22 confirmation email sent to Salazar by DAG Yun.

23 This declaration is executed under penalty of perjury under the laws of the State of
24 California this 11th day of October, 2022, at Rancho Cordova, California.

25
26 

27 ETHAN A. TURNER
28

Exhibit 1

1 ROB BONTA
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2 HARINDER KAPUR
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9 *Attorneys for Plaintiff California*
Department of Cannabis Control

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF LOS ANGELES

13 NORTH VALLEY DISTRICT - CHATSWORTH COURTHOUSE

15 **CALIFORNIA DEPARTMENT OF**
16 **CANNABIS CONTROL,**

17 Plaintiffs,

18 v.

19 **VERTICAL BLISS, INC., KUSHY**
20 **PUNCH, INC., CONGLOMERATE**
21 **MARKETING, LLC, MORE AGENCY,**
22 **INC., RUBEN KACHIAN aka RUBEN**
CROSS, ARUTYUN BARSAMYAN,
23 **KEVIN HALLORAN, MIKE A.**
TOROYAN, and DOES 1 through 30,
inclusive,

24 Defendants.

Case No. 20CHCV00560

PLAINTIFF CALIFORNIA
DEPARTMENT OF CANNABIS
CONTROL'S REQUEST FOR
PRODUCTION OF DOCUMENTS TO
DEFENDANT ARUTYUN BARSAMYAN,
SET ONE

Dept: F49

Judge: Hon. Stephen P. Pfahler

Trial Date: June 13, 2022

Action Filed: September 23, 2020

25 PROPOUNDED BY: CALIFORNIA DEPARTMENT OF CANNABIS CONTROL

26 RESPONSES BY: ARUTYUN BARSAMYAN

27 SET: ONE
28

1 Plaintiff California Department of Cannabis Control requests that Arutyun Barsamyan
2 produce copies of or permit inspection and copying of the documents described below, pursuant
3 to Code of Civil Procedure sections 2031.010, et seq.

4 **DEFINITIONS**

5 1. "YOU" and "YOUR" means Arutyun Barsamyan and his employees, and any agents,
6 employees, and representatives, alter egos, entities, and any PERSONS acting on his behalf or at
7 his direction.

8 2. "DOCUMENT" or "DOCUMENTS" refers to any written, typewritten, printed,
9 recorded, or other photographic materials whatsoever, however produced or reproduced,
10 including, without limitation, drafts, notes, diaries, journals, calendars, memos, messages, letters,
11 telegrams, proposals, agreements, contracts, minutes, papers, books, statements, summaries,
12 writings, reports, presentations, graphs, charges, bills, records, assignments, working sheets,
13 drawings, diagrams, slides, photographs, posters, maps, plat maps, computer printouts, checks,
14 receipts, accounts, ledgers, expense reports, time charts, tapes, transcripts, recordings, and all
15 other tangible things and all other things which come within the definition of "writing" contained
16 in Evidence Code section 250, if the DOCUMENTS have been prepared in several copies, or
17 additional copies have been made that are not identical (or are no longer identical by reason of
18 subsequent addition or notation or other modification of the copy), each non-identical copy is a
19 separate DOCUMENT.

20 3. "PERSON" or "PERSONS" means all natural persons, business enterprises, banks,
21 savings and loans, financial institutions, entity, CORPORATION, partnership, proprietorship,
22 associations, organizations, trusts, consultants, attorneys at law, joint venture, other form of legal
23 business entities, and/or government or government agency of any nature of type

24 4. "UNLICENSED PREMISES" refers to 8415 Canoga Avenue and 8427 Canoga
25 Avenue, Canoga Park, CA 91304 and any and all building(s), business(es), facility(ies), and/or
26 storage area(s) located at those addresses at the relevant time period.

27 5. "LICENSED PREMISES" refers to 20500 Nordoff St. Chatsworth, CA 91311-6113
28 and any and all building(s), business(es), facility(ies), and/or storage area(s) located at this

1 address at the relevant time period.

2 6. “CANNABIS” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*,
3 or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or
4 purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative,
5 mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin,
6 whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks
7 of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any
8 other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks
9 (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which
10 is incapable of germination. For the purpose of this division, “cannabis” does not mean
11 “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code, as identified in
12 Business and Professions Code section 26001, subdivision (e).

13 7. “CANNABIS PRODUCT(S)” refers to CANNABIS that has undergone a process
14 whereby the plant material has been transformed into a concentrate, including, but not limited to,
15 concentrated cannabis, or an edible or topical product containing cannabis or concentrated
16 cannabis or other ingredients, as identified in Business and Professions Code section 26001,
17 subdivision (h), Health and Safety Code, section 11018.1, and Cal. Code Regs., tit. 4, section
18 15000, subdivision (j).

19 8. “CANNABIS GOODS” means cannabis and cannabis products in final form as defined
20 in the California Code of Regulations, Title 4, section 15000 subd. (i).

21 9. “CANNABIS CONCENTRATE” means cannabis that has undergone a process to
22 concentrate one or more active cannabinoids, thereby increasing the product’s potency or resin
23 from glandular trichomes from cannabis plant is a concentrate as identified in Business and
24 Professions Code section 26001, subdivision (g) and California Code of Regulations, Title 4,
25 section 15000 subdivision (h).

