

TO BE FILED IN THE COURT OF APPEAL

APP-004

COURT OF APPEAL, 4th APPELLATE DISTRICT, DIVISION 1		COURT OF APPEAL CASE NUMBER (if known): D075028
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: 277861 NAME: Daniel Watts (277861) Steven Blake (235502) FIRM NAME: Galuppo & Blake STREET ADDRESS: 2792 Gateway Rd. Suite 102 CITY: Carlsbad STATE: CA ZIP CODE: 92009 TELEPHONE NO.: 760-431-4575 FAX NO.: E-MAIL ADDRESS: dwatts@galuppolaw.com, sblake@galuppolaw.com ATTORNEY FOR (name): Appellants Ninus Malan, et. al.		FOR COURT USE ONLY
APPELLANT: Ninus Malan, et. al. RESPONDENT: Salam Razuki, et. al.		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: 330 W. Broadway CITY AND ZIP CODE: San Diego CA 92101 BRANCH NAME: Central		
JUDGES (all who participated in case): Eddie Sturgeon, Richard Strauss, Kenneth Medel		SUPERIOR COURT CASE NUMBER: 37-2018-000034229-CU-BC-CTL
CIVIL CASE INFORMATION STATEMENT		
NOTE TO APPELLANT: You must file this form with the clerk of the Court of Appeal within 15 days after the clerk mails you the notification of the filing of the notice of appeal required under rule 8.100(e)(1). You must attach to this form a copy of the judgment or order being appealed that shows the date it was entered (see Cal. Rules of Court, rule 8.104 for definition of "entered"). A copy of this form must also be served on the other party or parties to this appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) may be taken ONLY to the appellate division of the superior court (Code Civ. Proc., § 904.2) or to the superior court (Code Civ. Proc., § 116.710 [small claims cases]).		

PART I – APPEAL INFORMATION

A. APPEALABILITY

1. Appeal is from:

- Judgment after jury trial
- Judgment after court trial
- Default judgment
- Judgment after an order granting a summary judgment motion
- Judgment of dismissal under Code Civ. Proc., § 581d, 583.250, 583.360, or 583.430
- Judgment of dismissal after an order sustaining a demurrer
- An order after judgment under Code Civ. Proc., § 904.1(a)(2)
- An order or judgment under Code Civ. Proc., § 904.1(a)(3)–(13)
- Other (describe and specify code section that authorizes this appeal): Orders granting/refusing to dissolve injunction

2. Does the judgment appealed from dispose of all causes of action, including all cross-actions between the parties?
 Yes No (If no, please explain why the judgment is appealable): CCP 904.1(a)(6) makes it appealable

B. TIMELINESS OF APPEAL (Provide all applicable dates.)

- 1. Date of entry of judgment or order appealed from: 9/26/2018
- 2. Date that notice of entry of judgment or a copy of the judgment was served by the clerk or by a party under California Rules of Court, rule 8.104: 10/11/2018
- 3. Was a motion for new trial, for judgment notwithstanding the verdict, for reconsideration, or to vacate the judgment made and denied?

Yes No (If yes, please specify the type of motion):
Date notice of intention to move for new trial (if any) filed:
Date motion filed: Date motion denied: Date denial served:

4. Date notice of appeal or cross-appeal filed: 10/30/2018

C. BANKRUPTCY OR OTHER STAY

Is there a related bankruptcy case or a court-ordered stay that affects this appeal? Yes No
(If yes, please attach a copy of the bankruptcy petition [without attachments] and any stay order.)

APPELLATE CASE TITLE: Salam Razuki v. Ninus Malan	APPELLATE COURT CASE NUMBER: D075028
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D. APPELLATE CASE HISTORY (*Provide additional information, if necessary, on attachment I.D.*) Is there now, or has there previously been, any appeal, writ, or other proceeding related to this case pending in any California appellate court?

