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and BRADFORD HARCOURT
11

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

14 SAN DIEGO PATIENTS COOPERATIVE)
15 CORPORATION, INC., a California)
cooperative corporation, and BRADFORD)
16 HARCOURT, an individual,)
17 Plaintiffs,)
18 v.)
19 RAZUKI INVESTMENTS, L.L.C., a)
California limited liability company;)
20 BALBOA AVE COOPERATIVE, a)
California cooperative corporation;)
21 AMERICAN LENDING AND)
HOLDINGS, LLC, a California limited)
22 liability company; SAN DIEGO UNITED)
HOLDINGS GROUP, LLC, a California)
23 limited liability company; CALIFORNIA)
CANNABIS GROUP, a nonprofit mutual)
24 benefit corporation; SALAM RAZUKI, an)
individual; NINUS MALAN, an individual,)
25 KEITH HENDERSON, an individual, AND)
DOES 1-20, INCLUSIVE,)

26 Defendants.)
27)
28)

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
06/28/2023 at 03:01:00 PM
Clerk of the Superior Court
By Malka Manneh, Deputy Clerk

Case No. 37-2017-00020661-CU-CO-CTL

Honorable Eddie C. Sturgeon, Dept. C-67

**NOTICE OF PLAINTIFF SAN DIEGO
PATIENTS COOPERATIVE
CORPORATION, INC.'S MOTION FOR
SANCTIONS AGAINST DEFENDANTS
NINUS MALAN; AMERICAN LENDING
AND HOLDINGS, LLC; AND SAN DIEGO
UNITED HOLDINGS GROUP, LLC**

Date: December 8, 2023

Time: 9:00 a.m.

Courtroom: C-67

Complaint Filed: June 7, 2017

Trial Date: August 25, 2023

**NOTICE OF PLAINTIFF SAN DIEGO PATIENTS COOPERATIVE CORPORATION, INC.'S
MOTION FOR SANCTIONS AGAINST DEFENDANTS NINUS MALAN; AMERICAN LENDING
AND HOLDINGS, LLC; AND SAN DIEGO UNITED HOLDINGS GROUP, LLC**

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TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that, on December 8, 2023, at 9:00 a.m., or as soon thereafter as counsel may be heard by the Honorable Eddie C. Sturgeon in Department C-67 of the above-entitled Court, located at Hall of Justice, Fourth Floor, 330 W. Broadway, San Diego, California 92101, plaintiff San Diego Patients Cooperative Corporation, Inc. (“Plaintiff”) will, and hereby does, move the Court for an Order sanctioning defendant Ninus Malan (“Malan”); American Lending and Holdings, LLC (“American Lending”); and San Diego United Holdings Group, LLC (“San Diego United”) for their disobedience of, and failure to obey, the Court’s prior Order compelling them to respond to Plaintiff’s supplemental discovery requests and to pay monetary sanctions.

Malan, American Lending, and San Diego United should be found in contempt, and evidentiary and further monetary sanctions should be imposed, because each of them has willfully disobeyed the Court’s Order compelling them to respond to Plaintiff’s supplemental interrogatories and supplemental requests for production and to pay Plaintiff sanctions in the amount of \$3000. After stipulating to the deadline for compliance with that Order, each of Malan, American Lending, and San Diego United knowingly allowed the deadline to pass without compliance, and none of them has proffered any justification for the non-compliance.

This motion is based upon this Notice of Motion and Motion; the Memorandum of Points and Authorities filed concurrently herewith; the Separate Statement filed concurrently herewith; the declaration of Charles Cavanagh filed concurrently herewith; all the pleadings and papers on file in this action; and upon such oral argument and other matters as may be presented to the Court at the time of the hearing.

Dated: June 28, 2023

MESSNER REEVES LLP



Allan B. Claybon
Mark Collier
Charles C. Cavanagh
Attorneys for Plaintiffs

1 **PROOF OF SERVICE**

2 I am employed in the County of Denver, Colorado. I am over the age of eighteen years
3 and not a party to the within entitled action; my business address is 1550 Wewatta Street, Suite
4 710, Denver, Colorado 80202.

5 On June 28, 2023, I caused to be served the foregoing document described as: **NOTICE**
6 **OF PLAINTIFF SAN DIEGO PATIENTS COOPERATIVE CORPORATION, INC.’S**
7 **MOTION FOR SANCTIONS AGAINST DEFENDANTS NINUS MALAN; AMERICAN**
8 **LENDING AND HOLDINGS, LLC; AND SAN DIEGO UNITED HOLDINGS GROUP,**
9 **LLC** on the interested parties as follows:

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17 Attorney for Defendants Razuki Investments,
18 L.L.C. and Keith Henderson and
19 Defendant/Cross-Complainant Salam Razuki

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California Cannabis Group
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San Diego, CA 92108

18 [x] ELECTRONIC-SERVICE/E-MAIL: Pursuant to California Rules of Court, Rule
19 2.251(b)(1)(B), a court order or by consent/agreement of the parties to accept service by e-mail
20 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.

21 [x] BY OVERNIGHT DELIVERY [CCP §1013(a)] By placing [] the original [x] a true
22 copy thereof enclosed in a sealed envelope(s) addressed as to the above-named counsel of record
23 or parties in propria persona. I caused such envelope to be deposited in the Federal Express box
at 11620 Wilshire Blvd., Los Angeles, CA 90025, which is regularly maintained by Federal
Express, with delivery fees pre-paid and provided for, addressed to the person on whom said
document is to be served.

24 I declare under penalty of perjury under the laws of the State of Colorado that the
25 forgoing is true and correct.

26 DATED: June 28, 2023

27 /s/ Tara L. Nelson
Tara L. Nelson