

1 ANTHONY CAPOBIANCO (SBN 162551)

DEREK WALLEN (SBN 214477)

2 **CAPOBIANCO LAW OFFICES, P.C.**

41990 Cook Street, Bldg. F, Suite 2006

3 Palm Desert, California 92211

4 Telephone: (760) 568-6500

Facsimile: (760) 568-0100

5 acapobianco@capobiancolaw.com

6 dwallen@capobiancolaw.com

7 Attorneys for Plaintiff

8 Trilogy at La Quinta Maintenance Association

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF RIVERSIDE**

11 TRILOGY AT LA QUINTA
12 MAINTENANCE ASSOCIATION, a
13 California nonprofit mutual benefit
14 corporation,

15 Plaintiff,

16 v.

17 STRATOSPHERIC HOLDINGS 4, LLC, a
18 Michigan limited liability company; CBGM,
19 LLC, a California limited liability company;
20 JOSH GROSSMAN, an individual;
21 THOMAS BROWN, an individual; and
DOES 1 through 25 inclusive,

22 Defendants.

Case No. CVPS2103761

[Assigned to the Hon. Carol A. Greene]

**DECLARATION OF MICKEY
BROWN IN SUPPORT OF
PLAINTIFF'S EX PARTE
APPLICATION FOR AN ORDER
TO SHOW CAUSE RE CONTEMPT
AND OTHER RELIEF**

Date: Oct. 28, 2021

Time: 8:30 a.m.

Department: 5

Complaint filed: July 22, 2021

Trial date: None

DECLARATION OF MICKEY BROWN

I, Mickey Brown, declare as follows:

1. I am the Chief Executive Officer of Pro-Turf International, Inc. (“PTI”). I have personal knowledge of the facts stated in this declaration and they are true to the best of my knowledge. I am competent to testify to the facts stated in this declaration.

2. PTI is a golf-course construction, landscaping and maintenance company that has operated for almost 30 years. It is one of the most experienced golf-course maintenance companies in the Southwest United States and has provided maintenance services through its subsidiary, Key Golf Management, LLC (“KGM”), for the Coral Mountain Golf Club (the “*Golf Course*”) since 2013. KGM currently manages five golf courses.

3. Included within the services that KGM has provided to the Golf Course is annual “scalping” and reseeding (or “overseeding”). Overseeding involves cutting the existing Golf Course turf down to a very low level, and then spreading new grass seed on top of it and rewatering it so that one type of seasonal turf is replaced by another. It is required annually to ensure that golf courses are sightly and playable in the winter months, which are the most lucrative months for golf courses in the Coachella Valley. The overseeding process generally takes about 30 days from beginning to end. Historically, KGM has begun the overseeding process at the Golf Course in mid- to late September.

4. In September 2021, Thomas Brown (whom I am informed and believe is the principal of CBGM, LLC (“*CBGM*”)) instructed KGM to oversee the Golf Course as we do every year. KGM accordingly scalped the Golf Course, which as noted, is the first step in the overseeding process. Since then, however, the owners of the Golf Course have not paid KGM the amounts necessary for it to complete the overseeding process. The owners currently owe KGM approximately \$1.28 million in delinquent maintenance

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1 fees. However, KGM is willing to complete the overseeding process upon receipt of
2 \$150,000 from the owners for the further overseeding work.

3 5. Plaintiff in this matter reached out to PTI to find out why the overseeding
4 process had not been completed, and I explained how much KGM was owed by the
5 owners of the Golf Course and how much the overseeding would cost to complete. I am
6 providing this declaration in response to Plaintiff's request.

7 6. I am fond of the Golf Course and would like it to succeed. To that end,
8 KGM has demanded payment of \$150,000 from the owners so that the overseeding work
9 can be done. Stratospheric Holdings 4, LLC and Josh Grossman have indicated that they
10 have no plans to spend more money on the Golf Course. Mr. Brown and CBGM have
11 made occasional assurances of payment but as of the date of this declaration, have not
12 followed through on them.

13 7. Based on our experience as a maintainer of golf courses, if the overseeding
14 is not completed in the next 3-5 days, the overseeding will very likely be unsuccessful.
15 With the Golf Course in its scalped condition, without overseeding in the very near future
16 the Golf Course will be substantially harmed in the near term as the Bermuda grass will
17 be dormant and will appear unsightly. To the casual observer, it may appear dead and it
18 will impair the visual aesthetics and playability in the Golf Course's peak season. This, in
19 turn, will substantially reduce the revenues from the Golf Course which will make it very
20 difficult to operate at a profit.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Executed at Phoenix, Arizona this 26th day of October 2021.

24 DocuSigned by:
Mickey Brown
43809028E1524BF...
25 _____
26 Mickey Brown