26 10. “MANUFACTURING” refers to compounding, blending, extracting, infusing, or
27 otherwise making or preparing a CANNABIS PRODUCT; the production, preparation,
28 propagation, or compounding of CANNABIS or CANNABIS PRODUCTS either directly or

1 indirectly or by extraction methods, or independently by means of chemical synthesis, or by a
2 combination of extraction and chemical synthesis at a fixed location that packages or repackages
3 CANNABIS or CANNABIS PRODUCT or labels or relabels its container; to all aspects of the
4 extraction process, infusion process, and packaging and labeling processes, including processing,
5 preparing, holding, and storing of CANNABIS PRODUCTS; and also includes any processing,
6 preparing, holding, or storing of components and ingredients of CANNABIS PRODUCTS, as
7 identified in Business and Professions Code section 26001, subdivisions (ag) and (ah), and
8 California Code of Regulations, Title 4, section 15000, subdivisions (oo) and (pp).

9 11. "GROSS REVENUE" refers to the gross sales of CANNABIS PRODUCTS, and the
10 revenue received from MANUFACTURING, packaging, labeling or otherwise handling
11 CANNABIS, CANNABIS PRODUCTS, CANNABIS CONCENTRATES for parties required to
12 hold a COMMERCIAL CANNABIS LICENSE; and for a party engaged in COMMERCIAL
13 MANUFACTURING CANNABIS ACTIVITY that also engaged in COMMERCIAL
14 DISTRIBUTOR CANNABIS ACTIVITY that sells or transfers CANNABIS PRODUCTS
15 manufactured on premises in a non-arm's length transaction, the gross sales or revenue for such
16 transactions shall be based on the product's fair market value if it were to be sold in an arm's
17 length transaction at wholesale, as identified in California Code of Regulations, Title 4, section
18 15014.

19 12. "DISTRIBUTION" refers to the procurement, sale, and transport of CANNABIS and
20 CANNABIS PRODUCTS between parties required to hold a COMMERCIAL CANNABIS
21 LICENSE, as identified in Business and Professions Code section 26001, subdivision (r) and
22 California Code of Regulations, Title 4, section 15000, subdivision (u).

23 13. "CORPORATION" means an entity having authority under law to act as a single
24 person distinct from the shareholders who own it and having rights to issue stock and exist
25 indefinitely; a group or succession of persons established in accordance with legal rules into a
26 legal or juristic person that has legal personality distinct from the natural persons who make it up,
27 exists indefinitely apart from them, and has the legal powers that its constitution gives it. (See
28 Black's Law Dict. (7th ed. 1999) p. 341, col. 1.)

1 14. "TAX" means a monetary charge imposed by the government on YOU and/or YOUR
2 business/CORPORATION entities. (See Black's Law Dict. (7th ed. 1999) p. 1469, col. 1.)

3 15. "STATE TAX" means a TAX in the form of a sales or income tax – earmarked for
4 state, rather than federal or municipal, purposes, levied under a state law. (See Black's Law Dict.
5 (7th ed. 1999) p. 1471, col. 2.)

6 16. "TAX YEAR" means the period used for computing federal or state income-tax
7 liability, usually either the calendar year or a fiscal year of 12 months ending on the last day of
8 the month other than December. (See Black's Law Dict. (7th ed. 1999) p. 1476, col. 1.)

9 17. "INCOME TAX" means a monetary charge imposed by the government on an
10 individual's or an entity's net income; the federal income tax – governed by the Internal Revenue
11 Code – is the federal government's primary source of revenue, and many states have income
12 taxes as well. (See Black's Law Dict. (7th ed. 1999) p. 1470, col. 2.)

13 18. "COMPLETE STATE AND FEDERAL PERSONAL INCOME TAX RETURNS" or
14 "PERSONAL TAXES" refer to the YOUR INCOME TAXES and the documents filed by YOU
15 with the state and federal governments during the TAX YEAR, including all schedules,
16 attachments, and amendments.

17 19. "COMPLETE STATE AND FEDERAL PERSONAL INCOME TAX RETURNS" or
18 "PERSONAL TAXES" refer to the YOUR INCOME TAXES and the documents filed by YOU
19 with the state and federal governments during the TAX YEARS, including all schedules,
20 attachments, and amendments.

21 20. "COMPLETE STATE AND FEDERAL COMMERCIAL INCOME TAX
22 RETURNS" or "BUSINESS TAXES" refer to the documents filed with the state and federal
23 governments during the TAX YEAR, including all schedules, attachments, and amendments, for
24 all CLOSE CORPORATION entities, CORPORATIONS, LLCs, and partnerships in which YOU
25 have any financial interest, over which you exercises any management or control, or for which
26 YOU kept, produced, or maintained financial records, including without limitation VERTICAL
27 BLISS, INC., KUSHY PUNCH, INC., CONGLOMERATE MARKETING, LLC, and MORE
28 AGENCY, INC.

21. “PROFIT” for the purposes of this request, means income, compensation, or payments received by YOU for your involvement in COMMERCIAL CANNABIS ACTIVITY at the UNLICENSED PREMISES. Pursuant the Business and Professions Code section 26038, subdivision (a)(3)(D), the total liability for civil penalties involves consideration of “[w]hether, and to what extent, the licensee or person profited from the unlicensed activity.”

22. “INVENTORY” means an itemized list or schedule of ASSETS, PROPERTY, or all other articles, including notations of their value, e.g., goods held for sale or lease (stock in trade) or raw materials consumed in a business. (See Ballentine’s Law Dict. (Legal Ass’t ed. 1994.)

