

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Personal Injury

Doe 114,  
Plaintiff,

Court File No.: 27-CV-16-1712  
Judge Frank J. Magill, Jr.

v.

Jason McLean,  
Defendant.

**AFFIDAVIT OF GERT DE HERRERA  
IN SUPPORT OF MOTIONS  
FOR SANCTIONS, DEFAULT JUDGMENT  
AND PREJUDGMENT ATTACHMENT**

MEXICO )  
 ) ss.  
BAJA CALIFORNIA SUR )

Gert de Herrera, being first duly sworn on oath, deposes and states as follows:

1. I am a citizen of the United States living and working in Cabo San Lucas, Baja California Sur, Mexico. My company manages resort properties in Mexico.

2. I make this affidavit in support of Plaintiff's motions for sanctions, default judgment and prejudgment attachment.

3. On Saturday, September 30, 2017, I contacted Jeff Anderson & Associates through its website. On Monday, October 2, 2017, I spoke with attorney Molly Burke over the telephone. I spoke with her again on Wednesday, October 4, 2017.

4. I reached out to Jeff Anderson & Associates to share information I had about Defendant Jason McLean after learning the law firm represents women who have brought lawsuits against him for his sexual abuse of them when they were children.

5. About six to nine months ago, McLean was in Cabo San Lucas and made inquiries about purchasing real property.

6. McLean returned to Cabo San Lucas at the end of August 2017, and stayed at Cabo Siesta Suites Hotel from August 29, 2017 to September 2, 2017. Although his reservation was made only through September 1, 2017, he stayed an extra night because of a hurricane. Attached hereto as Exhibit 1 is a true and correct copy of the email regarding the reservation.

7. During this trip, on approximately August 31, 2017, or September 1, 2017, I met with McLean personally with his realtor in my office. He told me about restaurants and nightclubs he had run in Oakland, California.

8. After McLean made an offer of \$1.3 million dollars on a hotel property my company manages, I began negotiating with McLean concerning McLean's purchase of the hotel property. I made a counter offer of \$1.4 million dollars.

9. McLean was also engaged in negotiations with another party concerning the purchase of a different real property—a large private residence located in Cabo San Lucas that has been used for wedding receptions and events. Attached hereto as Exhibits 2 and 3 are true and correct copies of the property listing and photographs of the property from the property listing, respectively. This property was listed at a purchase price of \$1,595, 000. (Exhibit 2.)

10. During the negotiation process, McLean told me that it was important that the property he purchase be a property that generates income.

11. McLean informed me that he had \$1.4 million dollars he can pay in cash for a property. At one point during the negotiations, McLean asked me to finance \$400,000 of the purchase price of the hotel.

12. I did my due diligence by looking into McLean. I discovered on the internet a video clip of a news story reporting about the allegations against McLean for his sexual abuse of young girls. I also discovered news articles, including an article published by the City Pages in February

2017. In reading the City Pages article, I learned that Jeff Anderson & Associates represents the plaintiffs who brought lawsuits against McLean for sexually abusing them as children.

13. I believe McLean may have consummated a deal to purchase the private residence from the other party. As of October 5, 2017, the status of the property on the listing is "pending." (Exhibit 2.)

14. McLean has opened up a bank account in Mexico within the last 30 days. The most likely bank for McLean to have opened an account is BBVA Bancomer. Additionally, McLean likely opened an account in his own name because opening a bank account in a corporation name in Mexico is very hard to do and requires extra paperwork.

15. The most likely way McLean will proceed with the transaction of purchasing real property is by creating a Mexican corporation and obtaining a *fideicomiso*, which operates as a bank trust. Mr. de Herrera explained that under a *fideicomiso*, the authorized Mexican financial institution, or bank, is technically the owner of the property, which makes the property inaccessible to creditors.

16. It takes at least 60 days to form a Mexican corporation, and I do not know whether McLean has started that process, and if so, when he did so.

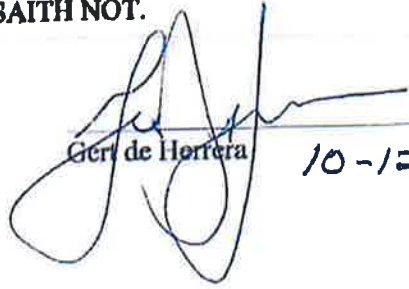
17. Because the properties McLean is looking to purchase are in Cabo San Lucas, which is in an escrow state, it would be difficult for McLean to close on any contract to purchase real property in less than 60 days.

18. In Mexico, within 5 days of closing on a property, a buyer must file with the Mexican government a proof of funds document on which the buyer discloses the source of the funds being used for the purchase and how the buyer came to have those funds.

19. I last saw McLean in person in Cabo San Lucas on Monday, September 9, 2017.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

FURTHER YOUR AFFIANT SAITH NOT.

