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20 **Attorneys for Plaintiffs**

21 **UNITED STATES BANKRUPTCY COURT**
22 **SOUTHERN DISTRICT OF CALIFORNIA**

23 In re Michael Pratt,
24 Debtor.

CASE NO.: 19-00271-LT13

**DECLARATION OF BRIAN M. HOLM IN
SUPPORT OF PLAINTIFFS' BRIEF IN
RESPONSE TO THIS COURT'S OSC RE:
SANCTIONS FOR IMPROPER REMOVAL
AND IMPROPER FILING OF
BANKRUPTCY CASE**

Date: June 10, 2019
Time: 10:00am
Judge: Hon. Laura S. Taylor

25 ///
26 ///
27 ///
28 ///

1 I, Brian M. Holm, hereby declare as follows:

2 1. I am an attorney licensed to practice law in the State of California. I currently represent
3 Plaintiffs against Michael Pratt and other defendants in San Diego Superior Court Case No. 37-2016-
4 00019027-CU-FR-CTL.

5 2. Attached hereto as **Exhibit A** are true and correct copies of text messages produced by
6 Valorie Moser on May 8, 2019. Judge Wohlfeil has since issued an order removing the Confidential
7 designation affixed to the documents.

8 3. On May 6, 2019, I deposed Michael Pratt. During his deposition, Mr. Pratt testified that
9 the Chula Vista lease and the Convertible Note/loan disclosed in his bankruptcy schedules were for a
10 marijuana dispensary he and some others were trying to open in Chula Vista. The transcript for this
11 deposition has not yet been completed.

12 4. Attached hereto as **Exhibit B** are true and correct copies of emails I received from Aaron
13 Sadock in January 2019.

14 I declare under the penalty of perjury under the laws of the State of California that the foregoing
15 is true and correct to the best of my knowledge. Executed this 29th day of May 2019 in County of San
16 Diego, State of California.

17 
18 _____
19 Brian M. Holm, Esq.

Exhibit A

AT&T

6:12 PM

99%



+16193857882

Tap here for settings



U will save insurance, registration, lease, & gas!

SEP 17, 2018 7:05 PM



yep and brian holm cannot put a lean on it lol

SEP 17, 2018 7:05 PM

I promised myself I'll get another corvette one day....one day...

SEP 17, 2018 7:06 PM



yeah plenty of time!

i just wanted to get mine incase i have to leave the USA haha

SEP 17, 2018 7:07 PM

Hope it doesn't come to that, seems extreme

SEP 17, 2018 7:07 PM



New Message



AT&T

6:13 PM

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+16193857882

Tap here for settings



SEP 17, 2018 7:07 PM

Hope it doesn't come to that,
seems extreme

SEP 17, 2018 7:07 PM



me too

brian holm hates us

SEP 17, 2018 7:07 PM

Brian holm doesn't matter in
the grand scheme of
things...this is all temporary.

SEP 17, 2018 7:08 PM



well they got a big law firm
involved

like BIG

national firm

SEP 17, 2018 7:09 PM



New Message



AT&T

6:13 PM

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+16193857882

Tap here for settings



Bet they wouldn't support him if they knew how bottom of the barrel he is.

SEP 17, 2018 7:10 PM



yeah aaron keeps including him in the emails to embarrass brian

SEP 17, 2018 7:11 PM

Won't take much to discredit his ethics.

Not sure that people like Brian r capable

Of feeling shame.

SEP 17, 2018 7:12 PM



as soon as i bankrupt the business they are fucked

the case gets held

SEP 17, 2018 7:12 PM



New Message



AT&T

6:10 PM

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+16193857882

Tap here for settings



R u ok?

SEP 15, 2018 12:35 PM

I mean nothing I can do

They're trying to put some federal human trafficking case on me

SEP 15, 2018 12:36 PM

You're allowed to react.

Those r serious allegations

SEP 15, 2018 12:36 PM

yeap

These guys are not all there

They think I have some offshore bank account stashed with money

SEP 15, 2018 12:37 PM



New Message



AT&T

6:10 PM

99%



+16193857882

Tap here for settings



Most smart businessmen do.

If u need anything I am here.
SEP 15, 2018 12:39 PM

i wish i did lol
SEP 15, 2018 12:40 PM

We r about to go kayaking, do u
wanna go? Clear your mind on
the water?
SEP 15, 2018 12:40 PM

in good thanks tho



New Message



AT&T

6:11 PM

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+16193857882

Tap here for settings



honestly anything is better than
being in t his lawsuit lol

and brian holm gets NOTHING

thats the good part

SEP 15, 2018 1:56 PM

I just saw dre and he told me
that u told him, "let me deal
with the model pickups"

SEP 15, 2018 2:04 PM



talk to you tuesday

SEP 15, 2018 2:05 PM

I've served u loyally for over 3.5
years.

I have never misspoke about u.
Actually defended u when
necessary.

SEP 15, 2018 2:43 PM



New Message



AT&T

6:11 PM

99%



+16193857882

Tap here for settings



look everyone is getting 2 weeks severance pay

i was going to give u 4

please calm down

leave me to relax and i will talk to you on tuesday

SEP 15, 2018 2:43 PM

I'm calm just hurt.

