

1 PARK LAWLESS & TREMONTI LLP
Charles C. Cavanagh (SBN 198468)
2 515 South Flower Street, 18th Floor
Los Angeles, CA 90071
3 Telephone: (213) 640-3770
Facsimile: (213) 640-3015
4 E-mail: ccavanagh@parklawless.com

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County of San Diego

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Clerk of the Superior Court
By N. Lopez ,Deputy Clerk

5 CHILDS MCCUNE
Mark Collier (*Pro Hac Vice*)
6 821 17th Street, Suite 500
Denver, CO 80202
7 Telephone: (303) 296-7300
Facsimile: (720) 625-3637
8 E-mail: mcollier@childsmccune.com

9 Attorneys for Plaintiffs
SAN DIEGO PATIENTS COOPERATIVE CORPORATION, INC.;
10 and BRADFORD HARCOURT

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN DIEGO**
13

14 SAN DIEGO PATIENTS COOPERATIVE)
CORPORATION, INC., *et al.*,)

15 Plaintiffs,)

16 v.)

17 RAZUKI INVESTMENTS, L.L.C., *et al.*,)

18 Defendants.)
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Case No. 37-2017-00020661-CU-CO-CTL

Honorable Michael T. Smyth, Dept. C-67

**JUDGMENT CREDITOR BRADFORD
HARCOURT'S EX PARTE APPLICATION
RE: SERVICE OF ORDER FOR
APPEARANCE AND EXAMINATION AND
RE-SCHEDULING OF JUDGMENT
DEBTOR EXAMINATION**

Date: September 4, 2025

Time: 8:30 a.m.

Courtroom: C-67

Complaint Filed: June 7, 2017

Trial Date: October 27, 2023

1 TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

2 Pursuant to California Rules of Court 3.1200, *et seq.*, Judgment Creditor Bradford
3 Harcourt (“Judgment Creditor”) hereby applies for an Order (1) that the judgment debtor
4 examination previously scheduled for 8:30 a.m. on August 25, 2025, be re-scheduled for 8:30
5 a.m. on October 6, 2025, and (2) that, after Judgment Creditor submits, and the Court signs, a
6 revised Application and Order for Appearance and Examination reflecting the new date and
7 time for the judgment debtor examination, Judgment Creditor may effect service of the revised
8 Application and Order for Appearance and Examination upon Judgment Debtor Razuki
9 Investments, LLC (“Judgment Debtor”) and its principal Haith Razuki via service upon
10 Judgment Debtor’s counsel of record, Douglas Jaffe, via electronic mail and that said service
11 shall be effective to compel the attendance of Haith Razuki at the judgment debtor examination,
12 so long as such email service is made at least 7 calendar days before the scheduled judgment
13 debtor examination.

14 This Application is based upon: this Application; the Memorandum of Points and
15 Authorities attached hereto; the Declaration of Charles C. Cavanagh filed concurrently
16 herewith; the Proposed Order lodged concurrently herewith; all records and pleadings on file in
17 this matter; and such oral argument and other matters as may be presented at the hearing on this
18 Application.

19 **Identification of Attorneys and Parties.** Pursuant to California Rule of Court
20 3.1202(a), Judgment Creditor identifies counsel of record for the parties as follows:

22 Douglas Jaffe
23 LAW OFFICES OF DOUGLAS JAFFE
24 501 West Broadway, Suite 800
25 San Diego, CA 92101
26 T.: (619) 400-4945
27 F.: (619) 400-4947
28 E.: dougjaffelaw@gmail.com
Attorney for Defendants Razuki Investments,
L.L.C. and Salam Razuki

David K. Demergian
DEMERGIAN LAW
501 West Broadway, Suite 800
San Diego, CA 92101
T: (619) 239-3015
F: (619) 239-3029
E: david@demergianlaw.com
Attorney for Defendants Ninus Malan, San
Diego United Holdings, LLC, American
Lending and Holdings, LLC

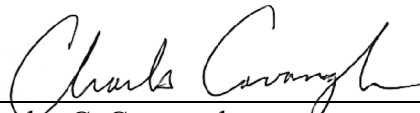
1 **Ex Parte Notice.** (See Declaration of Charles Cavanagh, ¶¶ 40-41 & Ex. M.)

