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18 *Attorneys for Plaintiffs*

19 **UNITED STATES DISTRICT COURT**
20 **SOUTHERN DISTRICT OF CALIFORNIA**

21 AGRO DYNAMICS, LLC a Wyoming Limited
22 Liability Company,

23 Plaintiff,

24 vs.

25 THE UNITED STATES OF AMERICA, DRUG
26 ENFORCEMENT ADMINSTRATION, SAN
27 DIEGO COUNTY, and SPECIAL AGENTS PAUL
28 GELLES, ERIC BALL, KIERAN GRACIA,
MARSHA DAWE, ROSS VAN NOSTRAND,
AND JEREMY FEUZ; FRANK HASKELL,
ANDREW AGUILAR, JASON STEIN,
TIMOTHY SMITH, MICHAEL ASTORGA,
CHRISTOPHER MORRIS, SGT. STEVE
BODINE, DET. JUSTIN MOORE, DET.
DWAYNE PRICKETT, DET. CHRISTOPHER
PEREZ, AND DET. RICARDO ANDRADE; and
DOES 1 to 50 inclusive,

Defendants.

CASE NO. **3:20-cv-02082-JAH-KSC**

FIRST AMENDED COMPLAINT

1. 42 U.S.C. § 1983
2. Cal. Civ. Code § 52.1
3. Violation of United States Constitution
4. Violation of California Constitution
5. Conversion
6. Trespass to Chattels
7. Negligence

DEMAND FOR JURY TRIAL

1 **INTRODUCTION**

2 On or about December 20, 2018, the Federal Farm bill authorized the legal
3 cultivation of hemp. On August 22, 2019, Plaintiffs herein obtained a Registration
4 Issuance from the County of San Diego for the legal cultivation of hemp on their
5 premises. Relying on this permit, Plaintiffs expended considerable time and money and
6 planted approximately 3000 hemp plants that, according to a laboratory test, had less
7 than .3% THC. On September 10, 2019 a law enforcement officer, Defendant Paul
8 Gelles, conducted aerial reconnaissance in support of marijuana eradication operations
9 in the area. Based on the officer's observations of what appeared to be growing
10 marijuana and the failure of law enforcement to make any investigation of San Diego
11 County records which would have revealed the hemp Registration Issuance, as well as
12 other material misstatements and omissions, a search warrant was issued on September
13 11, 2019. The next day, September 12, 2019, law enforcement officers executed the
14 search warrant. Upon their arrival on the premises, a tenant in possession advised the
15 officers that there was a legal Registration Issuance from the County of San Diego for
16 the hemp growing on the premises. Law enforcement disregarded this information and
17 continued to seize and destroy all plants that appeared to be marijuana.

18 **THE PARTIES**

19 1. Plaintiff Agro Dynamics, LLC is limited liability company organized
20 under the laws of the State of Wyoming and registered with the California Secretary of
21 State to conduct business in California.

22 2. Defendant United States of America is a sovereign nation.

23 3. Defendant Drug Enforcement Administration is a United States federal
24 law enforcement agency under the United States Department of Justice, tasked with
25 combating drug trafficking and distribution within the United States.

26 4. Defendant San Diego County is, and at all times herein alleged was, a
27 legal subdivision and public entity organized and existing under the laws of the State
28 of California.

1 5. Defendant Special Agent Paul Gelles is now, and at all times herein
2 alleged was, a Special Agent of the Drug Enforcement Administration. On information
3 and belief, Special Agent Gelles is a citizen of the State of California and a resident of
4 the County of San Diego. Defendant Special Agent Gellens is sued in his both his
5 individual and official capacities.

6 6. Defendant Special Agent Eric Ball is now, and at all times herein alleged
7 was, a Special Agent of the Drug Enforcement Administration. On information and
8 belief, Special Agent Ball is a citizen of the State of California and a resident of the
9 County of San Diego. Defendant Special Agent Ball is sued in his both his individual
10 and official capacities.

11 7. Defendant Special Agent Kieran Garcia is now, and at all times herein
12 alleged was, a Special Agent of the Drug Enforcement Administration. On information
13 and belief, Special Agent Garcia is a citizen of the State of California and a resident of
14 the County of San Diego. Defendant Special Agent Garcia is sued in his both his
15 individual and official capacities.

16 8. Defendant Special Agent Marsha Dawe is now, and at all times herein
17 alleged was, a Special Agent of the Drug Enforcement Administration. On information
18 and belief, Special Agent Dawe is a citizen of the State of California and a resident of
19 the County of San Diego. Defendant Special Agent Dawe is sued in his both her
20 individual and official capacities.