23. “CANNABIS AND CANNABIS PRODUCTS INVENTORY” means any INVENTORY RELATED TO the total amount of cannabis and cannabis products in YOUR possession or the total amount of cannabis and cannabis products produced on the UNLICENSED PREMISES for commercial purposes whether or not it was reported to the California Cannabis Track and Trace-METRC system.

24. “METRC” means the off-the-shelf software-as-a-service system used by state regulators to implement the California Cannabis Track and Trace system in connection with commercial cannabis activity and movement across the distribution chain (commonly referred to as “seed-to-sale”).

25. The singular of any term includes the plural, and the plural of any term includes the singular.

INSTRUCTIONS

1. If YOU withhold any document or any part of any document, or any tangible thing, under a claim of privilege, please list the following for each item claimed to be privileged, as required by Code of Civil Procedure section 2031.240, subdivision (b).

a. A brief description of the nature and contents of the document or thing as to which a privilege is claimed;

b. The name, occupation, and capacity of the PERSON who generated the document or tangible thing as to which a privilege is claimed;

- c. The name, occupation, and capacity of each recipient of the document or tangible thing as to which a privilege is claimed;
- d. The date the document or tangible thing bears;
- e. The date the document or tangible thing was received by each recipient thereof;
- f. The relationship between the author and each recipient at the time the document or tangible thing was received by the recipient;
- g. The basis on which privilege is claimed; and
- h. The paragraph, paragraphs, or subpart(s) of the request for production to which the document or tangible thing is responsive.

2. Unless specifically requested, duplicative originals or copies that are absolutely and totally identical (including metadata) to a produced document or thing need not also be produced. However, any duplicate that is in any way different (e.g., by containing notes or missing material) must also be produced.

3. To the extent responsive DOCUMENTS exist in an electronic or computerized format, please contact the attorney serving these requests to discuss the manner and format in which the DOCUMENTS are to be produced so as to facilitate the production of full and complete copies in a usable format. In the absence of an agreement regarding the manner and format of production, the following instructions shall apply:

- a. DOCUMENTS shall be produced in load file format, suitable for loading into a Concordance/Relativity compatible litigation support review platform. Load file format shall consist of the following: (1) Single-page Group IV TIFF images created using at least 300 DPI print setting. Each image shall have a unique file name, which is the Bates number of the document. Original document orientation shall be maintained (i.e., portrait to portrait and landscape to landscape). TIFF images shall show all text and images (including tracked changes, hidden comments, and embedded objects) which could have been visible using the native software that created the document; (2) OPT Files (searchable text) with text extracted directly from native documents, or rendered using OCR (optical character recognition) for non-native, redacted or Bates-stamped documents. The files shall be named based on the associated Bates

1 number containing the extracted or OCR text; (3) DAT files (fielded data) shall contain metadata
2 field names in the header row using common delimiters and text qualifiers to separate the data.
3 The requested metadata fields are set forth in Appendix A. Manual entry of the fields in Appendix
4 A is not required if such fields cannot be extracted from a document; (4) All presentation files
5 (PowerPoint, Keynote, etc.), spreadsheets (Excel, Access, etc.), audio or video files shall be
6 produced in native format along with the extracted text and relevant metadata identified in
7 Appendix A for the entire spreadsheet, plus a Bates-numbered TIFF image slip-sheet stating the
8 document has been produced in native format; and, (5) family relationships among email
9 attachments and embedded links shall be maintained.

10 b. The response shall include all DOCUMENTS and computer programs necessary
11 for the accurate conversion, analysis, and review of the electronic data, including but not limited
12 to operating instructions, manuals and user guides, keys, legends, and codes for systems,
13 programs, files, and data fields.

14 4. To the extent that responsive DOCUMENTS are not currently in electronic form, please
15 provide scanned images in a PDF format. Each DOCUMENT should be saved as a separate PDF
16 file and provided with an individualized title that allows for ready identification of the
17 DOCUMENT.

18 5. The Plaintiff consents to electronic service of all discovery responses.

19 **REQUEST FOR PRODUCTION NO. 1:**

20 Please produce all DOCUMENTS reflecting any and all still pictures, moving pictures,
21 photographs, digital images, videos, or any other photographic representation which identify the
22 interior of the UNLICENSED PREMISES in the period from April 23, 2018 to October 2, 2019.

23 **REQUEST FOR PRODUCTION NO. 2:**

24 Please produce all DOCUMENTS reflecting any and all still pictures, moving pictures,
25 photographs, digital images, videos, or any other photographic representation which identify the
26 exterior of the UNLICENSED PREMISES in the period from April 23, 2018 to October 2, 2019.

27 **REQUEST FOR PRODUCTION NO. 3:**

28 Please produce all leases pertaining to the UNLICENSED PREMISES within the last 5

1 years.

2 **REQUEST FOR PRODUCTION NO. 4:**

3 Please produce all DOCUMENTS reflecting any rental payments made for the
4 UNLICENSED PREMISES within the last 5 years.

5 **REQUEST FOR PRODUCTION NO. 5:**

6 Please produce all DOCUMENTS reflecting the purchase of the UNLICENSED
7 PREMISES within the last 5 years.

8 **REQUEST FOR PRODUCTION NO. 6:**

9 Please produce all DOCUMENTS reflecting the sale of the UNLICENSED PREMISES
10 within the last 5 years.

11 **REQUEST FOR PRODUCTION NO. 7:**

12 Please produce any and all income and expense statements arising from any business
13 activity at the UNLICENSED PREMISES from January 1, 2018 through the present date.