2 Counsel for Judgment Creditor, Charles Cavanagh, provided notice of this Application
3 to Douglas Jaffe, counsel for Judgment Debtor and Salam Razuki; and to David Demergian,
4 counsel for defendants Ninus Malan, San Diego United Holdings Group, LLC, and American
5 Lending and Holdings, LLC. Through his email communication, Judgment Creditor's counsel
6 informed Messrs. Jaffe and Demergian that, through this Application, Judgment Creditor would
7 seek an Order (1) re-scheduling for 8:30 a.m. on October 6, 2025, the judgment debtor
8 examination previously scheduled for 8:30 a.m. on August 25, 2025, and (2) permitting
9 Judgment Creditor to serve a forthcoming revised Application and Order for Appearance and
10 Examination upon Judgment Debtor and Haith Razuki via service via electronic mail upon
11 Judgment Debtor's counsel of record, Douglas Jaffe.

12 As of the time of the filing of this Application, no counsel had responded to Judgment
13 Creditor's notice to inform Judgment Creditor's counsel of either his clients' position on the
14 Application or his intentions regarding appearing at the hearing thereon.

15
16 Dated: August 20, 2025

PARK LAWLESS & TREMONTI LLP
CHILDS MCCUNE

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19 _____
20 Charles C. Cavanagh
21 Mark Collier
22 Attorneys for Plaintiffs
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1 In light of these bad faith tactics, Judgment Creditor has been unable to personally serve
2 this Court's Order for Appearance and Examination related to the judgment debtor examination
3 that had been scheduled for August 25, 2025. Through this *Ex Parte* Application, Judgment
4 Creditor requests that that judgment debtor examination be re-scheduled for October 6, 2025,
5 and that this Court permit Judgment Creditor to serve a revised Application and Order for
6 Appearance and Examination upon Judgment Debtor and Haith Razuki via service via
7 electronic mail upon Judgment Debtor's counsel of record, Douglas Jaffe.

8 **II. RELEVANT PROCEDURAL HISTORY**

9 On February 14, 2024, this Court, the Honorable Eddie C. Sturgeon presiding, entered a
10 Judgment On Jury Verdict, which, among other things, entered judgment in favor of Judgment
11 Creditor and against Judgment Debtor in the amount of \$2,500,000.00. (Cavanagh Decl., ¶ 2.)

12 On February 16, 2024, Judgment Creditor served on Judgment Debtor a first set of
13 interrogatories and a first set of requests for the production of documents. (Cavanagh Decl.,
14 ¶ 3.) Thereafter, Judgment Debtor and Mr. Jaffe engaged in a prolonged effort to avoid
15 providing substantive responses, and producing documents responsive, to Judgment Creditor's
16 discovery requests. (Cavanagh Decl., ¶¶ 4-23, 25, 30, 32 & 35.) As a result, Judgment Creditor
17 was required to file multiple motions to compel and motions for sanctions, this Court issued
18 multiple Orders compelling Judgment Debtor to provide substantive responses and to produce
19 responsive documents, and multiple monetary sanctions have been imposed against (but not
20 paid by) Judgment Debtor and one of its principals, Salam Razuki. (*Id.*)

21 Judgment Creditor first began trying to conduct examinations of Judgment Debtor's
22 principals on March 25, 2025. (Cavanagh Decl., ¶ 22.) At that time, Judgment Creditor's
23 counsel advised Mr. Jaffe that he wanted to examine both Haith Razuki and Sarah Razuki and
24 asked Mr. Jaffe to provide him with their availability so the examinations could be scheduled
25 for a mutually-convenient date. (*Id.*) When Mr. Jaffe did not respond to that request (Cavanagh
26 Decl., ¶ 23), Judgment Creditor's counsel proceeded to file Applications and Orders for
27 Appearance and Examination for both Haith Razuki and Sarah Razuki (Cavanagh Decl., ¶ 24).

1 This Court signed those Applications and Orders, scheduling the judgment debtor examinations
2 for June 9, 2025. (Cavanagh Decl., ¶ 24 & Exs. A & B.)

3 Thereafter, Judgment Creditor's counsel diligently undertook to have the Applications
4 and Orders for Appearance and Examination personally served upon Haith Razuki and Sarah
5 Razuki. (Cavanagh Decl., ¶¶ 26-28 & Exs. C & D.) Because Mr. Jaffe was then listed with the
6 California Secretary of State as the registered agent for Judgment Debtor (Cavanagh Decl., ¶ 31
7 & Ex. F), Judgment Creditor's counsel also undertook to serve Mr. Jaffe with copies of the
8 Applications and Orders for Appearance and Examination for both Haith Razuki and Sarah
9 Razuki (Cavanagh Decl., ¶ 29 & Ex. E). The Applications and Orders were served on Mr. Jaffe
10 on May 7, 2025, more than 30 days before the judgment debtor examinations then-scheduled for
11 June 9, 2025. (*Id.*) However, process servers were unsuccessful in personally serving either
12 Haith Razuki or Sarah Razuki more than 30 days before June 9, 2025. (Cavanagh Decl., ¶ 28 &
13 Exs. C & D.)