Yes No (If yes, insert name of appellate court):

Appellate court case no.:

Title of case:

Name of trial court:

Trial court case no.:

E. SERVICE REQUIREMENTS

Is service of documents in this matter, including a notice of appeal, petition, or brief, required on the Attorney General or other nonparty public officer or agency under California Rules of Court, rule 8.29 or a statute?

Yes No (*If yes, please indicate the rule or statute that applies*)

- | | |
|--|--|
| <input type="checkbox"/> Rule 8.29 (e.g., constitutional challenge; state or county party) | <input type="checkbox"/> Code Civ. Proc., § 1355 (Escheat) |
| <input type="checkbox"/> Bus. & Prof. Code, §16750.2 (Antitrust) | <input type="checkbox"/> Gov. Code, § 946.6(d) (Actions against public entities) |
| <input type="checkbox"/> Bus. & Prof. Code, § 17209 (Unfair Competition Act) | <input type="checkbox"/> Gov. Code, § 4461 (Disabled access to public buildings) |
| <input type="checkbox"/> Bus. & Prof. Code, § 17536.5 (False advertising) | <input type="checkbox"/> Gov. Code, § 12656(a) (False Claims Act) |
| <input type="checkbox"/> Civ. Code, § 51.1 (Unruh, Ralph, or Bane Civil Rights Acts; antiboycott cause of action; sexual harassment in business or professional relations; civil rights action by district attorney) | <input type="checkbox"/> Health & Saf. Code, § 19954.5 (Accessible seating and accommodations) |
| <input type="checkbox"/> Civ. Code, § 55.2 (Disabled access to public conveyances, accommodations, and housing) | <input type="checkbox"/> Health & Saf. Code, § 19959.5 (Disabled access to privately funded public accommodations) |
| | <input type="checkbox"/> Pub. Resources Code, § 21167.7 (CEQA) |
| | <input type="checkbox"/> Other (specify statute): |

NOTE: The rule and statutory provisions listed above require service of a copy of a party's notice of appeal, petition, or brief on the Attorney General or other public officer or agency. Other statutes requiring service on the Attorney General or other public officers or agencies may also apply.

PART II – NATURE OF ACTION

A. Nature of action (*check all that apply*):

1. Conservatorship
2. Contract
3. Eminent domain
4. Equitable action a. Declaratory relief b. Other (*describe*):
5. Family law
6. Guardianship
7. Probate
8. Real property rights a. Title of real property b. Other (*describe*):
9. Tort
 - a. Medical malpractice
 - b. Product liability
 - c. Other personal injury
 - d. Personal property
 - e. Other tort (*describe*): Negligence, fraud, defamation, among others
10. Trust proceedings
11. Writ proceedings in superior court
 - a. Mandate (Code Civ. Proc., § 1085)
 - b. Administrative mandate (Code Civ. Proc., § 1094.5)
 - c. Prohibition (Code Civ. Proc., § 1102)
 - d. Other (*describe*):
12. Other action (*describe*): Quasi-derivative claim for control of LLCs, corporations, and marijuana cooperatives

B. This appeal is entitled to calendar preference/priority on appeal (*cite authority*):

APPELLATE CASE TITLE: Salam Razuki v. Ninus Malan	APPELLATE COURT CASE NUMBER: D075028
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PART III – PARTY AND ATTORNEY INFORMATION

In the spaces below or on a separate page or pages, list all the parties and all their attorneys of record who will participate in the appeal. For each party, provide all of the information requested on the left side of the page. On the right side of the page, if a party is self-represented please check the appropriate box and provide the party's mailing address, telephone number, fax number, and e-mail address. If a party is represented by an attorney, on the right side of the page, check the appropriate box and provide all of the requested information about that party's attorney.