14 **REQUEST FOR PRODUCTION NO. 8:**

15 Please produce any and all income and expense statements arising from any business
16 activity at the LICENSED PREMISES from January 1, 2018 through the present date.

17 **REQUEST FOR PRODUCTION NO. 9:**

18 Please produce any and all asset and liability statements arising from any business activity
19 at the UNLICENSED PREMISES from January 1, 2018 through the present date.

20 **REQUEST FOR PRODUCTION NO. 10:**

21 Please produce any and all asset and liability statements arising from any business activity
22 at the LICENSED PREMISES from January 1, 2018 through the present date.

23 **REQUEST FOR PRODUCTION NO. 11:**

24 Please produce any and all balance sheets arising from any business activity at the
25 UNLICENSED PREMISES from January 1, 2018 through the present date.

26 **REQUEST FOR PRODUCTION NO. 12:**

27 Please produce any and all balance sheets arising from any business activity at the
28 LICENSED PREMISES from January 1, 2018 through the present date.

REQUEST FOR PRODUCTION NO. 13:

Please produce any and all sources and uses of cash statements arising from any business activity at the UNLICENSED PREMISES from January 1, 2018 through the present date.

REQUEST FOR PRODUCTION NO. 14:

Please produce any and all sources and uses of cash statements arising from any business activity at the LICENSED PREMISES from January 1, 2018 through the present date.

REQUEST FOR PRODUCTION NO. 15:

Please produce any and all sources and uses of funds statements arising from any business activity at the UNLICENSED PREMISES from January 1, 2018 through the present date.

REQUEST FOR PRODUCTION NO. 16:

Please produce any and all sources and uses of funds statements arising from any business activity at the LICENSED PREMISES from January 1, 2018 through the present date.

REQUEST FOR PRODUCTION NO. 17:

Please produce any and all statements of accounts payable arising from any business activity at the UNLICENSED PREMISES from January 1, 2018 through the present date.

REQUEST FOR PRODUCTION NO. 18:

Please produce any and all statements of accounts payable arising from any business activity at the LICENSED PREMISES from January 1, 2018 through the present date.

REQUEST FOR PRODUCTION NO. 19:

Please produce any and all statements of accounts receivable arising from any business activity at the UNLICENSED PREMISES from January 1, 2018 through the present date.

REQUEST FOR PRODUCTION NO. 20:

Please produce any and all statements of accounts receivable arising from any business activity at the LICENSED PREMISES from January 1, 2018 through the present date.

REQUEST FOR PRODUCTION NO. 21:

Please produce any and all equipment leases arising from any business activity at the UNLICENSED PREMISES from January 1, 2018 through the present date.

REQUEST FOR PRODUCTION NO. 22:

1 Please produce any and all equipment purchase DOCUMENTS arising from any business
2 activity at the UNLICENSED PREMISES from January 1, 2018 through the present date.

3 **REQUEST FOR PRODUCTION NO. 23:**

4 Please produce any and all equipment purchase DOCUMENTS arising from any business
5 activity at the LICENSED PREMISES from January 1, 2018 through the present date.

6 **REQUEST FOR PRODUCTION NO. 24:**

7 Please produce any and all DOCUMENTS reflecting the sale of CANNABIS and
8 CANNABIS PRODUCT(S) that were MANUFACTURED at, or DISTRIBUTED from the
9 UNLICENSED PREMISES from January 1, 2018 through the present date.

10 **REQUEST FOR PRODUCTION NO. 25:**

11 Please produce any and all DOCUMENTS reflecting the sale of CANNABIS and
12 CANNABIS PRODUCT(S) that were MANUFACTURED at, or DISTRIBUTED from the
13 LICENSED PREMISES from January 1, 2018 through the present date.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 Please produce any and all DOCUMENTS reflecting the purchase of CANNABIS,
16 CANNABIS PRODUCT(S), or CANNABIS CONCENTRATE for use in MANUFACTURING
17 processes at the UNLICENSED PREMISES from January 1, 2018 through the present date.

18 **REQUEST FOR PRODUCTION NO. 27:**

19 Please produce any and all DOCUMENTS reflecting the purchase of CANNABIS,
20 CANNABIS PRODUCT(S), or CANNABIS CONCENTRATE for use in MANUFACTURING
21 processes at the LICENSED PREMISES from January 1, 2018 through the present date.

22 **REQUEST FOR PRODUCTION NO. 28:**

23 Please produce any and all DOCUMENTS reflecting the receipt of CANNABIS,
24 CANNABIS PRODUCT(S), or CANNABIS CONCENTRATE at the UNLICENSED
25 PREMISES from January 1, 2018 through the present date.

26 **REQUEST FOR PRODUCTION NO. 29:**

27 Please produce any and all DOCUMENTS reflecting the receipt of CANNABIS,
28 CANNABIS PRODUCT(S), or CANNABIS CONCENTRATE at the LICENSED PREMISES

1 from January 1, 2018 through the present date.

2 **REQUEST FOR PRODUCTION NO. 30**

3 Please produce any and all DOCUMENTS reflecting the transportation, shipment, or
4 movement of CANNABIS, CANNABIS PRODUCTS, or CANNABIS CONCENTRATE from
5 the LICENSED PREMISES to the UNLICENSED PREMISES.