14 During the May 22, 2025 hearing on an *ex parte* application filed by Judgment Creditor,
15 this Court advanced to June 27, 2025, the hearing on a then-pending motion to compel filed by
16 Judgment Creditor and stated that the re-scheduling of the judgment debtor examinations would
17 also be discussed at the time of the subsequent hearing. (Cavanagh Decl., ¶ 32.)

18 Because Mr. Jaffe expressed during the May 22 hearing some concern regarding
19 whether the Applications and Orders for Appearance and Examination had been properly served
20 upon him, Judgment Creditor's counsel attempted for a second time to have both Haith Razuki
21 and Sarah Razuki personally served with copies of their respective Application and Order for
22 Appearance and Examination. (Cavanagh Decl., ¶ 33 & Exs. G & H.) While Judgment
23 Creditor's counsel was aware by that time that the judgment debtor examinations were not
24 going to proceed on June 9, 2025, he nevertheless wanted Haith Razuki and Sarah Razuki to be
25 notified of the fact that their examinations had been set and that the Court was going to discuss
26 that matter further at the June 27, 2025 hearing. (*Id.*) Accordingly, as part of the second round
27 of service attempts, Judgment Creditor's counsel also included a Notice of Ruling related to the
28

1 May 22 hearing. (*Id.*) That second round of efforts to serve Haith Razuki and Sarah Razuki
2 was unsuccessful. (*Id.*)

3 After the May 22 hearing, Judgment Creditor's counsel also attempted to re-serve Mr.
4 Jaffe with copies of both of the Applications and Orders for Appearance and Examination.
5 (Cavanagh Decl., ¶ 34 & Ex. I.) However, Mr. Jaffe refused to cooperate with, and avoided,
6 personal service of those documents on him, despite the fact that he has at all times been
7 counsel of record for Judgment Debtor. (*Id.*)

8 Unbeknownst to Judgment Creditor's counsel at the time, the day before the May 22
9 hearing, Judgment Debtor changed with the California Secretary of State its registered agent
10 from Mr. Jaffe to Haith Razuki and changed its principal address from 7977 Broadway to 5071
11 Logan Avenue. (Cavanagh Decl., ¶ 31 & Ex. F.)

12 During the June 27 hearing on Judgment Creditor's motion to compel, counsel and the
13 Court discussed the re-scheduling of the judgment debtor examinations. (Cavanagh Decl.,
14 ¶ 35.) At that time, Mr. Jaffe announced that Judgment Debtor had recently changed the
15 identity of its registered agent. (*Id.*) In light of that announcement, this Court stated that it
16 would not deem the prior service on Mr. Jaffe of the Applications and Orders for Appearance
17 and Examination sufficient to compel Judgment Debtor's principals to attend a future judgment
18 debtor examination. (*Id.*) However, the Court invited Judgment Creditor's counsel to appear
19 before it again if he experienced difficulties with serving new Applications and Orders for
20 Appearance and Examination upon Judgment Debtor's principals. (*Id.*)

21 That same day, Judgment Creditor's counsel filed with this Court a new Application and
22 Order for Appearance and Examination for Haith Razuki. (Cavanagh Decl., ¶ 36 & Ex. J.)
23 When the Court signed that Application and Order, it scheduled the judgment debtor
24 examination for August 25, 2025. (*Id.*)

25 Thereafter, Judgment Creditor's counsel diligently undertook to have the Application
26 and Order for Appearance and Examination personally served upon Haith Razuki by the San
27 Diego County Sheriff's Department. (Cavanagh Decl., ¶¶ 37-38 & Exs. K & L.) The Sheriff's
28 Department was unsuccessful at personally serving Haith Razuki, either at his residential

1 address or at Judgment Debtor’s purported new principal address. (*Id.*) Accordingly, Judgment
2 Creditor’s counsel withdrew the Application and Order for Appearance and Examination for the
3 judgment debtor examination scheduled for August 25, 2025. (Cavanagh Decl., ¶ 39.)

4 **III. ARGUMENT**

5 As anticipated by this Court at the June 27 hearing, Judgment Creditor has been unable
6 to personally serve Haith Razuki with a copy of the Application and Order for Appearance and
7 Examination, despite Judgment Creditor’s reasonable diligence. Accordingly, Judgment
8 Creditor respectfully requests that this Court re-schedule for October 6, 2025, the judgment
9 debtor examination previously scheduled for August 25, 2025 (and June 9, 2025), and that it
10 issue an Order that Judgment Creditor may serve a copy of a revised Application and Order for
11 Appearance and Examination upon Haith Razuki via service by electronic mail upon Judgment
12 Debtor’s counsel, Douglas Jaffe.

