

1 Norman C. Keyt (4225)  
2 Christopher M. Bistany (29623)  
3 KEYTLaw, LLC  
4 3001 E. Camelback Road, Suite 130  
5 Phoenix, AZ 85016  
6 Phone: 602.424.4158  
7 [nck@keytlaw.com](mailto:nck@keytlaw.com)  
8 [chris@keytlaw.com](mailto:chris@keytlaw.com)  
9 Attorneys for Plaintiffs

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
7 **IN AND FOR THE COUNTY OF MARICOPA**

9 HOLISTIC PATIENT WELLNESS GROUP,  
10 LLC, an Arizona limited liability company,  
11 EAST VALLEY PATIENT WELLNESS  
12 GROUP, LLC, an Arizona limited liability  
13 company, NATURAL REMEDY PATIENT  
14 CENTER, LLC, an Arizona limited liability  
15 company,

14 Plaintiffs,

15 vs.

16 DUKE RODRIGUEZ, an individual; CUMBRE  
17 INVESTMENT LLC, an Arizona limited  
18 liability company; ULTRA HEALTH, LLC, an  
19 Arizona limited liability company; ZONED  
20 PROPERTIES, INC., a Nevada Corporation;  
21 JOHN DOES and JANE DOES I-X; RED  
22 LIMITED LIABILITY COMPANIES I-X;  
23 BLACK CORPORATIONS I-X; and WHITE  
24 PARTNERSHIPS I-X

22 Defendants.

Case No.:

**AFFIDAVIT IN SUPPORT OF APPLICATION  
FOR TEMPORARY RESTRAINING ORDER  
WITH NOTICE**

Assigned to:

23 Kathy Sanchez, being duly sworn, upon oath, deposes and says as follows:

24 1. I am the Manager/Member of Holistic Patient Wellness Group, LLC, an Arizona  
25 limited liability company in good standing with the Arizona Corporation Commission and make  
26 this Affidavit in support of Plaintiff's Motion for Temporary Restraining Order with Notice  
27 herein. The statements made in this Affidavit are based upon my own personal knowledge.

28 2. The facts setting forth the conduct of Duke Rodriguez ("Rodriguez"), Cumbre  
Investment LLC ("Cumbre") are in specific detail in the Verified Complaint and the

1 Supporting Memorandum. Succinctly, a temporary restraining order is necessary because:

2 3. In March of 2013, in my role as managing-member of East Valley Patient  
3 Wellness Group, LLC (“EVPWG”), I was introduced to an Arizona Real Estate Salesperson  
4 employed by Stone Path Real Estate LLC, who is the Defendant in this lawsuit, Duke  
5 Rodriguez.

6 4. Rodriguez was an Arizona Real Estate Salesperson, who was to assist in  
7 locating a suitable property for EVPWG to operate a medical marijuana dispensary in  
8 Gilbert, Arizona.

9 5. Rodriguez orally agreed with EVPWG to act as a realtor for EVPWG for  
10 purposes of acquiring a location to operate a medical marijuana dispensary in Gilbert,  
11 Arizona.

12 6. While Rodriguez was locating a suitable property for EVPWG to operate a  
13 medical marijuana dispensary in Gilbert, Arizona, he discovered that I was also a manager  
14 and member of another entity, Holistic Patient Wellness Group LLC (“Holistic”).

15 7. On August 13, 2013, HPWG received approval to operate a dispensary at 234  
16 Chase Creek Road, Clifton, Arizona 85533 and cultivate medical marijuana at an offsite location  
17 in Arizona. This approval was given by the State of Arizona, through Arizona Department of  
18 Health Services. The Registration Certificate for the above-mentioned dispensary is referenced  
19 by Identification Number: 00000019DCGM00234427.

20 8. Rodriguez, in his role as an Arizona Real Estate Salesperson employed by  
21 Stone Path, also became an agent for HPWG.

22 9. In this role, Rodriguez assisted HPWG in negotiating a leasehold interest for a  
23 medical marijuana dispensary in Clifton, Arizona at 400 Chase Creek Road (“400 Chase  
24 Creek Property”) and later at 234 Chase Creek Road (“234 Chase Creek Property”). The  
25 owner of both properties was the Town of Clifton.

26 10. On the day the lease agreement for the 234 Chase Creek Property was supposed to  
27 be executed (by HPWG and Town of Clifton) Rodriguez informed HPWG and I that he would  
28 take the lease agreement (naming HPWG as lessee) over to representatives of the Town of  
Clifton (the lessor) for execution. Instead of doing as he told HPWG he would, Rodriguez  
tampered with the lease between HPWG and the Town of Clifton, and changed the name of the

1 lessor or tenant on the lease to Cumbre Investment LLC. Rodriguez is the only member and  
2 manager of Cumbre Investment LLC.

3 11. Despite the forged lease, HPWG took possession of the 234 Chase Creek Property  
4 and operated a medical marijuana dispensary within the building located on the Chase Creek  
5 Property (at all times complying with Arizona state laws, rules and regulations).

6 12. Beginning in May of 2013, Rodriguez began to aggressively pursue an ownership  
7 share in Holistic Patient Wellness Group, LLC, Natural Patient Remedy Center, LLC, East  
8 Valley Patient Wellness Group, LLC. I am a member and manager of all three entities. He  
9 tendered ownership transfer agreements and buy-out agreements to purchase my interest in the  
10 three above-listed entities. I told him I was not interested in making a deal with him. He  
11 became angry and kept persisting. I repeatedly refused his offers. This continued through  
12 October of 2013.

13 13. On April 17, 2014, HPWG was locked out of the 234 Chase Creek Property by  
14 Rodriguez and an entity claiming to have entered into a lease for the same premises (the entity  
15 being Cumbre Investments, LLC, the alter ego of an individual named Duke Rodriguez).

16 14. The lockout was a result of Rodriguez altering the lease agreement that HPWG  
17 trusted he would take to the City of Clifton without forging additional terms.

18 15. Holistic Patient Wellness Group, LLC is licensed by the State of Arizona to  
19 possess and dispense medical marijuana at 234 Chase Creek Road in Clifton, Arizona.  
20 Rodriguez and Cumbre are not allowed to possess and dispense medical marijuana at 234 Chase  
21 Creek Road in Clifton, Arizona in any manner. Their unlawful possession of the dispensary and  
22 marijuana within places HPWG at severe risk and out of compliance with applicable medical  
23 marijuana laws and rules.  
24  
25  
26  
27  
28

1 Dated this 23 day of April 2014.

2   
Kathy Sanchez

3  
4 SUBSCRIBED AND SWORN to before me this 23 day of April 2014 by Kathy  
5 Sanchez.



GIA GOODMAN  
Notary Public - Arizona  
Maricopa County  
Expires 03/19/2017

  
Notary Public

My Commission Expires

03/19/2017