6 **REQUEST FOR PRODUCTION NO. 31**

7 Please produce any and all DOCUMENTS reflecting the transportation, shipment, or
8 movement of CANNABIS, CANNABIS PRODUCTS, or CANNABIS CONCENTRATE from
9 the UNLICENSED PREMISES to the LICENSED PREMISES.

10 **REQUEST FOR PRODUCTION NO. 32:**

11 Please produce any and all DOCUMENTS reflecting any GROSS REVENUE from the
12 MANUFACTURING of CANNABIS and CANNABIS PRODUCT(S) from the UNLICENSED
13 PREMISES from January 1, 2018 through the present date.

14 **REQUEST FOR PRODUCTION NO. 33:**

15 Please produce any and all DOCUMENTS reflecting any GROSS REVENUE from the
16 MANUFACTURING of CANNABIS and CANNABIS PRODUCT(S) from the LICENSED
17 PREMISES from January 1, 2018 through the present date.

18 **REQUEST FOR PRODUCTION NO. 34:**

19 Please produce any and all DOCUMENTS reflecting any GROSS REVENUE from the
20 DISTRIBUTION of CANNABIS and CANNABIS PRODUCT(S) to, from, or at the
21 UNLICENSED PREMISES from January 1, 2018 through the present date.

22 **REQUEST FOR PRODUCTION NO. 35:**

23 Please produce any and all DOCUMENTS reflecting any GROSS REVENUE from the
24 DISTRIBUTION of CANNABIS and CANNABIS PRODUCT(S) to, from, or at the LICENSED
25 PREMISES from January 1, 2018 through the present date.

26 **REQUEST FOR PRODUCTION NO. 36:**

27 Please produce DOCUMENTS related to the governance of Vertical Bliss Inc, Kushy
28 Punch, Inc., Conglomerate Marketing, LLC., and More Agency, Inc. DOCUMENTS related to

1 governance of these business entities, for the purposes of this request include articles of
2 incorporation, statements of information, agendas of director or officer meetings, minutes of any
3 such meetings, as well as resolutions, amendments, or other documents generated in the course of
4 observing corporate formalities related to meetings of directors, officers, and/or shareholders.

5 **REQUEST FOR PRODUCTION NO. 37:**

6 Please provide all DOCUMENTS that show the CANNABIS AND CANNABIS
7 PRODUCTS INVENTORY as well as any other INVENTORY, whether held individually or
8 with or through Vertical Bliss Inc, Kushy Punch, Inc, Conglomerate Marketing, LLC, More
9 Agency, Inc., Ruben Kachian, Arutyun Barsamyan, Mike A. Toroyan or any other PERSON
10 associated with these individuals or business entities from January 1, 2018 to the Present Date.

11 **REQUEST FOR PRODUCTION NO. 38:**

12 Please produce any and all DOCUMENTS that are in YOUR possession related to any
13 purchase, sale, or transfer of any right to use or authorization to use the Kushy Punch name, logo,
14 or proprietary or patented recipes, formulas, or ingredients used in MANUFACTURING
15 CANNABIS PRODUCTS.

16 **REQUEST FOR PRODUCTION NO. 39:**

17 To evaluate the required “PROFITS” realized for the purpose of assessing civil penalties
18 identified in Business and Professions Code section 26038, subdivision (a)(1)(D), please provide
19 original copies of YOUR COMPLETE STATE AND FEDERAL PERSONAL INCOME TAX
20 RETURNS, from January 1, 2018 to present. (If the tax returns were filed electronically, provide
21 Form 8879, the IRS e-file Signature Authorization.)

22 **REQUEST FOR PRODUCTION NO. 40:**

23 To evaluate the required “PROFIT” civil penalty factor identified in Business and
24 Professions Code section 26038, subdivision (a)(1)(D), please provide all STATEMENTS OF
25 ACCOUNT from YOUR FINANCIAL INSTITUTIONS for all accounts held individually, with,
26 or through any PERSON, from January 1, 2018 to present.

1 Dated: January 31, 2022

Respectfully Submitted,

2 ROB BONTA
3 Attorney General of California
4 HARINDER KAPUR
5 Senior Assistant Attorney General



6 ETHAN TURNER
7 Deputy Attorney General
8 *Attorneys for Plaintiff California*
9 *Department of Cannabis Control*

DECLARATION OF SERVICE BY E-MAIL & U.S. MAIL

Case Name: **California Department of Public Health, et al. v. Vertical Bliss, Inc., et al.**
Case No.: **20CHCV00560**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

On January 31, 2022, I served the attached:

**PLAINTIFF CALIFORNIA DEPARTMENT OF CANNABIS CONTROL'S
REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
ARUTYUN BARSAMYAN, SET ONE**

by transmitting a true copy via regular and electronic mail to the following addresses:

Margarita Salazar, Esq.
470 Third Ave Suite 9
Chula Vista, CA 91910-4663
margarita@msalazarlaw.com
kevin@msalazarlaw.com
Attorney for Defendants

Ian Stewart
Wilson, Elser, Moskowitz, Edelman & Dicker LLP
Email: Ian.Stewart@wilsonelser.com
Attorney for Defendant Kevin Halloran

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on January 31, 2022, at Sacramento, California.