13 It is beyond question that Judgment Creditor has the right to conduct an appropriate
14 judgment debtor examination in support of the enforcement and collection of his Judgment.
15 The Code of Civil Procedure clearly provides that a “judgment creditor may apply to the proper
16 court for an order requiring the judgment debtor to appear before the court, or before a referee
17 appointed by the court, at a time and place specified in the order, to furnish information to aid in
18 enforcement of the money judgment.” Cal. Civ. Proc. Code § 708.110(a). Ordinarily, a
19 judgment creditor must personally serve a copy of the Order for Appearance and Examination
20 on the judgment debtor not less than 30 days before the date set for the examination. *See* Cal.
21 Civ. Proc. Code § 708.110(d).

22 Here, however, service by other means is both authorized and warranted in light of the
23 active evasion of personal service by Judgment Debtor’s principals and counsel, which is part of
24 a larger pattern of their efforts to obstruct and to delay Judgment Creditor’s legitimate right to
25 conduct post-judgment discovery.

26 The statute governing service of an Order for Appearance and Examination provides that
27 such orders typically must be personally served, “in the manner specified in [Code of Civil
28 Procedure] Section 415.10.” Cal. Civ. Proc. Code § 708.110(d). Pursuant to Section 415.10,

1 personal service typically means service that is accomplished “by personal delivery ... to the
2 person to be served.” Cal. Civ. Proc. Code § 415.10. However, “[a] defendant may also be
3 ‘personally’ served by delivering a copy of the [document] to an agent authorized to accept
4 service on behalf of that defendant.” *American Express Centurion Bank v. Zara*, 199 Cal. App.
5 4th 383, 389 (2011) (citing Cal. Civ. Proc. Code § 416.90). Moreover, it is well-settled that “a
6 defendant will not be permitted to defeat service by rendering physical service impossible.”
7 *Bein v. Brechtel-Jochim Group, Inc.*, 6 Cal. App. 4th 1387, 1393 (1992) (citation omitted).

8 Further, the Code of Civil Procedure provides that, “[i]f a copy of the summons and
9 complaint cannot with reasonable diligence be personally delivered to the person to be served,
10 ... a summons may be served by” substitute service. Cal. Civ. Proc. Code § 415.20(b). When
11 substitute service is invoked, the party attempting the service bears the burden of showing that
12 the papers could not be personally served with reasonable diligence. *See id.*; *American Express*,
13 199 Cal. App. 4th at 390; *Evartt v. Superior Court*, 89 Cal. App. 3d 795, 801 (1979).
14 “Ordinarily, two or three attempts at personal service at a proper place should fully satisfy the
15 requirement of reasonable diligence and allow substituted service to be made.” *Hearn v.*
16 *Howard*, 177 Cal. App. 4th 1193, 1202 (2009) (quoting *Espindola v. Nunez*, 199 Cal. App. 3d
17 1389, 1392 (1988)); *Bein*, 6 Cal. App. 4th at 1391-92 (same).

18 Here, whether viewed as service upon an agent or substitute service, the Court should
19 allow Judgment Creditor to serve a revised Application and Order for Appearance and
20 Examination upon Judgment Creditor’s principal, Haith Razuki, through electronic mail service
21 upon Judgment Creditor’s counsel of record, Douglas Jaffe. Judgment Creditor and its counsel
22 have repeatedly, diligently attempted to serve Applications and Orders for Appearance and
23 Examination upon Judgment Debtor’s principals and counsel via personal service, both through
24 private process servers and through the San Diego County Sheriff’s Department. (Cavanagh
25 Decl., ¶¶ 24, 26-29, 33-34, 36-38 & Exs. A-E & G-L.) However, Judgment Debtor’s principals
26 and counsel have undermined Judgment Creditor’s efforts by actively evading service (*id.*),
27 even going so far as to change the identity of Judgment Debtor’s registered agent in order to
28 make it more difficult to personally serve him (Cavanagh Decl., ¶ 31 & Ex. F).

1 Judgment Creditor's efforts have clearly been sufficient to satisfy the requirement of
2 reasonable diligence and allow substituted service to be made. *See Hearn*, 177 Cal. App. 4th at
3 1202; *Bein*, 6 Cal. App. 4th at 1391-92.