Responses to Part III are attached instead of below

Name of Party: Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented Name of attorney: State Bar no: Firm name: Mailing address: Telephone no.: Fax no: E-Mail address:
Name of Party: Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented Name of attorney: State Bar no: Firm name: Mailing address: Telephone no.: Fax no: E-Mail address:
Name of Party: Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented Name of attorney: State Bar no: Firm name: Mailing address: Telephone no.: Fax no: E-Mail address:
Name of Party: Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):	<input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented Name of attorney: State Bar no: Firm name: Mailing address: Telephone no.: Fax no: E-Mail address:

Additional pages attached

Date: 1/9/2019

This statement is prepared and submitted by:
Daniel Watts


(SIGNATURE OF ATTORNEY OR SELF-REPRESENTED PARTY)

APPELLATE CASE TITLE:
Salam Razuki v. Ninus Malan

APPELLATE COURT CASE NUMBER:
D075028

NOTICE TO PARTIES: A copy of this form must be served on the other party or parties to this appeal. If served by mail or personal delivery, A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. Electronic service is authorized only if ordered by the court or if the party served has agreed to accept electronic service. A person who is at least 18 years old must complete the information below and serve all pages of this document. When all pages of this document have been completed and a copy served, the original may then be filed with the court.

PROOF OF SERVICE

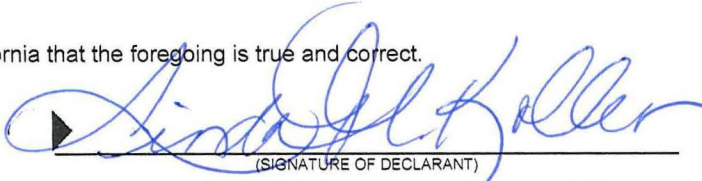
Mail Personal Service Electronic Service

1. At the time of service I was at least 18 years of age.
2. My residence or business address is (*specify*):
2792 Gateway Road, Suite 102
Carlsbad, CA 92009
3. I mailed, personally delivered, or electronically served a copy of the *Civil Case Information Statement (Appellate)* as follows (*complete a, b, or c*):
 - a. **Mail.** I am a resident of or employed in the county where the mailing occurred and am not a party to this legal action.
 - (1) I enclosed a copy in an envelope **and**
 - (a) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (b) **placed** the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:
 - (c) Date of mailing:
 - (d) Place of mailing (*city and state*):
 - b. **Personal delivery.** I am not a party to this legal action. I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:
 - (3) Date delivered:
 - (4) Time delivered:
 - c. **Electronic service.** My electronic service address is (*specify*): lkoller@galuppolaw.com
I electronically served a copy as follows:
 - (1) Name of person served: See Attached Proof of Service
 - (2) Electronic service address of person served: See Attached Proof of Service
 - (3) On (*date*): January 11, 2019

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

Date: January 11, 2019

Linda M. Koller
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

**ATTACHMENT – PART 111
PARTY AND ATTORNEY INFORMATION**

APPELLATE COURT CASE NO.: D075028

<p>Name of Party: Ninus Malan</p> <p>Appellate Court Designation: Appellants</p> <p>Trial Court Designation: Defendant</p>	<p>Represented by Attorney:</p> <p>Name of Attorney: Daniel Watts State Bar No. 277861 Firm Name: Galuppo & Blake Mailing Address: 2792 Gateway Road, Suite 102 Carlsbad, CA 92009 Telephone No.: 760-431-4575 Fax No.: 760-431-4579 Email address: dwatts@galuppolaw.com</p>
<p>Name of Party: San Diego United Holdings Group, LLC</p> <p>Appellate Court Designation: Appellants</p> <p>Trial Court Designation: Defendant</p>	<p>Represented by Attorney:</p> <p>Name of Attorney: Daniel Watts State Bar No. 277861 Firm Name: Galuppo & Blake Mailing Address: 2792 Gateway Road, Suite 102 Carlsbad, CA 92009 Telephone No.: 760-431-4575 Fax No.: 760-431-4579 Email address: dwatts@galuppolaw.com</p>
<p>Name of Party: Flip Management, LLC</p> <p>Appellate Court Designation: Appellants</p> <p>Trial Court Designation: Defendant</p>	<p>Represented by Attorney:</p> <p>Name of Attorney: Daniel Watts State Bar No. 277861 Firm Name: Galuppo & Blake Mailing Address: 2792 Gateway Road, Suite 102 Carlsbad, CA 92009 Telephone No.: 760-431-4575 Fax No.: 760-431-4579 Email address: dwatts@galuppolaw.com</p>

