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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

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Clerk of the Superior Court
By N. Lopez, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – HALL OF JUSTICE

SORRENTO VALLEY INVESTMENT
GROUP;

Plaintiff,

v.

SURE FELT, LLC; DOES 1 TO 10
INCLUSIVE;

Defendants.

Case No: 37-2024-00018077-CU-UD-CTL

Hon. Robert Longstreth
Dept. C-65

**DECLARATION OF CYNTHIA MORGAN-
REED**

DECLARATION OF CYNTHIA MORGAN-REED

I, CYNTHIA MORGAN-REED, have personal knowledge of the following facts and hereby
declare as follows:

1. I am an attorney at law licensed to practice in the State of California.
2. My law firm, Morgan Reed Law, is based in San Diego, California, and I have
extensive experience regarding the land use laws and regulations of the City of San Diego,
particularly as those laws regulations relate to cannabis businesses.
3. I currently represent Sure Felt, LLC (“**Sure Felt**”) in certain land use matters and have

1 done so for several years.

2 4. I have knowledge of the regulations that govern Sure Felt obtaining a Cannabis Outlet
3 Conditional Use Permit (“**CUP**”) and Cannabis Operating Permit (“**COP**”) issued by the City of San
4 Diego to operate a cannabis business at 10715 Sorrento Valley Rd, San Diego, CA 92121 (the
5 “**Premises**”).

6 5. To be eligible to seek a cannabis license from the state of California, a cannabis
7 business operating in San Diego must have both a CUP and a COP.

8 6. The CUP and the COP are both tied to a particular property location. In the case of
9 Sure Felt, the CUP and COP are tied to the Premises.

10 7. The number of CUPs, and the related COPs, issued by the City of San Diego are very
11 limited; in high demand; and, are geographically limited to locations not near sensitive land uses such
12 as schools and playgrounds therefore these permits are very valuable and difficult to obtain.

13 8. The CUP issued by the City of San Diego must be renewed every five (5) years.
14 Beginning in July of 2023, Sure Felt submitted an application to process a CUP Amendment to renew
15 its CUP for an additional five (5) year period.

16 9. I was actively processing the CUP Amendment application with the City of San Diego
17 when I made aware that on or about April 25, 2024, Richard Ormond (“**Ormond**”) was appointed as
18 the Receiver over a number of cannabis businesses, including Sure Felt.

19 10. On May 2, 2024 the City informed me that the CUP Amendment for the Premises was
20 approved under our CUP Application project number and issued to Sorrento Valley Investment
21 Group, the owner of the Premises (the “**Landlord**”).

22 11. I did not receive prior notice from the City, or Landlord, that they were improperly
23 using Sure Felt’s CUP Amendment application to illegally obtain the CUP Amendment in the
24 Landlord’s name.

25 12. I have appealed the City of San Diego’s issuance of the CUP Amendment to the
26 Landlord on the basis that it deprived Sure Felt of its property rights without due process and that
27 these actions were in violation of the City of San Diego’s municipal code, and statutory and case law.

28 13. Sure Felt will be irreparably harmed if it is not allowed to continue to operate at the

1 Premises. Because Sure Felt's CUP, as well as the related COP, are tied to the Premises, Sure Felt
2 cannot legally operate a cannabis business under these permits at any location other than the Premises.

3 14. I am also aware that the Landlord is seeking to use the issuance of the CUP
4 Amendment in its name to obtain a state of California cannabis license, in its own name, to operate a
5 cannabis business at the Premises.

6 15. On July 23, 2024, City of San Diego Deputy City Attorney Noah Brazier informed me
7 that the City cannot legally confirm to State cannabis regulators that Landlord has the right to a
8 cannabis license until the CUP appeal is resolved.

9 I declare under penalty of perjury and the laws of the state of California that the foregoing is
10 true to the best of my knowledge and if called as a witness I would testify consistently therewith.

11 Executed July, 29 2024 at San Diego, California.

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14 By: Cynthia Morgan-Reed
Cynthia Morgan-Reed

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

SORRENTO VALLEY INVESTMENT GROUP v. SURE FELT, LLC; et al.
Case No. 37-2024-00018077-CU-UD-CTL

I am an employee in Los Angeles County, State of California. I am over the age of 18 and not a party to the within action. My business address is 11835 W. Olympic Blvd., Suite 860E, Los Angeles, CA 90064.

On August 1, 2024 I served the foregoing documents described as:

1. **EX PARTE APPLICATION TO RECALL AND QUASH WRIT OF POSSESSION; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF GIANDOMINIC VITIELLO RE: EX PARTE NOTICE**
2. **NOTICE OF REVIVOR**
3. **DECLARATION OF RECEIVER RICHARD ORMOND**
4. **DECLARATION OF MATTHEW EMORY**
5. **DECLARATION OF CYNTHIA MORGAN-REED**
6. **[PROPOSED] ORDER**

on the interested parties in said action:

SEE ATTACHED SERVICE LIST

☐ **BY MAIL** as follows:

- ☐ **REGULAR MAIL** – I am “readily familiar” with Katchko, Vitiello & Karikomi, PC’s practice of collection and processing correspondence for mailing. Pursuant to that practice it would be deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.
- ☐ **BY CERTIFIED MAIL** – I am “readily familiar” with Katchko, Vitiello & Karikomi, PC’s practice of collection and processing correspondence for mailing. Such envelope will be deposited with U.S. Postal Service, for collection and mailing, by Certified U.S. Mail, Return Receipt Requested, on the above date according to ordinary business practice.
- ☐ **BY OVERNIGHT MAIL** – I caused such envelope to be delivered by overnight courier service to the offices of the addressee. The envelope was deposited in or with a facility regularly maintained by the overnight courier service with delivery fees paid or provided.

☐ **BY PERSONAL SERVICE** as follows: I delivered such envelope by hand to the office of the addressee.

- 1 ☒ **BY EMAIL** as follows: I caused courtesy email copies of the foregoing to be electronically
2 mailed to the email addresses on the service list, which are known to me. My system
3 confirmed that the transmission was processed successfully and no error was reported.
- 4 ☒ **VIA ELECTRONIC FILING SERVICE** as follows: I hereby certify that the above-
5 referenced document(s) were served electronically on the parties listed herein at their most
6 recent known email address or email of record by submitting an electronic version of the
7 document(s) to InfoTrack, through the user interface at
8 <https://integrated.infotrack.com/CA/CourtFiling/>. The vendor produced a record establishing
9 that e-service was completed and that record is regularly maintained.
- 10 ☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that the
11 above is true and correct.
- 12 ☐ **FEDERAL:** I declare under penalty of perjury under the laws of the United States of
13 America that the foregoing is true and correct.

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DATED: August 1, 2024

By: 
GIANDOMINIC VITIELLO

SERVICE LIST

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