21 9. Defendant Special Agent Ross Van Nostrand is now, and at all times
22 herein alleged was, a Special Agent of the Drug Enforcement Administration. On
23 information and belief, Special Agent Van Nostrand is a citizen of the State of
24 California and a resident of the County of San Diego. Defendant Special Agent Van
25 Nostrand is sued in his both his individual and official capacities.

26 10. Defendant Special Agent Jeremy Feuz is now, and at all times herein
27 alleged was, a Special Agent of the Drug Enforcement Administration. On information
28 and belief, Special Agent Feuz is a citizen of the State of California and a resident of

1 the County of San Diego. Defendant Special Agent Fuez is sued in his both his
2 individual and official capacities.

3 11. Defendant Frank Haskell is now, and at all times herein alleged was, a
4 Task Force Officer of the Drug Enforcement Administration. On information and
5 belief, Frank Haskell is a citizen of the State of California and a resident of the County
6 of San Diego. Defendant Haskell is sued in his both his individual and official
7 capacities.

8 12. Defendant Andrew Aguilar is now, and at all times herein alleged was, a
9 Task Force Officer of the Drug Enforcement Administration. On information and
10 belief, Andrew Aguilar is a citizen of the State of California and a resident of the
11 County of San Diego. Defendant Aguilar is sued in his both his individual and official
12 capacities.

13 13. Defendant Jason Stein is now, and at all times herein alleged was, a Task
14 Force Officer of the Drug Enforcement Administration. On information and belief,
15 Jason Stein is a citizen of the State of California and a resident of the County of San
16 Diego. Defendant Stein is sued in his both his individual and official capacities.

17 14. Defendant Timothy Smith is now, and at all times herein alleged was, a
18 Task Force Officer of the Drug Enforcement Administration. On information and
19 belief, Mr. Smith is a citizen of the State of California and a resident of the County of
20 San Diego. Defendant Smith is sued in his both his individual and official capacities.

21 15. Defendant Michael Astorga is now, and at all times herein alleged was, a
22 Task Force Officer of the Drug Enforcement Administration. On information and
23 belief, Mr. Astorga is a citizen of the State of California and a resident of the County
24 of San Diego. Defendant Astorga is sued in his both his individual and official
25 capacities.

26 16. Defendant Christopher Morris is now, and at all times herein alleged was,
27 a Task Force Officer of the Drug Enforcement Administration. On information and
28

1 belief, Mr. Morris is a citizen of the State of California and a resident of the County of
2 San Diego. Defendant Morris is sued in his both his individual and official capacities.

3 17. Defendant Steve Bodine is now, and at all times herein alleged was, a
4 Sergeant of the San Diego Sheriff's Department. On information and belief, Mr.
5 Bodine is a citizen of the State of California and a resident of the County of San Diego.
6 Defendant Bodine is sued in his both his individual and official capacities.

7 18. Defendant Justin Moore is now, and at all times herein alleged was, a
8 Detective of the San Diego Sheriff's Department. On information and belief, Mr.
9 Moore is a citizen of the State of California and a resident of the County of San Diego.
10 Defendant Moore is sued in his both his individual and official capacities.

11 19. Defendant Dwayne Prickett is now, and at all times herein alleged was, a
12 Detective of the San Diego Sheriff's Department. On information and belief, Mr.
13 Prickett is a citizen of the State of California and a resident of the County of San Diego.
14 Defendant Prickett is sued in his both his individual and official capacities.

15 20. Defendant Christopher Perez is now, and at all times herein alleged was,
16 a Detective of the San Diego Sheriff's Department. On information and belief, Mr.
17 Perez is a citizen of the State of California and a resident of the County of San Diego.
18 Defendant Perez is sued in his both his individual and official capacities.

19 21. Defendant Ricardo Andrade is now, and at all times herein alleged was, a
20 Detective of the San Diego Sheriff's Department. On information and belief, Mr.
21 Andrade is a citizen of the State of California and a resident of the County of San
22 Diego. Defendant Andrade is sued in his both his individual and official capacities.

23 22. DOES 1 through 50 are unknown to Plaintiff and include, without
24 limitation, additional officers, supervisors, agencies, divisions or entities who were
25 involved in, participated in, approved, ratified or knowingly failed to stop the wrongful
26 conduct alleged herein. Plaintiff will amend the Complaint to identify them when their
27 identities are ascertained. Plaintiff is informed and believes that each of DOES 1
28 through 50 was the principal, parent, subsidiary, affiliate, agent, servant, employee,

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