<p>Name of Party: California Cannabis Group</p> <p>Appellate Court Designation: Appellants</p> <p>Trial Court Designation: Defendant</p>	<p>Represented by Attorney:</p> <p>Name of Attorney: Daniel Watts State Bar No. 277861 Firm Name: Galuppo & Blake Mailing Address: 2792 Gateway Road, Suite 102 Carlsbad, CA 92009 Telephone No.: 760-431-4575 Fax No.: 760-431-4579 Email address: dwatts@galuppolaw.com</p>
<p>Name of Party: Balboa Ave Cooperative</p> <p>Appellate Court Designation: Appellants</p> <p>Trial Court Designation: Defendant</p>	<p>Represented by Attorney:</p> <p>Name of Attorney: Daniel Watts State Bar No. 277861 Firm Name: Galuppo & Blake Mailing Address: 2792 Gateway Road, Suite 102 Carlsbad, CA 92009 Telephone No.: 760-431-4575 Fax No.: 760-431-4579 Email address: dwatts@galuppolaw.com</p>
<p>Name of Party: Devilish Delights, Inc.</p> <p>Appellate Court Designation: Appellants</p> <p>Trial Court Designation: Defendant</p>	<p>Represented by Attorney:</p> <p>Name of Attorney: Daniel Watts State Bar No. 277861 Firm Name: Galuppo & Blake Mailing Address: 2792 Gateway Road, Suite 102 Carlsbad, CA 92009 Telephone No.: 760-431-4575 Fax No.: 760-431-4579 Email address: dwatts@galuppolaw.com</p>
<p>Name of Party: Chris Hakim</p> <p>Appellate Court Designation: Cross-Appellants</p> <p>Trial Court Designation: Defendant</p>	<p>Represented by Attorney:</p> <p>Name of Attorney: Charles F. Goria State Bar No. 68944 Firm Name: Goria, Weber & Jarvis Mailing Address: 1011 Camino del Rio S., #210 San Diego, CA 92108 Telephone No.: 619-692-3555 Fax No.: 619-296-5508 Email address: chasgoria@gmail.com</p>

<p>Name of Party: Roselle Properties, LLC</p> <p>Appellate Court Designation: Cross-Appellants</p> <p>Trial Court Designation: Defendant</p>	<p>Represented by Attorney:</p> <p>Name of Attorney: Charles F. Gorla State Bar No. 68944 Firm Name: Gorla, Weber & Jarvis Mailing Address: 1011 Camino del Rio S., #210 San Diego, CA 92108 Telephone No.: 619-692-3555 Fax No.: 619-296-5508 Email address: chasgorla@gmail.com</p>
<p>Name of Party: Mira Este Properties LLC</p> <p>Appellate Court Designation: Cross-Appellants</p> <p>Trial Court Designation: Defendant</p>	<p>Represented by Attorney:</p> <p>Name of Attorney: Charles F. Gorla State Bar No. 68944 Firm Name: Gorla, Weber & Jarvis Mailing Address: 1011 Camino del Rio S., #210 San Diego, CA 92108 Telephone No.: 619-692-3555 Fax No.: 619-296-5508 Email address: chasgorla@gmail.com</p>
<p>Name of Party: Salam Razuki</p> <p>Appellate Court Designation: Respondent</p> <p>Trial Court Designation: Plaintiff</p>	<p>Represented by Attorney:</p> <p>Name of Attorney: Steven A. Elia; James Joseph State Bar No. 219700; 309883 Firm Name: ELIA LAW FIRM, APC Mailing Address: 2221 Camino Del Rio S., Suite 207 San Diego, CA 92108 Telephone No.: 619-444-2244 Fax No.: 619-440-2233 Email address: steve@elialaw.com; james@elialaw.com</p>

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F I L E D
Clerk of the Superior Court

SEP 26 2018

By: I. QUIRARTE, Deputy

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

SALAM RAZUKI, an individual,
Plaintiff,

v.

