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10 Attorneys for Plaintiff
11 Trilogy at La Quinta Maintenance Association

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF RIVERSIDE**

14 TRILOGY AT LA QUINTA
15 MAINTENANCE ASSOCIATION, a
16 California nonprofit mutual benefit
17 corporation,

18 Plaintiff,

19 v.

20 STRATOSPHERIC HOLDINGS 4, LLC, a
21 Michigan limited liability company; CBGM,
22 LLC, a California limited liability company;
23 JOSHUA GROSSMAN, an individual;
24 THOMAS BROWN, an individual; and
25 DOES 1 through 25 inclusive,

26 Defendants.

Case No. CVPS2103761

[Assigned to the Hon. Carol A. Greene]

**DECLARATION OF DEREK
WALLEN IN SUPPORT OF
PLAINTIFF’S EX PARTE
APPLICATIONS**

Date: October 28, 2021
Time: 8:30 a.m.
Dept.: 5

EXHIBIT 6



October 18, 2021

VIA EMAIL

j.perez@geracillp.com

brendan@dawson-ozanne.com

Jacoby Perez
Geraci Law Firm
90 Discovery
Irvine, CA 92618

Brendan Ozanne
Dawson & Ozanne
5755 Oberlin Dr., Suite 301
San Diego, CA 92121

Re: *Trilogy at La Quinta Maintenance Assoc. v. Stratospheric Holdings 4, LLC*
Riverside County Superior Court Case No. CVPS2103761
Demand for Assurances of Compliance With Preliminary Injunction

Dear counsel:

It has come to our attention that your clients may be in violation of the preliminary injunction that the Court issued on September 14, 2021. As you know, that injunction prohibits Stratospheric Holdings 4, LLC, CBGM, LLC, Thomas Brown and Josh Grossman (collectively, “**Defendants**”) and their respective agents from (among other things) making any material changes to the Coral Mountain Golf Course (the “**Golf Course**”) or its business and operations.

Every golf course in the Coachella Valley is “scalped” and reseeded with winter turf every October to make it slightly and playable during the winter months. The owners of the Golf Course have always done so in the past. Thus, failure to do so in 2021 would violate the preliminary injunction.

The Coral Mountain Golf Club previously announced that reseeded would begin September 20, 2021, since which time the Golf Course has been closed. It is not apparent that the reseeded process is moving in a normal timeframe. Failure to reseed ends in dead, dried-out grass – the same condition that led the Court to conclude that a preliminary injunction was needed to protect the HOA’s homeowners from health and environmental nuisances.

The HOA would prefer not to initiate contempt proceedings if they can be avoided, but it will do so if necessary. To that end, the HOA requests, by the close of business on October 19, 2021, specific written assurances that Defendants will comply with the preliminary injunction by completing reseeded. These assurances should include a specific date by which that process will be completed so there is no misunderstanding among the parties about whether enforcement proceedings are necessary.

Jacoby Perez
Brendan Ozanne
October 18, 2021
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Sincerely,

CAPOBIANCO LAW OFFICES, P.C.

A handwritten signature in black ink, appearing to read 'D O Wallen', written in a cursive style.

By: Derek O. Wallen

cc: Anthony Capobianco

EXHIBIT 7



October 27, 2021

VIA EMAIL

brendan@dawson-ozanne.com

j.perez@geracillp.com

Brendan Ozanne
Dawson & Ozanne
5755 Oberlin Drive, Suite 301
San Diego, CA 92121
(Counsel to defendants CBGM, LLC and Thomas Brown)

Jacoby Perez
Geraci Law Firm
90 Discovery
Irvine, CA 92618
(Counsel to defendants Stratospheric Holdings 4, LLC and Josh Grossman)

Re: *Trilogy at La Quinta Maintenance Assoc. v. Stratospheric Holdings 4, LLC*
Riverside County Case No. CVPS2103761
Notice of Ex Parte Applications

Dear counsel:

This letter is written to provide formal notice that this law firm will appear on behalf of plaintiff Trilogy at La Quinta Maintenance Association (“**Trilogy**”), before the Honorable Irma Asberry in the Riverside County Superior Court, located at 4050 Main Street, Riverside, California 92501, **Department 5**, on Thursday, October 28, 2021 at 8:30 a.m. to present ex parte applications:

1. For an order advancing the February 14, 2022 hearing date on Trilogy’s motion for preferential trial setting to the Court’s first available date in November 2021 or as soon thereafter as the Court can hear the motion, and to shorten time if required; and
2. For an order:
 - a. Requiring that Defendants immediately resume full watering of the Coral Mountain Golf Course in La Quinta, California (the “**Golf Course**”) at normal levels as previously performed;
 - b. Requiring that Defendants immediately complete overseeding of the Golf Course in accordance with past practice;
 - c. Setting an order to show cause re contempt for Defendants’ violations of the preliminary injunction in this action (the “**Preliminary Injunction**”); and

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d. Awarding sanctions to Plaintiff for violations of the Preliminary Injunction.

The applications will be made pursuant to California Rules of Court 3.1200 *et seq.* and Code of Civil Procedure Sections 128 and 129 *et seq.* At your earliest opportunity, please let us know whether your clients intend to oppose these applications.

Sincerely,

CAPOBIANCO LAW OFFICES, P.C.



By: Derek O. Wallen

cc: Lisa Odom (*Counsel to nonparty Pro-Turf International, Inc.*)
Brian Walters (*Counsel to nonparty Pro-Turf International, Inc.*)
Anthony Capobianco