4 Moreover, service of a revised Application and Order for Appearance and Examination
5 upon Judgment Debtor's principal through electronic service upon Judgment Debtor's counsel
6 of record is warranted in light of this Court's continuing jurisdiction over post-judgment
7 discovery in aid of the enforcement of the Judgment. In an analogous context, courts have
8 allowed for substituted service of an order to show cause on an alleged contemnor's attorney on
9 the grounds that the court could exercise continuing jurisdiction to enforce its valid orders and
10 that a party should not be allowed to defeat the jurisdiction of a court to enforce its orders by
11 concealing himself to avoid service. *See, e.g., Smith v. Smith*, 120 Cal. App. 2d 474, 483 (1953)
12 ("It is well settled law that once personal jurisdiction has properly attached in a continuous
13 proceeding, parties are subject to orders made without personal service, but may be served by
14 service on their lawyers or personal service outside the state."); *Olcott v. Superior Court*, 68
15 Cal. App. 2d 603, 606 (1945) ("Petitioner having permanently established her residence outside
16 the State of California service upon her attorney of record was authorized and constituted a
17 valid service.").

18 Finally, Code of Civil Procedure section 187 independently vests in this Court the
19 inherent authority to implement all suitable means necessary to carry its jurisdiction into effect.
20 *See* Cal. Civ. Proc. Code § 187 ("When jurisdiction is, by the Constitution or this Code, or by
21 any other statute, conferred on a Court or judicial officer, all the means necessary to carry it into
22 effect are also given...."); *cf. Smith*, 120 Cal. App. 2d at 485 ("[E]very court possesses inherent
23 jurisdiction to punish for contempt, ... and ... such jurisdiction cannot be defeated by the party
24 concealing himself to avoid service.").

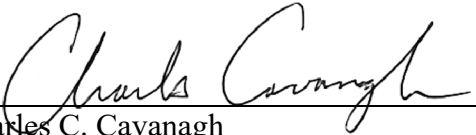
25 IV. CONCLUSION

26 For the foregoing reasons, Judgment Creditor respectfully requests that this Court issue
27 an Order (1) that that judgment debtor examination of Haith Razuki be re-scheduled for 8:30
28 a.m. on October 6, 2025, and (2) that Judgment Creditor may serve a revised Application and

1 Order for Appearance and Examination upon Judgment Debtor and Haith Razuki via service via
2 electronic mail upon Judgment Debtor's counsel of record, Douglas Jaffe, so long as such email
3 service is made at least 7 calendar days before the re-scheduled judgment debtor examination.
4

5 Dated: August 20, 2025

PARK LAWLESS & TREMONTI LLP
CHILDS MCCUNE

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9 Charles C. Cavanagh
10 Mark Collier
11 Attorneys for Plaintiffs
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1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, California. I am over the age of eighteen
3 years and not a party to the within entitled action; my business address is 515 South Flower
4 Street, 18th Floor, Los Angeles, CA 90071.

5 On August 20, 2025, I caused to be served the foregoing document described as:

6 **JUDGMENT CREDITOR BRADFORD HARCOURT'S EX PARTE APPLICATION RE:**
7 **SERVICE OF ORDER FOR APPEARANCE AND EXAMINATION AND RE-**
8 **SCHEDULING OF JUDGMENT DEBTOR EXAMINATION** on the interested parties as
9 follows:

10 Douglas Jaffe
11 LAW OFFICES OF DOUGLAS JAFFE
12 501 West Broadway, Suite 800
13 San Diego, CA 92101
14 T.: (619) 400-4945
15 F.: (619) 400-4947
16 E.: dougjaffelaw@gmail.com
17 Attorney for Defendants Razuki Investments,
18 L.L.C. and Salam Razuki

David K. Demergian
DEMERGIAN LAW
501 West Broadway, Suite 800
San Diego, CA 92101
T: (619) 239-3015
F: (619) 239-3029
E: david@demergianlaw.com
Attorney for Defendants Ninus Malan, San
Diego United Holdings, LLC, American
Lending and Holdings, LLC

16
17 [x] ELECTRONIC-SERVICE/E-MAIL: Pursuant to California Rules of Court, Rule
18 2.251(b)(1)(B), a court order or by consent/agreement of the parties to accept service by e-mail
19 and/or electronic submission, I cause the above-referenced document(s) to be sent to the persons
indicated above at the email address set forth above from either the Court's electronic filing
service or by personal email.

20 I declare under penalty of perjury under the laws of the State of California that the
21 forgoing is true and correct.

22 DATED: August 20, 2025

23 
Paulina J. Resendez