NINUS MALAN, an individual; CHRIS HAKIM, an individual; MONARCH MANAGEMENT CONSULTING, INC. a California corporation; SAN DIEGO UNITED HOLDING GROUP, LLC, a California limited liability company; FLIP MANAGEMENT, LLC, a California limited liability company; MIRA ESTE PROPERTIES, LLC, a California limited liability company; ROSELLE PROPERTIES, LLC, , a California limited liability company; BALBOA AVE COOPERATIVE, a California nonprofit mutual benefit corporation; CALIFORNIA CANNABIS GROUP, a California nonprofit mutual benefit corporation; DEVILISH DELIGHTS, INC., a California nonprofit mutual benefit corporation; and DOES 1-100, inclusive,
Defendants.

CASE NO.: 37-2018-00034229-CU-BC-CTL

[PROPOSED] ORDER CONFIRMING RECEIVER AND GRANTING PRELIMINARY INJUNCTION

Judge: Hon. Eddie C. Sturgeon
Dept: C-67
Date: September 7, 2018
Time: 1:30 p.m.

This matter came on for hearing on September 7, 2018 at 1:30 p.m. in Department C-67, the Honorable Judge Eddie C. Sturgeon, presiding. Upon reviewing the papers and records filed in this matter and taking into account argument by counsel at the hearing, and good cause appearing,

1 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

2 1. Michael W. Essary is confirmed as this Court's appointed Receiver in this matter and
3 shall retain control and possession of the following business entities:

- 4 a. San Diego United Holdings Group, LLC;
- 5 b. Mira Este Properties, LLC;
- 6 c. Balboa Ave Cooperative;
- 7 d. California Cannabis Group;
- 8 e. Devilish Delights, Inc.;
- 9 f. Flip Management, LLC.

10 Collectively, these business entities will be referred to as the "Marijuana Operations."

11 2. The Court finds that Plaintiff has established a likelihood of success on the merits
12 and the probability of irreparable injury if a preliminary injunction is not issued. The Court grants
13 Plaintiff's request for the issuance of a preliminary injunction, thereby confirming the appointment
14 of Receiver.

15 3. Plaintiff shall post its injunction bond in the amount of \$350,000.00 no later than
16 September 21, 2018.

17 4. Receiver shall maintain and oversee the current management agreement in place with
18 Far West Management, LLC for the marijuana dispensary operations at the property located at 8861
19 Balboa Avenue, Suite B, San Diego, California 92123 and 8863 Balboa Avenue, Suite E, San Diego,
20 California 92123 ("Balboa Ave Dispensary"). The Court permits Receiver to pay the management
21 fee and/or minimum guarantee payments, according to the management agreement, if funds are
22 available.

23 5. Receiver shall maintain and oversee the current management agreement in place with
24 Synergy Management Partners, LLC for the production facility operations at the property located at
25 9212 Mira Este Court, San Diego, California 92126 ("Mira Este Property"). The Court permits
26 Receiver to pay the management fee and/or minimum guarantee payments, according to the
27 management agreement, if funds are available.

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1 6. Receiver shall continue to work with Certified Public Accountant Justus Henkus IV
2 to provide accounting services for the Marijuana Operations, specifically including the active
3 operations at the Balboa Ave Dispensary and the Mira Este Property. All outgoing payments made
4 in the course of business for the Marijuana Operations shall first be approved by the Receiver.