N. Clark

Declarant



Signature

Exhibit 2

From: [Natalie Clark](#)
To: margarita@msalazarlaw.com; kevin@msalazarlaw.com
Cc: [Ethan Turner](#); ian.stewart@wilsonelser.com
Subject: Discovery Transmittal: CDPH; BCC v. Vertical Bliss, Inc. / 20CHCV00560
Date: Monday, January 31, 2022 5:36:49 PM
Attachments: [image001.jpg](#)
[RFPD Toroyon Set 1.pdf](#)
[RFPD Kachian Set 1.pdf](#)
[RFPD Barsamyan Set 1.pdf](#)

Good evening Ms. Salazar,

Please find the attached discovery in the above-named matter which will also follow via regular mail:

**PLAINTIFF REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
MIKE A. TOROYAN, SET ONE**

**PLAINTIFF REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
RUBEN KACHIAN aka RUBEN CROSS, SET ONE**

**PLAINTIFF REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
ARUTYUN BARSAMYAN, SET ONE**

Best regards,

Natalie Clark

Legal Secretary
Department of Justice
1300 I Street
Sacramento, CA 95814
Phone: (916) 210-6357
Hours: M-F 9:00 a.m. – 5:30 p.m.
Teleworking 100%
Personal File Drop: <https://fx.doj.ca.gov/filedrop/~xFagjS>



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Exhibit 3

From: [Margarita Salazar](#)
To: [Ethan Turner](#)
Cc: [Kevin Knox](#)
Subject: Re: RFPs for Natural Person Defendants
Date: Monday, January 31, 2022 5:15:58 PM
Attachments: [image001.jpg](#)
[RFP Mike A. Toroyon.pdf](#)
[RFP Ruben Kachian.pdf](#)
[RFP Arutyun Barsamyan.pdf](#)

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Thank you, Ethan. I will produce documents tomorrow.

Thank you.

--m

Margarita Salazar
Tel. / Text: (619) 994-9578

On Jan 31, 2022, at 4:54 PM, Ethan Turner <Ethan.Turner@doj.ca.gov> wrote:

Margarita,

Attached are RFPs for your natural person defendants. The information sought relates principally to the profitability of the business entities and the proceeds that flowed directly to each of the natural person defendants. This information will be necessary for the Court to make a determination about the amount of civil penalties that can be assessed. (Bus. & Prof. Code § 26038, subd (a)(3)(D)).

This information will also be indispensable to mediation because determining the range of possible civil penalty orders will be necessary to deciding what a fair settlement would be.

For these reasons, this request for production is designed to request any documents that may be in your clients' possession which can assist in determining the profitability of the business entities and which also disclose the amount of money that each of them personally received in their respective roles in facilitating the activities of the business entities involved in this case. Also, because the operations of the unlicensed and licensed facilities were so intertwined, total compensation from, and total profitability of, the entire Vertical Bliss/Kushy Punch enterprise is relevant to determining the profitability of the unlicensed operation.

Identical RFPs were also sent to Holloran through his counsel. You will be cc'd on those RFPs when they are served by my secretary.

Because we believe that this information will be relevant to mediation, we hope that responses can be expedited. If possible, it would be great if we could get the responses before we have to submit our mediation briefs. We could also consider postponing the mediation to mutually agreed upon date that works for the selected mediator if these documents cannot be produced before that date.

Please let me know if you have any questions.

Ethan Turner

**Deputy Attorney General III
California Department of Justice
Office of the Attorney General
Division of Civil Law
Cannabis Control Section
1300 I Street
1620-18
Sacramento, CA 95814
Office: (916) 210-7898**



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Exhibit 4

From: [Ethan Turner](#)
To: ["Margarita Salazar, Esq."; kevin@msalazarlaw.com](#)
Cc: [Harinder Kapur](#); [Joshua Eisenberg](#); [Michael Yun](#)
Subject: Meet and Confer: The deadline for the Requests for Production has passed.
Date: Tuesday, March 8, 2022 3:43:28 PM
Attachments: [RFPD Kachian Set 1.pdf](#)
[RFPD Barsamyan Set 1.pdf](#)
[RFPD Toroyan Set 1.pdf](#)

Ms. Salazar,

As you know, we served you and your clients, Ruben Kachian, Mike A. Toroyan, and Arutyun Barsamyan with requests for production on January 31, 2022 (see attached RFPs with proofs of service). They were sent by regular mail with courtesy copies sent via email. The deadline for your responses was yesterday, March 7, 2022.

We have previously stipulated to electronic service for all purposes, and hope that you'll be sending the requested documents via email, or if documents are excessive in size or number, we can send you a file exchange link. If you have already placed the requested documents in the mail, but have electronic versions of the documents, we would appreciate it if you could send us electronic copies of all documents.

In the event that you have not sent any responsive documents, please consider this email our effort to meet and confer on the topic of your failure to respond to the discovery requests.

Since the total absence of any response is not something that needs to be reviewed on an issue by issue basis, there is no need to have an extended conversation or correspondence on the topic. However, we would appreciate a response from you confirming that no responses have been sent. If this is, in fact the case, please note that we will be required to make another motion to compel and request for sanctions in response to your clients' refusal to participate in the discovery process.

