

TO BE FILED IN THE COURT OF APPEAL

APP-006

| | | | |
|---|--|------------------------------------|--|
| COURT OF APPEAL | | 4th APPELLATE DISTRICT, DIVISION 1 | COURT OF APPEAL CASE NUMBER: D075028 |
| ATTORNEY OR PARTY WITHOUT ATTORNEY: | | STATE BAR NO.: 277861 | SUPERIOR COURT CASE NUMBER: 37-2018-000034229-CU-BC-CTL |
| NAME: Daniel Watts | | | |
| FIRM NAME: G10 Galuppo Law | | | |
| STREET ADDRESS: 2792 Gateway Rd. Suite 102 | | | |
| CITY: Carlsbad | | STATE: CA ZIP CODE: 92009 | |
| TELEPHONE NO.: 760-431-4575 | | FAX NO.: 760-431-4579 | |
| E-MAIL ADDRESS: dwatts@galuppolaw.com | | | |
| ATTORNEY FOR (name): Appellants Malan, San Diego United Holdings Group, et. al. | | | |
| APPELLANT: Ninus Malan, et. al. | | | |
| RESPONDENT: Salam Razuki, et. al. | | | |
| APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CIVIL CASE) | | | |
| Notice: Please read Judicial Council form APP-001 before completing this form. | | | |

1. I (name): Daniel Watts request that the time to file (check one):

- appellant's opening brief (AOB)
- respondent's brief (RB)
- combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)
- combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)
- appellant's reply brief (ARB)

now due on (date): 4/17/2019 be extended to (date): 6/17/2019

2. I have have not received a rule 8.220 notice.

3. I have received:

- no previous extensions to file this brief.
- the following previous extensions:
 (number of extensions): extensions by stipulation totaling (total number of days):
 (number of extensions): extensions from the court totaling (total number of days):
 Did the court mark any previous extension "no further?" Yes No

4. I am unable to file a stipulation to an extension because

- the other party is unwilling to stipulate to an extension.
- other reason (please specify):

5. The last brief filed by any party was: AOB RB RB and AOB ARB and RB
 filed on (date):

6. The record in this case is:

| | Volumes (#) | Pages (#) | Date filed |
|------------------------------|-------------|-----------|-------------------|
| Appendix/Clerk's Transcript: | | | still in progress |
| Reporter's Transcript: | 7 | 584 | 3/8/2019 |
| Augmentation/Other: | | | |

7. The trial court has ordered the proceedings in this case stayed until this appeal is decided.

| | | |
|---------------------------|---|---|
| APPELLANT: RESPONDENT: | Ninus Malan, et. al. Salam Razuki, et. al. | COURT OF APPEAL CASE NUMBER: D075028 |
|---------------------------|---|---|

8. The reasons that I need an extension to file this brief are stated

below

on a separate declaration. You may use *Attached Declaration (Court of Appeal)* (form APP-031) for this purpose.

(Please specify; see Cal. Rules of Court, rule 8.63, for factors used in determining whether to grant extensions):

The lack of stay in the trial court has enabled respondents' counsel, Steve Elia, to bombard appellants' counsel with litigation activity in the trial court. He served more than 400 requests for production of documents and special and form interrogatories - with a 30-day deadline - in the trial court. Appellants' counsel is also the trial counsel for this case, and has to respond to these and other papers filed by respondents. Mr. Elia has refused to stipulate to any extension of time to file the opening brief in this appeal, making this application necessary.

The reporter's transcript is 584 pages long; the appellants' appendix will be many times larger. This is a complicated case with more than a dozen parties.

We are a small firm with only one attorney (Daniel Watts) available to work on this appeal. It is impossible to finish the opening brief and compile the appendix in the time allowed by code.

9. For attorneys filing application on behalf of client, I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule 8.60).

10. A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule 8.50). You may use *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) for this purpose.