5 7. Receiver shall retain Brian Brinig of Brinig Taylor Zimmer, Inc. to conduct a
6 comprehensive forensic audit of the Marijuana Operations, as well as of all named parties in this
7 matter as it relates to financial transactions between and among such parties related to the issues in
8 dispute.

9 8. From the proceeds that shall come into Receiver's possession from the Balboa Ave
10 Dispensary, Receiver shall apply and disburse said monies in the following general order, subject to
11 Receiver's discretion:

- 12 a. To pay the expenses and charges of Receiver, and his counsel Richardson
13 Griswold of Griswold Law, APC, in the carrying out of Receiver's Court-ordered
14 duties and obligations;
- 15 b. To pay all expenses reasonably necessary or incidental to the continued operation,
16 care, preservation and maintenance of the Balboa Ave Dispensary to maintain the
17 status quo;
- 18 c. To pay all installments of principal and interest presently due or to become due
19 pursuant to notes secured against the Balboa Ave Dispensary property.

20 9. From the proceeds that shall come into Receiver's possession from the Mira Este
21 Property, Receiver shall apply and disburse said monies in the following general order, subject to
22 Receiver's discretion:

- 23 a. To pay the expenses and charges of Receiver, and his counsel Richardson
24 Griswold of Griswold Law, APC, in the carrying out of Receiver's Court-ordered
25 duties and obligations;

- 1 b. To pay all expenses reasonably necessary or incidental to the continued operation,
2 care, preservation and maintenance of the Mira Este Property to maintain the
3 status quo;
4 c. To pay all installments of principal and interest presently due or to become due
5 pursuant to notes secured against the Mira Este Property.

6 10. Receiver shall hold all proceeds derived from the Marijuana Operations, less all costs,
7 expenses and payments outlined above.

8 11. To the greatest extent reasonably possible, Receiver shall ensure the Marijuana
9 Operations remain operating at status quo. All parties to this matter shall cooperate with Receiver
10 and keep the Receiver informed regarding all updates, statuses, notices or otherwise regarding the
11 Marijuana Operations.

12 12. Receiver shall take possession of all funds held for or arising out of the real property
13 owned by any of the Marijuana Operations, the operation of the Marijuana Operations, and/or on
14 deposit in any and all bank and savings demand deposit accounts, including without limitation,
15 money on deposit at any bank, or located elsewhere, certificates of deposit, warrants, Letter(s) of
16 Credit, drafts, notes, deeds of trust and other negotiable instruments, choses in action, chattel paper,
17 accounts receivable, collateral of any kind and otherwise, in the name of, or held for the benefit of
18 the Marijuana Operations. All of the foregoing shall include, without limitation, such accounts
19 and/or instruments held in the name of the Marijuana Operations for which any director, officer or
20 employee of the Marijuana Operations is a signatory or authorized agent of the Marijuana
21 Operations, notwithstanding the actual name under which the account or instrument is held. The
22 Receiver shall exercise full control over said assets and Receiver shall have the right to assume any
23 existing accounts.

24 13. Each and every banking, savings and thrift institution having funds on deposit for, or
25 held for the benefit of the Marijuana Operations, shall cede control of all of such funds and accrued
26 interest, if any, and all certificates and/or books, statements and records of account representing said
27 funds, directly to the Receiver without further inquiry or impediment to the exercise of the powers
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1 of the Receiver herein. Receiver shall have the right to establish new bank accounts and transfer
2 existing Marijuana Operations account funds from their current account locations into the new bank
3 accounts established by Receiver as he deems necessary. Receiver is empowered to establish such
4 accounts as he may deem necessary at such federally insured bank(s) as he may determine
5 appropriate. Specifically, Receiver may open and maintain separate bank accounts for the operations
6 at the Balboa Ave Dispensary and may open and maintain separate bank accounts for the operations
7 at the Mira Este Property.