Thanks,

Ethan Turner

Deputy Attorney General III
California Department of Justice
Office of the Attorney General
Division of Civil Law
Cannabis Control Section
1300 I Street
1620-18
Sacramento, CA 95814
Office: (916) 210-7898



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From: Natalie Clark <Natalie.Clark@doj.ca.gov>

Sent: Monday, January 31, 2022 5:37 PM

To: margarita@msalazarlaw.com; kevin@msalazarlaw.com

Cc: Ethan Turner <Ethan.Turner@doj.ca.gov>; ian.stewart@wilsonelser.com

Subject: Discovery Transmittal: CDPH; BCC v. Vertical Bliss, Inc. / 20CHCV00560

Good evening Ms. Salazar,

Please find the attached discovery in the above-named matter which will also follow via regular mail:

**PLAINTIFF REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
MIKE A. TOROYAN, SET ONE**

**PLAINTIFF REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
RUBEN KACHIAN aka RUBEN CROSS, SET ONE**

**PLAINTIFF REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
ARUTYUN BARSAMYAN, SET ONE**

Best regards,

Natalie Clark

Legal Secretary
Department of Justice
1300 I Street
Sacramento, CA 95814

Phone: (916) 210-6357

Hours: M-F 9:00 a.m. – 5:30 p.m.

Teleworking 100%

Personal File Drop: <https://fx.doj.ca.gov/filedrop/~xFagjS>



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Exhibit 5

From: [Michael Yun](#)
To: [Margarita Salazar](#)
Cc: [Ethan Turner](#); [Joshua Eisenberg](#); [Harinder Kapur](#)
Subject: DCC v. Vertical Bliss, Inc. et al., Case No. 20CHCV00560 - Court Ordered Meet and Confer in the Next Five Days
re: Outstanding Defense Discovery
Date: Tuesday, May 3, 2022 1:40:46 PM
Attachments: [image001.png](#)
Importance: High

Dear Ms. Salazar:

Pursuant to the Court's verbal order this morning at the hearing on our Motion for Sanctions against Defendant Ruben Kachian, I am reaching out to schedule "a meet and confer within the next five days" regarding the outstanding defense discovery that has not yet been produced despite our previous, routine requests. Please advise when you're available to engage in a reasonable and good faith attempt to resolve any dispute concerning the discovery requests ahead of the following discovery motions currently scheduled and/or reserved:

05/26/2022 – Five (5) Motions to Compel Further Responses against your clients, Defendants Kushy Punch, Inc., Conglomerate Marketing, LLC, More Agency, Inc., Arutyun Barsamyan, and Mike A. Toroyan regarding (1) Responses to Form Interrogatories and (2) Requests for Admissions, Set One. As you are aware, three (3) of these Motions to Compel Further Responses—against Defendants Kushy Punch, Inc., Conglomerate Marketing, LLC, and More Agency, Inc.—are additionally regarding Requests for Production of Documents, Set One.

05/26/2022 – Motion to Compel Discovery against your client, Defendant Ruben Kachian regarding Request for Production of Documents, Set One.

06/07/2022 – Motion to Compel Discovery against Defendant Arutyun Barsamyan regarding Request for Production of Documents, Set One.

06/10/2022 – Motion to Compel Discovery against Defendant Mike A. Toroyan regarding Request for Production of Documents, Set One.

If you and your clients are willing to engage in the discovery process in good faith, and turn over requested discovery in time, subsequent motions for sanctions may no longer be necessary.

We are generally available for a virtual meet and confer this week including up to Friday, May 6, 2022 with the exception of the following time: Wednesday, 5/4 between 10:30 a.m. and 3:30 p.m., Thursday, 5/5 between 1:00 p.m. and 3:00 p.m., and Friday, 5/6 between 11:30 a.m. and 1:30 p.m. We are making ourselves available as much as possible to accommodate your schedule in order to comply with the Court's Order. Please let us know what day and time works best for you in order to avoid a delay in scheduling the meet and confer.

Respectfully,

Michael Yun

Michael Yun
Deputy Attorney General III
California Department of Justice
Office of the Attorney General
Cannabis Control Section

Direct: (310) 987-7170



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From: [Michael Yun](#)
To: [Margarita Salazar](#)
Cc: [Ethan Turner](#); [Joshua Eisenberg](#); [Harinder Kapur](#)
Subject: Re: DCC v. Vertical Bliss, Inc. et al., Case No. 20CHCV00560 - Court Ordered Meet and Confer in the Next Five Days re: Outstanding Defense Discovery
Date: Friday, May 6, 2022 11:27:32 AM
Attachments: [image001.png](#)
[image002.png](#)
Importance: High

Ms. Salazar:

I am following-up on the below email as we have not heard back from you. Please let us know if you are available to speak today and we will set-up a meeting.

Respectfully,

Michael Yun

Michael Yun
Deputy Attorney General III
California Department of Justice
Office of the Attorney General
Cannabis Control Section

Direct: (310) 987-7170



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From: Michael Yun <Michael.Yun@doj.ca.gov>

Date: Tuesday, May 3, 2022 at 1:40 PM

To: Margarita Salazar <margarita@msalazarlaw.com>

Cc: Ethan Turner <Ethan.Turner@doj.ca.gov>, Joshua Eisenberg <Joshua.Eisenberg@doj.ca.gov>, Harinder Kapur <Harinder.Kapur@Doj.Ca.Gov>

Subject: DCC v. Vertical Bliss, Inc. et al., Case No. 20CHCV00560 - Court Ordered Meet and Confer in the Next Five Days re: Outstanding Defense Discovery

Dear Ms. Salazar:

