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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)

27 Defendants.)
28

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

11/28/2023 at 09:00:00 AM

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

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

Honorable Eddie C. Sturgeon, Dept. C-67

**OBJECTIONS OF PLAINTIFFS SAN
DIEGO PATIENTS COOPERATIVE
CORPORATION, INC. AND BRADFORD
HARCOURT TO [PROPOSED]
JUDGMENT ON JURY VERDICT
SUBMITTED BY DEFENDANTS RAZUKI
INVESTMENTS LLC AND SALAM
RAZUKI**

Complaint Filed: June 7, 2017

Trial Date: October 27, 2023

1 Plaintiffs San Diego Patients Cooperative Corporation, Inc. and Bradford Harcourt
 2 (together, "Plaintiffs") hereby submit the following Objections to the [Proposed] Judgment on
 3 Jury Verdict submitted by defendants Razuki Investments LLC and Salam Razuki.

4 **OBJECTIONS**

Objectionable Language:	Grounds for Objection:	Ruling:
6 Page 1: "Defendant Keith 7 Henderson ("Henderson") was 8 represented by Scott Russo, Esq. 9 with Russo & Duckworth LLP." 10 11 12 13 14	Defendant Henderson was dismissed pursuant to a settlement. Therefore, Plaintiffs' claims against Defendant Henderson should be disposed of by way of an Order of the Court. Cal. Civ. Proc. Code § 581d. Because there was no adjudication upon the merits of Plaintiffs' claims against Defendant Henderson, the disposition of those claims should not be included as part of the Judgment. Cal. Civ. Proc. Code § 582.	Sustained: _____ Overruled: _____
15 Page 1: "During trial, Plaintiffs 16 dismissed their claims with 17 prejudice as against Henderson 18 pursuant to a settlement." 19 20 21 22 23	Defendant Henderson was dismissed pursuant to a settlement. Therefore, Plaintiffs' claims against Defendant Henderson should be disposed of by way of an Order of the Court. Cal. Civ. Proc. Code § 581d. Because there was no adjudication upon the merits of Plaintiffs' claims against Defendant Henderson, the disposition of those claims should not be included as part of the Judgment. Cal. Civ. Proc. Code § 582.	Sustained: _____ Overruled: _____
24 Page 1: "Plaintiffs dismissed the 25 Second, Third, Fifth, Sixth and 26 Tenth Causes Of Action. The 27 causes of action were dismissed 28 with prejudice pursuant to CCP section 581(d) and/or (e).	The Causes of Action that Plaintiffs dismissed voluntarily should be disposed of by way of an Order of the Court. Cal. Civ. Proc. Code § 581d. Because there was no adjudication upon the merits of the claims that Plaintiffs dismissed voluntarily, the disposition of those	Sustained: _____ Overruled: _____

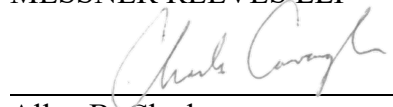
Objectionable Language:	Grounds for Objection:	Ruling:
<p>The Thirteenth and Fourteenth Causes Of Action were deemed to be moot and dismissed with prejudice pursuant to CCP section 581(d) and/or (e).”</p>	<p>claims should not be included as part of the Judgment. Cal. Civ. Proc. Code § 582.</p>	
<p>Page 7: “The jury was polled regarding the Jury Verdicts and the initial poll regarding the amount of damages was 8-4.”</p>	<p>A Judgment is the final determination of the rights of the parties in an action and shall include the amount of the Judgment. Cal. Civ. Proc. Code §§ 577 & 577.5. However, there is no basis or reason for including in the Judgment the purported results of the polling of the jury with respect to the amount of the Judgment.</p> <p>Moreover, this statement misrepresents the facts. The juror in question clearly explained that she mis-spoke the first time she was asked to express her vote.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>Page 8: “IT IS HEREBY ORDERED AND ADJUDED [sic] that judgment is entered in favor of Salam Razuki and against Harcourt and San Diego Patients Cooperative.</p> <p>IT IS HEREBY ORDERED AND ADJUDED [sic] that judgment is entered in favor of Razuki Investments and against San Diego Patients Cooperative.</p> <p>IT IS HEREBY ORDERED AND ADJUDED [sic] that judgment is entered in favor of Ninus Malan and American Lending & Holdings, LLC against Harcourt and San Diego Patients Cooperative.”</p>	<p>It is not accurate to state that any of the Defendants is entitled to Judgment “against” either of the Plaintiffs because none of the Defendants asserted any counterclaims. It would be more accurate to state that Plaintiffs shall take nothing on the claims as to the Causes of Action on which they did not prevail.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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Objectionable Language:	Grounds for Objection:	Ruling:
Page 8: "Attorneys' fees and/or costs, if any, shall be addressed subsequently by the appropriate motion(s) and/or memorandum(s) of costs."	<p>As a party who obtained a net monetary recovery, Plaintiff Harcourt is the "prevailing party" and is thus entitled as a matter of right to recover his costs. Cal. Civ. Proc. Code § 1032(a)(4) & (b); <i>deSaulles v. Community Hosp. of Monterey Peninsula</i>, 62 Cal. 4th 1140, 1144 (2016). Therefore, there is no basis for deferring determination of Plaintiff Harcourt's status as a prevailing party and his entitlement to recover allowable costs.</p> <p>Here, there is no grounds for recovery of attorneys' fees as "allowable costs," as there is no applicable statute or contract provision that would allow for such an award. Cal. Civ. Proc. Code § 1033.5(a)(10).</p>	Sustained: _____ Overruled: _____

Dated: November 28, 2023

MESSNER REEVES LLP



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

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PROOF OF SERVICE

(1013A(3) Code Civ. Proc. Revised 5/1/88)

STATE OF COLORADO, COUNTY OF DENVER

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

On November 28, 2023, I served the foregoing document described as:

OBJECTIONS OF PLAINTIFFS SAN DIEGO PATIENTS COOPERATIVE CORPORATION, KNC. AND BRADFORD HARCOURT TO [PROPOSED] JUDGMENT ON JURY VERDICT SUBMITTED BY DEFENDANTS RAZUKI INVESTMENTS LLC AND SALAM RAZULI

on the interested parties as follows:

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[] by mail as follows: I am “readily familiar” with the firm’s practice of collecting and processing correspondence for mailing. Under that practice, it would be deposited with the U.S Postal Service on that same day with postage thereon fully prepaid at Denver, Colorado in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] by personal delivery to:

[] by overnight delivery via Federal Express pursuant to Code of Civil Procedure section 1013.

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by email transmission [CCP §§1013(e) 1010.6(a)(6)] I caused such document to be served on this date by electronic transmission in accordance with standard procedures and to the email address listed on the attached service list.

(STATE) I declare under penalty of perjury under the laws of the State of Colorado that the above is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 28, 2023, at Denver, Colorado.



Tara Nelson, Declarant