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9 Plaintiff *In Propria Persona*
10 and Attorney for Plaintiffs
11 Amy Sherlock and Minors T.S.
12 and S.S.

13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA

15 AMY SHERLOCK, an individual, et. al.

Case No.: 20-CV-000656-JO-DEB

16 RESPONSE TO ORDER TO
17 SHOW CAUSE

18 vs.

Complaint Filed: April 3, 2020

Judge: Hon. Jinsook Ohta

19 GINA M. AUSTIN, an individual; et. al.

20 Defendants.
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23 On October 19, 2022, the Court denied Plaintiffs ex parte application for an order
24 shortening time on a hearing to vacate this Court's order issued on March 23, 2022 or,
25 alternatively, a stay of this action. (ECF No. 48.) The order that Plaintiffs sought to vacate
26 granted defendant F&B's¹ motion to dismiss finding that F&B's filing and prevailing in a
27

28 ¹ "F&B" means defendants Michael Weinstein, Scott H. Toothacre, Elyssa Kulas,
Rachel M. Prendergast, and Ferris & Britton, APC.

1 state court action does not constitute sham petitioning. Plaintiff attorney Andrew Flores
2 argued that the subject state court judgment procured by F&B should not be given
3 preclusive effect and is void because, *inter alia*, it enforces an illegal contract procured
4 through a fraud on the court, was rendered by a judge disqualified to render the judgment
5 due to bias, and it is impossible for the Sherlock Family to be in privity with Darryl Cotton.

6 The Court's order denying the ex parte application required that Plaintiffs show
7 cause for why the case should not be dismissed for failure to file an amended complaint.
8 Plaintiff attorney Andrew Flores will be direct. As set forth in the ex parte application,
9 Flores believes that there is a judicial conspiracy to not address the facts that establish that
10 the subject state court judgments are void due to judicial bias and enforcing illegal
11 contracts. Flores failed to file an amended complaint because multiple federal judges
12 including this Court had already failed to find the subject state court judgments are void
13 and he believed they were telegraphing their intent that the state courts should find the
14 state court judgments void in order to not embarrass the state court judges. However, the
15 state courts did not vacate the judgments.

16 Flores does not know how to proceed before this Court when he believes it is biased
17 because it does not address the facts that establish its order granting F&B's motion to
18 dismiss is void for enforcing a void judgment for the reasons set forth in the application.
19 Attached hereto as Exhibit A is an email sent by Joe Hurtado to City Attorney Travis
20 Phelps on the day hereof communicating a demand that the City of San Diego intervene
21 in this and other related actions to state that F&B's petitioning activity – the ownership of
22 cannabis businesses by parties barred by law from owning cannabis businesses and who
23 apply via fraudulent applications to City and State agencies - is in fact illegal. That the
24 subject state court judgments are in fact void.


25 Flores will join Mr. Hurtado in filing a petition for writ of mandate against the
26 Department of Cannabis Control to aid this Court in understanding that F&B's petitioning
27 activity is in fact illegal. Flores will then seek to have all judgments and orders enforcing
28 such illegal activity declared void. However, Flores requests that this Court not punish

1 Flores co-plaintiffs, Amy Sherlock and her minor children, T.S. and S.S. (the “Sherlock
2 Family”). Flores legal conclusions are his professional opinion and if he is in fact incorrect
3 then he has committed fraud and legal malpractice against the Sherlock Family.

4 Flores directly admits that he has committed fraud and legal malpractice against the
5 Sherlock Family *if* the subject state court judgments are not void for the reasons set forth
6 in the ex parte application. Thus, as this Court does not find the state court judgments are
7 void, the Court should not punish the Sherlock Family and it should allow them leave to
8 acquire alternate counsel so that they may file an amended complaint.

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11 Date: November 9, 2022

Law Offices of Andrew Flores

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14 Plaintiff *In Propria Persona*, and Attorney
15 for Plaintiffs AMY SHERLOCK, and
16 Minors T.S. and S.S.
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