Pursuant to the Court's verbal order this morning at the hearing on our Motion for Sanctions against Defendant Ruben Kachian, I am reaching out to schedule "a meet and confer within the next five days" regarding the outstanding defense discovery that has not yet been produced despite our previous, routine requests. Please advise when you're available to engage in a reasonable and good faith attempt to resolve any dispute concerning the discovery requests ahead of the following discovery motions currently scheduled and/or reserved:

05/26/2022 – Five (5) Motions to Compel Further Responses against your clients, Defendants Kushy Punch, Inc., Conglomerate Marketing, LLC, More Agency, Inc., Arutyun Barsamyan, and Mike A. Toroyan regarding (1) Responses to Form Interrogatories and (2) Requests for Admissions, Set One. As you are aware, three (3) of these Motions to Compel Further Responses—against Defendants Kushy Punch, Inc., Conglomerate Marketing, LLC, and More Agency, Inc.—are additionally regarding Requests for Production of Documents, Set One.

05/26/2022 – Motion to Compel Discovery against your client, Defendant Ruben Kachian regarding Request for Production of Documents, Set One.

06/07/2022 – Motion to Compel Discovery against Defendant Arutyun Barsamyan regarding Request for Production of Documents, Set One.

06/10/2022 – Motion to Compel Discovery against Defendant Mike A. Toroyan regarding Request for Production of Documents, Set One.

If you and your clients are willing to engage in the discovery process in good faith, and turn over requested discovery in time, subsequent motions for sanctions may no longer be necessary.

We are generally available for a virtual meet and confer this week including up to Friday, May 6, 2022 with the exception of the following time: Wednesday, 5/4 between 10:30 a.m. and 3:30 p.m., Thursday, 5/5 between 1:00 p.m. and 3:00 p.m., and Friday, 5/6 between 11:30 a.m. and 1:30 p.m. We are making ourselves available as much as possible to accommodate your schedule in order to comply with the Court's Order. Please let us know what day and time works best for you in order to avoid a delay in scheduling the meet and confer.

Respectfully,

Michael Yun

Michael Yun
Deputy Attorney General III
California Department of Justice
Office of the Attorney General
Cannabis Control Section

Direct: (310) 987-7170



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Exhibit 6

From: [Michael Yun](#)
To: [Margarita Salazar](#)
Cc: [Ethan Turner](#); [Joshua Eisenberg](#); [Harinder Kapur](#)
Subject: DCC v. Vertical Bliss, Inc., et al., Case No. 20CHCV00560 - Meet and Confer on May 6, 2022
Date: Monday, May 9, 2022 8:02:17 PM
Attachments: [image001.png](#)

Ms. Salazar:

This email is to confirm our telephonic meet and confer that took place on May 6, 2022 at 3:30 p.m., pursuant to the Court's verbal order. Participating in the teleconference were Deputy Attorney General ("DAG") Ethan Turner, Supervising Deputy Attorney General Josh Eisenberg, me, and you. We addressed the outstanding defense discovery responses in this case as they relate to the discovery motions currently scheduled and/or reserved for filing, previously mentioned in my email to you, dated May 3, 2022, and expressly reiterated during our teleconference.

During the meet and confer, you represented that you will provide all responses and further responses to (1) Form Interrogatories, (2) Requests for Admissions, and (3) Requests for Production of Documents as to all of your clients including (1) Ruben Kachian a.k.a. Ruben Cross, (2) Vertical Bliss, Inc., (3) Kushy Punch, Inc., (4) Conglomerate Marketing, LLC, (5) More Agency, Inc., (6) Arutyun Barsamyan, and (7) Mike A. Toroyan by Friday, May 13, 2022. DAG Turner stated that Plaintiff will proceed with the discovery motions. We also stated that if all outstanding defense discovery items are adequately produced, we may then take the discovery motions off calendar.

Respectfully,

Michael Yun

Michael Yun
Deputy Attorney General III
California Department of Justice
Office of the Attorney General
Cannabis Control Section

Direct: (310) 987-7170



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DECLARATION OF SERVICE BY E-Mail

Case Name: **California Department of Public Health, et al. v. Vertical Bliss, Inc., et al.**
Case No.: **20CHCV00560**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

On **October 11, 2022**, I served the attached **DECLARATION OF DEPUTY ATTORNEY GENERAL ETHAN TURNER IN SUPPORT OF MOTION FOR EVIDENCE SANCTION AGAINST DEFENDANT ARUTYUN BARSAMYAN** by transmitting a true copy via electronic mail, addressed as follows:

Party	Address
Margarita Salazar, Esq. <i>Attorney for Defendants Vertical Bliss, Inc., Kushy Punch, Inc., Conglomerate Marketing, LLC., More Agency, Inc., Ruben Kachian, Arutyun Barsamyan, and Mike A. Toroyan</i>	Margarita Salazar, Esq. Law Offices of Margarita Salazar 470 Third Avenue, Ste. 9 Chula Vista, CA 91910-4663 E-mail Address: margarita@msalazarlaw.com
Ian Stewart Wilson Elser Moskowitz Edelman & Dicker LLP <i>Attorney for Defendant Kevin Halloran</i>	Wilson Elser Moskowitz Edelman & Dicker LLP 555 South Flower St. Ste. 2900 Los Angeles, Ca 90071 E-mail Address: ian.stewart@wilsonelser.com

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **October 11, 2022**, at Los Angeles, California.

Cecilia Apodaca

Declarant

/s/ Cecilia Apodaca

Signature