  
Geri de Herrera 10-12-2017

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public

**From:** Gert de Herrera [mailto:gertdeherrera@aol.com]  
**Sent:** Wednesday, October 4, 2017 4:52 PM  
**To:** Molly Burke <Molly@andersonadvocates.com>  
**Subject:** Re: Follow up from phone call

These are our cash transfer documents. He will have to file one of these with the closing company because of the amount of the purchase price 1.4 mil... Dont know if it helps you or not since it is not a us document


His Cabo Siesta Suites Hotel reservation below

Unit # & type Client name Arrive/Depart Status Conf. # Recvd Owing  
202 Suite - OTA - Expedia - European  
Plan - PKG Jason McLean E P S  
1 queen bed Non-Smoking  
Expedia Collect Aug 29-Sep 01, 2017 Checked In 9005000110.00122.52202 Suite - Regular Rate Jason  
McLean E P S Sep 01-02, 2017 Checked In 1585934060.500.00

***Gert de Herrera***

**Distinctive Homes of Los Cabos**  
2501 Blvd. Lazaro Cardenas, Edificio Posada Loc, 9B,  
Col. el Medano, Cabo San Lucas BCS, C.P. 23450



CASA PUESTA DEL SOL Pedregal de Cabo San Lucas, Cabo San Lucas,		16-271 Houses Pending <b>\$1,595,000</b>	
Provided as a courtesy of <b>Gert de Herrera, Callimaya Distinctive Homes of Los Cabos</b> Callimaya Morelos #61 Centro Historico San Jose del Cabo, BS 23400 Office Phone - (624) 142-0973 Mobile - +011(624) 160-4199 <a href="mailto:gertdeherrera@aol.com">gertdeherrera@aol.com</a> <a href="http://www.loscabosrealtor.com">http://www.loscabosrealtor.com</a>			
<b>Seller Financing Offered?:</b> No <b>AC M2:</b> 363 <b>Decks/Patios SqFt:</b> 2,603.92 <b>Ocean Front Meters:</b> <b>1/2Baths:</b> 1 <b>Primary View:</b> Ocean <b>Garage Stalls:</b> 2	<b>Total M2:</b> 604 <b>AC SqFt:</b> 3,905.88 <b>Lot M2:</b> 896 <b>Total Bedrooms:</b> 4 <b>Year Built:</b> <b>Secondary View:</b> Local <b>Carport:</b>	<b>Total SqFt:</b> 6,499.04 <b>Decks/Patios M2:</b> 242 <b>Lot Dimensions:</b> <b>FullBaths:</b> 4 <b>Furniture:</b> Furnished <b>Style:</b> Other <b>Mstr Plan Community:</b> Yes	
<b>Tax ID Number:</b> <b>Longitude:</b> -109.920611	<b>Taxes:</b>	<b>Latitude:</b> 22.875964	
<b>Terms:</b>			
<b>Description:</b> Sitting high on the mountain, this custom built home offers expansive panoramic views of the Pacific Ocean with its magnificent sunsets . This fabulous home is located in the exclusive development of Pedregal with one of the best locations overlooking the ocean. Everything one could ask for in this stunning property. Four bedrooms, 4 ½ baths, living, dining , kitchen and pool on the same level making this the perfect home for entertaining or just enjoying the tranquility of sitting on your terrace watching the whales. This is a one of a kind opportunity. Offered at \$1,750,000USD <b>Legal:</b>			
<b>Amenities:</b> BBQ Area; Deck; Garden; Patio; Pergola; Pool; Pool Heater; Sitting Area; Terrace <b>Common Amenities:</b> Gated; Guarded; Tennis Court <b>Appliances:</b> Clothes Dryer; Electric; Clothes Washer; Dishwasher; Microwave; Oven; Gas; Range; Gas; Refrigerator <b>Const.:</b> Construction Type: Concrete / Cinder Block; Flooring Types: Travertine <b>Devices:</b> Ceiling Fans; Air Conditioning: Central	<b>Road Type:</b> Cobblestone Street <b>Title:</b> Fideicomiso: Banco del Bajio <b>Connectivity:</b> Internet: Infinitum; Telephone: 1 line; TV: Cable <b>Electricity:</b> CFE	<b>Water:</b> Desal <b>Sewage:</b> Muni <b>HOA Info:</b> Dues Amount: 2980; Dues Period: Year <b>How To Show:</b> Agent To Accompany; Call Agents Office	
<b>Price:</b> 1,595,000			

Information is deemed to be reliable, but is not guaranteed. © 2017 MLS and FBS. Prepared by Gert de Herrera, Callimaya Distinctive Homes of Los Cabos on Friday, October 06, 2017 9:12 AM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.