SEP 15, 2018 2:43 PM

i mean my business i worked for since 17-18 yrs old

is destroyed by a greedy lawyer yeah im hurt too

but im not taking it out on you

a greedy delusional lawyer

SEP 15, 2018 2:44 PM



New Message



AT&T

6:12 PM

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+16193857882

Tap here for settings



i mean my business i worked for since 17-18 yrs old

is destroyed by a greedy lawyer yeah im hurt too

but im not taking it out on you

a greedy delusional lawyer

ill talk to you monday

i left the good employees for as long as possible

shawn brittany and milad are fired

SEP 15, 2018 2:48 PM

flight pushed back to Monday now
SEP 15, 2018 8:59 PM



I heard there's a really bad



New Message



AT&T

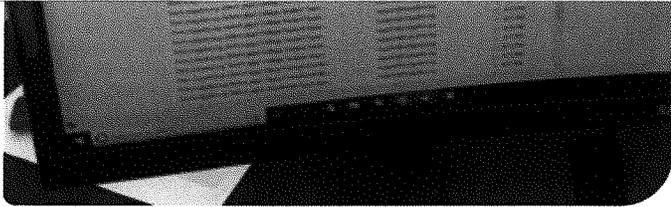
6:08 PM

99%



+16193857882

Tap here for settings



craigslist lawsuit

egc

etc

SEP 13, 2018 4:37 PM

CL is suing too??? Frivolous lawsuits r killing small businesses.

Brian Holmes & lawyers like him r bottom feeders.

SEP 13, 2018 4:39 PM



no

They are removing adds abd blocking our emails

SEP 13, 2018 4:40 PM



New Message



Exhibit B

AS

From: Aaron Sadock asadock@panakoslaw.com
Subject: Re: Tentative Rulings
Date: January 23, 2019 at 4:21 PM
To: Ed Chapin Echapin2@sanfordheisler.com
Cc: Daniel A. Kaplan dkaplan@danielkaplanlaw.com, George Rikos george@georgerikoslaw.com, Brian M. Holm brian@holmlawgroup.com, John J. O'Brien john@theobrienlawfirm.com, Cara Van Dorn cvandorn@sanfordheisler.com, Christopher Yandel cyandel@sanfordheisler.com, Fernando Salazar fsalazar@sanfordheisler.com, Bonnie McKnight bmcknight@panakoslaw.com, Ali Byler ali@danielkaplanlaw.com, Anna King aking@panakoslaw.com, Julianne Roth jr@danielkaplanlaw.com

Ed,

As you now know this case is stayed and we do not intend to on violating the stay. Thus, all scheduled depositions our off calendar including but not limited the depositions noticed for this coming Friday.

Based on our reading of the tentative ruling the only issue order to meet and confer on was the scope of the subpoenas which we have already come to terms on. In fact, this motion was left on calendar because Mr. Holm forgot to remove it. Please refer to the communications to confirm if needed. If you disagree, we our happy to meet with you or anyone else at our office so this issue could be resolved if/when the stay is removed. We will be at our office until 6:00pm today if you wanted to stop by.

Sincerely,

Aaron D. Sadock, Esq.
Managing Attorney



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D: (619) 312 - 4125
[Confidentiality & Legal Notice](#)

[Redacted text block]

Ed Chapin
CA Managing Partner, [bio](#)
655 West Broadway, Suite 1700, San Diego, CA 92101
DIRECT: [619-577-4251](tel:619-577-4251) | **MAIN:** [619-577-4253](tel:619-577-4253)



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From: Aaron Sadock asadock@panakoslaw.com
Subject: Re: Bankruptcy Petition #: 19-00271-LT13
Date: January 28, 2019 at 8:38 AM

To: Ed Chapin Echapin2@sanfordheisler.com, Brian Holm brian@holmlawgroup.com, John J. O'Brien john@theobrienlawfirm.com
Cc: Cara Van Dorn cvandorn@sanfordheisler.com, Carrie Goldberg carrie@cagoldberglaw.com, Christopher Yandel cyandel@sanfordheisler.com, Fernando Salazar fsalazar@sanfordheisler.com, Daniel A. Kaplan dkaplan@danielkaplanlaw.com, Ali Byler ali@danielkaplanlaw.com, Bonnie McKnight bmcknight@panakoslaw.com, George Rikos george@georgerikoslaw.com, Anna King aking@panakoslaw.com, Julianne Roth jr@danielkaplanlaw.com

Counsel,

As you know, we represent the Debtor, Michael J. Pratt, in the above-referenced Chapter 13 case. This case was commenced by the filing of a Voluntary Petition for relief under Title 11 of the United States Code on January 23, 2019, and an Order for Relief was entered at that time. The Notice of Automatic Stay explains actions which are prohibited by the automatic stay of 11 U.S.C. §362. Pursuant to this notice, we demand that you immediately cease all efforts to prosecute any court action against the Debtor. This includes any acts to obtain discovery from the Debtor and any agents of the Debtor and to proceed in any fashion in the prosecution of San Diego Superior Court Lead Case No. 37-2016-00019027-CU-FR-CTL, and Consolidated Case Nos. 37-2017-00033321-CU-FR-CTL and 37-2017-00043712-CU-FR-CTL. to the extent those acts affect the Debtor, or to enforce any judgment obtained against the Debtor.

Be advised that the Bankruptcy Court has the power to award compensatory as well as punitive damages for willful violations of the automatic stay of 11 U.S.C. §362. See, *In re Bloom*, 875 F.2d 224 (9th Cir. 1989). Please note that such acts will be considered willful if you merely intended to perform to act. If the act violates the stay, the fact that you did not intend to violate the stay is not a defense.

If you or any of your agents take any acts in violation of the automatic stay, the Debtor will file a motion in the Bankruptcy Court for compensatory and punitive damages for willful violation of the automatic stay.

Sincerely,

Aaron D. Sadock, Esq.
Managing Attorney



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