8 14. All rents, issues and profits that may accrue from the Marijuana Operations,
9 Marijuana Operations Property, or any part thereof, or which may be received or receivable from
10 any hiring, operating, letting, leasing, sub-hiring, using, subletting, subleasing, renting thereof shall
11 be subject to this Order and controlled by the Receiver. Rents, issues and profits shall include,
12 without limitation, gross receipts from business operations, all rental proceeds of the Marijuana
13 Operations' premises, if any, discounts and rebates of every kind, any right arising from the
14 operation of the Marijuana Operations and/or Marijuana Operations Property and payment for
15 storage, product development and preparation of any kind, equipment rental, delivery, commercial
16 rental of any Marijuana Operations Property and any other service or rental rendered, whether or not
17 yet earned by performance including, but not limited to, accounts arising from the operations of the
18 Marijuana Operations Property, rent, security and advance deposits for use and/or hiring, in any
19 manner, of the Marijuana Operations, and to payment(s) from any consumer, credit/charge card
20 organization or entity (hereinafter collectively called "Rents and Profits").

21 15. Receiver is empowered to execute and prepare all documents and to perform all
22 necessary acts, whether in the name of the Marijuana Operations, named parties in this matter and/or
23 directors, officers, or members of the Marijuana Operations or in the Receiver's own name, that are
24 necessary and incidental to demanding, collecting and receiving said money, obligations, funds,
25 licenses, Rents and Profits and payments due the Marijuana Operations and/or named parties in this
26 matter and subject to enforcement under this Order.

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1 16. Receiver is authorized to endorse and deposit into his receiver account(s) all of said
2 funds, cash, checks, warrants, drafts and other instruments of payment payable to the Marijuana
3 Operations, named parties in this matter and/or the agents of the Marijuana Operations as such
4 payments relate to the Marijuana Operations.

5 17. Plaintiff, Plaintiffs-In-Intervention, Defendants, and members of the Marijuana
6 Operations and their servants, agents, attorneys, accountants, employees, successors-in-interest and
7 assigns, and all other persons acting under and/or in concert with any of them shall provide, turn
8 over and deliver to the Receiver within forty-eight (48) hours of entry of this Order any and all
9 instruments, profit and loss statements, income and expense statements, documents, ledgers, receipts
10 and disbursements journals, books and records of accounts, including canceled checks and bank
11 statements, for all Marijuana Operations and Marijuana Operations Property, including electronic
12 records consisting of hard and floppy disks, checking and savings records, cash register tapes and
13 sales slips and all check book disbursement registers and memoranda and savings passbooks.

14 18. Plaintiff, Plaintiffs-In-Intervention, Defendants, and/or any of the directors, officers,
15 members of the Marijuana Operations shall notify the Receiver forthwith whether there is sufficient
16 insurance coverage in force on the Marijuana Operations Property, including the Marijuana
17 Operations premises, if any. Said persons shall inform the Receiver of the name, address and
18 telephone number of all insurance agents and shall be responsible for and are ordered to cause the
19 Receiver to be named as an additional insured on such policy(ies) of liability, casualty, property loss
20 and Worker's Compensation for the period the Receiver shall be in possession of the Marijuana
21 Operations and the Marijuana Operations Property, if any such insurance exists.

22 19. If there is insufficient or no insurance, the Receiver shall have thirty (30) business
23 days from entry of this Order within which to procure such insurance, if possible, provided he has
24 funds from the business to do so. During this "procurement" period, the Receiver shall not be
25 personally liable for any and all claims arising from business operations nor for the procurement of
26 said insurance. The cost thereof shall be payable by and become an obligation of the receivership,
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1 and not at the personal expense of the Receiver. If there is insufficient operating revenue to pay for
2 such insurance, the Receiver shall apply to the Court for instructions.