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

Date: 3/21/2019

Daniel Watts
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

Order on Application is below on a separate document

ORDER

EXTENSION OF TIME IS:

Granted to (date): 6/17/19

Denied

NO FURTHER EXTENSIONS ARE CONTEMPLATED

Date: _____

 **MCCONNELL, P.J.**
(SIGNATURE OF PRESIDING JUSTICE)

| | |
|--|--------------------|
| PROOF OF SERVICE (Court of Appeal) <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Personal Service | FOR COURT USE ONLY |
| Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read <i>Information Sheet for Proof of Service (Court of Appeal)</i> (form APP-009-INFO) before completing this form. | |
| Case Name: Ninus Malan v. Salam Razuki Court of Appeal Case Number: D075028 Superior Court Case Number: 37-2018-00034229-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 residence business address is (*specify*):
2792 Gateway Road, Suite 102, Carlsbad, CA 92009
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*): Application for Extension of Time to File Brief
 - a. **Mail.** I mailed a copy of the document identified above as follows:
 - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
 - (a) **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
 - (b) **placed** the envelope(s) 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 of 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 U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
 - (2) Date mailed: March 21, 2019
 - (3) The envelope was or envelopes were addressed as follows:
 - (a) Person served:
 - (i) Name: Steven Elia; James Joseph - LAW OFFICES OF STEVEN A. ELIA
 - (ii) Address:
2221 Camino Del Rio South, Suite 207
San Diego, CA 92108
 - (b) Person served:
 - (i) Name: Charles F. Gorla - GORLA, WEBER & JARVIS
 - (ii) Address:
1011 Camino del Rio South, #210
San Diego, CA 92108
 - (c) Person served:
 - (i) Name:
 - (ii) Address:

Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).

 - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (*city and state*): Carlsbad, CA

CASE NAME: Ninus Malan v. Salam Razuki

CASE NUMBER: D075028

3. b. **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

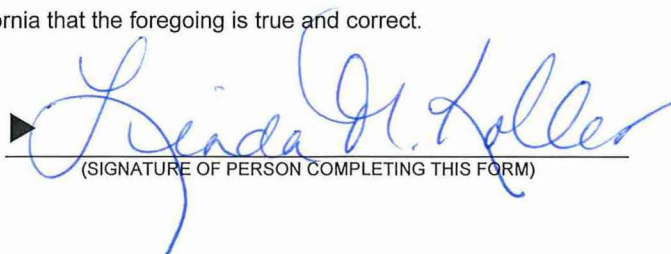
Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

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

Date: March 21, 2019

Linda M. Koller

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

| | |
|--|---|
| 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 |
| 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:

Title(s) of papers e-served:

| Filing Type | Document Title |
|---|---|
| REQUEST - REQUESTED - EXTENSION OF TIME (FEE PREVIOUSLY PAID) | Application for Extension of Time to File Brief |

Service Recipients:

| Person Served | Email Address | Type | Date / Time |
|---|------------------------|-----------|----------------------------|
| Charles Goria Goria, Weber & Jarvis 00068944 | chasgoria@gmail.com | e-Service | 3/21/2019 3:17:40 PM |
| Daniel Watts Galuppo & Blake 277861 | dwatts@galuppolaw.com | e-Service | 3/21/2019 3:17:40 PM |
| James Joseph Elia Law Firm, APC 309883 | james@elialaw.com | e-Service | 3/21/2019 3:17:40 PM |
| Maura Griffin Court Added 264461 | mg@mauragriffinlaw.com | e-Service | 3/21/2019 3:17:40 PM |
| Steven Elia Law Offices Of Steven A. Elia, APC 00217200 | steve@elialaw.com | e-Service | 3/21/2019 3:17:40 PM |
| Steven Blake Galuppo & Blake, APLC 235502 | sblake@galuppolaw.com | e-Service | 3/21/2019 3:17:40 PM |
| Linda Koller | lkoller@galuppolaw.com | e- | 3/21/2019 |

| | | |
|-------------------------------|---------|---------------|
| Additional Service Recipients | Service | 3:17:40 PM |
|-------------------------------|---------|---------------|

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

3/21/2019

Date

/s/Daniel Watts

Signature

Watts, Daniel (277861)

Last Name, First Name (PNum)

Galuppo & Blake

Law Firm