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8 Attorneys for Defendant  
9 SURE FELT, LLC

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

12 **SORRENTO VALLEY INVESTMENT**  
13 **GROUP;**

14 **Plaintiff,**

15 **v.**

16 **SURE FELT, LLC; DOES 1 TO 10**  
17 **INCLUSIVE;**

18 **Defendants.**

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

**Hon. Robert Longstreth**  
**Dept. C-65**

**DECLARATION OF MATTHEW EMORY**

20 **DECLARATION OF MATTHEW EMORY**

21  
22 **I, MATTHEW EMORY, have personal knowledge of the following facts and hereby declare**  
23 **as follows:**

24 **1. I am the manager of Two Eighty Enterprises, LLC, a California limited liability**  
25 **company ("280E").**

26 **2. 280E has controlled and operated Sure Felt, LLC ("Sure Felt"), which operates at**  
27 **10715 Sorrento Valley Rd, San Diego, CA 92121 (the "Premises"), under a management services**  
28 **agreement ("MSA") since March of 2024. That MSA was confirmed by Richard Ormond, the court-**

**ELECTRONICALLY FILED**  
**Superior Court of California,**  
**County of San Diego**

**8/1/2024 1:42:49 AM**

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

1 appointed Receiver (the "**Receiver**"), after Sure Felt was made part of the receivership estate in the  
2 case entitled *In the Matter of: MM CAN USA, INC, a California Corporation* (Case No.  
3 24SMCP00197) filed in the Superior Court of California, County of Los Angeles, Santa Monica  
4 Courthouse (the "**MedMen Receivership**")

5 3. Sure Felt did not have an operational bank account at the time that 280E assumed  
6 control. Due to the complexities involved in establishing a bank account for a cannabis business it  
7 took some time and considerable effort to have a bank account opened for Sure Felt.

8 4. To my knowledge, Sure Felt was in good standing with the Secretary of State of the  
9 state of California at the time that 280E assumed operational control and I was unaware that Sure Felt  
10 was in danger of being suspended by the state of California Franchise Tax Board ("**FTB**") at that time.

11 5. I was not aware that Sure Felt was suspended by the FTB effective as of May 1, 2024  
12 (the "**FTB Suspension**") until a few days before May 29, 2024, the date that the present action was  
13 set for trial.

14 6. Upon learning of the FTB Suspension, 280E immediately began working with the  
15 Receiver to take the steps necessary to revive Sure Felt.

16 7. I was instructed by the Receiver to pay the outstanding amounts owed to the FTB by  
17 Sure Felt.

18 8. On July 16, 2024, a total payment of \$38,362.50 was paid to resolve the then  
19 outstanding amounts owed to the FTB.

20 9. To my knowledge, after this payment was made the FTB Suspension was resolved and  
21 Sure Felt was revived.

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

24 Executed July 31, 2024.

25  
26  
27 By:   
28

Matthew Emory

**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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