3 20. Plaintiff, Plaintiffs-In-Intervention, Defendants, and their respective agents,
4 employees, servants, representatives, and all other persons and entities acting in concert with them
5 or under their direction or control, or any of them, shall be, and hereby are, enjoined and restrained
6 from engaging in or performing, directly or indirectly, any of the following acts:

7 a) Expending, disbursing, transferring, assigning, selling, conveying, devising,
8 pledging, mortgaging, creating a security interest in, encumbering, concealing, or in any
9 manner whatsoever disposing of the whole or any part of the Marijuana Operations or
10 Marijuana Operations Property, without the written consent of the Receiver first obtained;

11 b) Doing any act which will, or which will tend to impair, defeat, divert, prevent
12 or prejudice the preservation of the proceeds of the Marijuana Operations or the receivership's
13 interest in the subject Marijuana Operations Property in whatever form the interest is held or
14 used; and,

15 c) Destroying, concealing, transferring, or failing to preserve any document
16 which evidences, reflects or pertains to any aspect of the Marijuana Operations or Marijuana
17 Operations Property;

18 d) Entering into any contract, lease, or agreement with any third party in relation
19 to the Marijuana Operations without the written consent of the Receiver first obtained.

20 21. Receiver is authorized to make entry onto any and all business premises utilized by
21 the Marijuana Operations and/or the Marijuana Operations Property.

22 22. Plaintiffs-In-Intervention SoCal Building Ventures, LLC and San Diego Building
23 Ventures, LLC are authorized to retrieve its equipment from the Mira Este Property. Receiver shall
24 coordinate and attend the retrieval from the Mira Este Property.

25 23. Receiver shall attempt in good faith to coordinate Plaintiffs-In-Intervention SoCal
26 Building Ventures, LLC and San Diego Building Ventures, LLC's retrieval of any equipment or
27 personal property located at the Balboa Ave Property. Plaintiffs-In-Intervention SoCal Building
28 Ventures, LLC and San Diego Building Ventures, LLC will first be required to provide appropriate

1 documentation proving ownership of its equipment and property to Receiver for review and
2 confirmation. Receiver shall use his discretion in determining whether the removal of any such
3 equipment or property would substantially affect the Marijuana Operations.

4 24. This Court will hold a receivership status hearing on November 16, 2018 at 1:30 p.m.
5 in Department C-67 before the Honorable Judge Eddie C. Sturgeon, presiding.

6 25. Additional Orders: _____
7 _____
8 _____
9 _____
10 _____

11
12 IT IS SO ORDERED.

13 Dated: September 26, 2018

Eddie C. Sturgeon

Judge Eddie C Sturgeon
Judge of the Superior Court

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NINIUS MALAN, et al. v. SALAM RAZUKI, et al.
FOURTH APPELLATE DISTRICT – DIVISION 1
CASE NO: D075028
 Superior Court of California, County of San Diego
 Case No. 37-2018-00034229-CU-BC-CTL

SERVICE LIST

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Charles F. Gorja GORIA, WEBER & JARVIS 1011 Camino del Rio South, #210 San Diego, CA 92108 Telephone: 619-692-3555 chasgoria@gmail.com	<p style="text-align: center;"><u>Attorneys for Cross-Appellants</u></p> Chris Hakim; Roselle Properties, LLC; Mira Este Properties, LLC

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STATE OF CALIFORNIA California Court of Appeal, Fourth Appellate District Division 1	<i>PROOF OF SERVICE</i> STATE OF CALIFORNIA California Court of Appeal, Fourth Appellate District Division 1
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Case Name: **Razuki v. Malan et al.**
 Case Number: **D075028**
 Lower Court Case Number: **37-2018-000034229-CU-BC-CTL**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **dwatts@galuppolaw.com**
3. I served by email a copy of the following document(s) indicated below:

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

1/11/2019

Date

/s/Daniel Watts

Signature

Watts, Daniel (277861)

Last Name, First Name (PNum)

Galuppo & Blake

Law Firm