View Checked (0)



Actions



1 of 110



**\$1,595,000** CASA PUESTA DEL SOL Pedregal de Cabo San Lucas  
Pending / 16-271 Cabo San Lucas.

**Property Type:** Houses

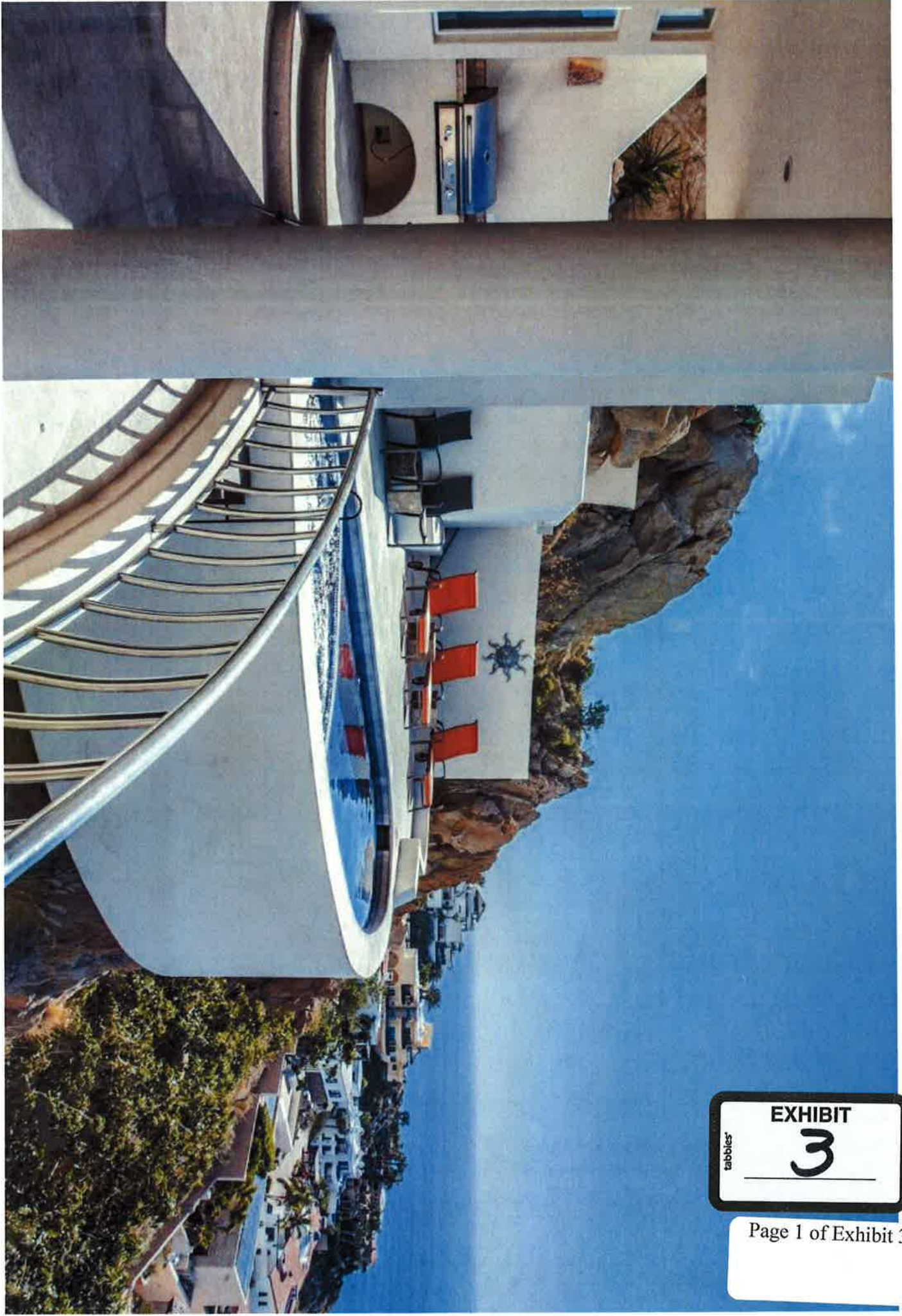
**Price:** 1,595,000

**Total SqFt:** 6,499.04

**Total Bedrooms:** 4

Sitting high on the mountain, this custom built home offers expansive panoramic views of the Pacific Ocean with its magnificent sunsets . This fabulous home is located in the exclusive development of Pedregal with one of the best locations overlooking the ocean. Everything one could ask for in this stunning property. Four bedrooms, 4 ½ baths, living, dining , kitchen and pool on the same level making this the perfect home for entertaining or just enjoying the tranquility of sitting on your terrace watching the whales. This is a one of a kind opportunity. Offered at \$1,750,000USD





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**EXHIBIT**  
**3**

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