

AUSTIN LEGAL GROUP, APC
3990 Old Town Ave, Ste A-112
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6 Attorneys for Defendants
San Diego United Holdings Group, LLC, Ninus Malan
7 And Balboa Ave Cooperative

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

11/03/2017 at 11:41:00 AM

Clerk of the Superior Court
By E- Filing, Deputy Clerk

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN DIEGO- CENTRAL DIVISION**

11
12 MONTGOMERY FIELD BUSINESS
CONDOMINIUMS ASSOCIATION, a
13 California Nonprofit Mutual Benefit
Corporation,

14 Plaintiff,

15 vs.

16 BALBOA AVE COOPERATIVE, a
California corporation; SAN DIEGO
17 UNITED HOLDINGS GROUPS, LLC, a
California limited liability company;
18 NINUS MALAN, an individual; RAZUKI
INVESTMENTS, LLC, a California
19 limited liability company; SALAM
RAZUKI, an individual; and DOES 1
20 through 25, inclusive;

21 Defendants.

CASE NO. 37-2017-00019384-CU-CO-CTL

Assigned to the Honorable Ronald L. Styn

DECLARATION OF GINA M. AUSTIN

[IMAGED FILE]

DATE: November 3, 2017

TIME: 2:00 p.m.

DEPT: C-62

22
23
24 I, Gina M. Austin, declare:

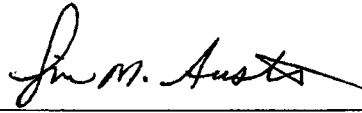
25 1. I am a member in good standing of the California state bar and am the Managing
26 Attorney at Austin Legal Group, APC. I have personal knowledge of the facts stated in this
27 declaration, except as to those facts stated upon information and belief, which facts I believe to be
28 true.

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2. Mid-morning on November 3, 2017, I received the letter attached as Exhibit "1" from Elyse Lowe, Deputy Director of the City of San Diego Development Services Department.

I declare under penalty of perjury under California state law that the foregoing is true and correct. Executed in San Diego, California, on November 3, 2017.



Gina M. Austin

Exhibit 1

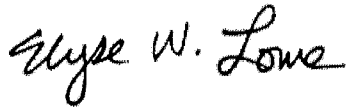
November 2, 2017

Mr. Ninus Malan
Balboa Cooperative
8863 Balboa Ave. Ste B
San Diego, CA 92123

Dear Mr. Malan:

The City of San Diego has been informed that there is litigation pending between Balboa Cooperative ("Cooperative") and Montgomery Field Business Association. The City of San Diego views that matter as a civil matter that does not involve the City at this point. Not-with-standing the foregoing, the City would not file an enforcement action against the Cooperative during the pendency of the litigation if the security guards are unarmed.

Sincerely



Elyse W. Lowe
Deputy Director

EL

cc: Michael Richmond, Code Enforcement Deputy Director
PJ FitzGerald, Assistant Deputy Director, Project Management