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

12/12/2023 at 11:18:00 AM

Clerk of the Superior Court
By Nora Lopez, Deputy Clerk

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

Honorable Eddie C. Sturgeon, Dept. C-67

**EX PARTE APPLICATION FOR ENTRY
OF JUDGMENT**

Date: December 14, 2023

Time: 8:30 a.m.

Courtroom: C-67

Complaint Filed: June 7, 2017

Trial Date: October 27, 2023

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TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

Pursuant to California Rules of Court 3.1200, *et seq.*, plaintiffs San Diego Patients Cooperative Corporation, Inc. and Bradford Harcourt (together, “Plaintiffs”) hereby apply for entry of Judgment by the Court pursuant to the jury verdict rendered on November 14, 2023.

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

Identification of Attorneys and Parties. Pursuant to California Rule of Court 3.1202(a), Plaintiffs identify counsel of record for the parties as follows:

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Attorney for Defendants Razuki
Investments, L.L.C. and Salam Razuki

David K. Demergian
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Attorney for Defendants Ninus Malan and
American Lending and Holdings, LLC

Ex Parte Notice. (*See* Declaration of Charles Cavanagh, ¶¶ 8-9.)

Pursuant to California Rule of Court 3.1203(a), on December 12, 2023, counsel for Plaintiffs, Charles Cavanagh, provided notice of this Application and of the hearing thereon to counsel of record for Defendants Salam Razuki, Razuki Investments LLC, Ninus Malan, and American Lending & Holdings LLC. As of the time of the filing of this Application, counsel for Defendants had not informed Mr. Cavanagh of either Defendants’ position on the Application or their intentions regarding appearing at the hearing thereon.

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Dated: December 12, 2023

MESSNER REEVES LLP



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

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Plaintiffs San Diego Patients Cooperative Corporation, Inc. and Bradford Harcourt
3 (together, “Plaintiffs”) respectfully submit this Memorandum of Points and Authorities in
4 support of their *Ex Parte* Application for entry of Judgment.

5 This matter was tried to a jury between October 30, 2023, and November 14, 2023.
6 (Cavanagh Decl., ¶ 2.)

7 On November 14, 2023, the jury returned a verdict in favor of plaintiff Bradford
8 Harcourt and against defendant Razuki Investments LLC in the amount of \$2,500,000.00.
9 (Cavanagh Decl., ¶ 3.)

10 Pursuant to Code of Civil Procedure section 664, “[w]hen trial by jury has been had,
11 judgment must be entered by the clerk, in conformity to the verdict within 24 hours after the
12 rendition of the verdict, whether or not a motion for judgment notwithstanding the verdict be
13 pending....”

14 At the Court’s request, Plaintiffs stipulated to relieve the Court of its obligation under
15 Section 664 to enter judgment in conformity with the verdict within 24 hours of rendition of the
16 verdict. (Cavanagh Decl., ¶ 4.)

17 On November 17, 2023, Plaintiffs lodged a Proposed Judgment with the Court.
18 (Cavanagh Decl., ¶ 5.) On November 20, 2023, Defendants Salam Razuki and Razuki
19 Investments LLC filed Objections to Plaintiffs’ Proposed Judgment. (*Id.*) Defendants Ninus
20 Malan and American Lending & Holdings LLC filed Objections to Plaintiffs’ Proposed
21 Judgment on November 29, 2023. (*Id.*)

22 On November 28, 2023, Defendants Salam Razuki and Razuki Investments LLC lodged
23 a Proposed Judgment with the Court. (Cavanagh Decl., ¶ 6.) Later that same day, Plaintiffs
24 filed Objections to the Proposed Judgment lodged by Defendants Salam Razuki and Razuki
25 Investments LLC. (*Id.*)

26 In light of the foregoing, the parties’ alternate Proposed Judgments – and their respective
27 Objections thereto – are before the Court, and there is no reason to delay entry of Judgment.

28

1 As embodied by Code of Civil Procedure section 664, Judgment is to be entered
2 promptly after rendition of a jury verdict. However, to date, the Court has not entered Judgment
3 in this matter. (Cavanagh Decl., ¶ 7.)

4 Plaintiffs hereby respectfully request that the Court sign and enter forthwith either (1)
5 the Proposed Judgment that Plaintiffs lodged on November 17, 2023, or (2) the Proposed
6 Judgment that Defendants Salam Razuki and Razuki Investments LLC lodged on November 28,
7 2023, after modifying that Proposed Judgment to address the Objections filed by Plaintiffs on
8 November 28, 2023.

9 For the foregoing reasons, Plaintiffs respectfully request that the Court enter Judgment
10 forthwith on the jury verdicts rendered on November 14, 2023.

11
12 Dated: December 12, 2023

MESSNER REEVES LLP



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15 Allan B. Claybon
16 Mark Collier
17 Charles C. Cavanagh
18 Attorneys for Plaintiffs
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PROOF OF SERVICE

I am employed in the 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, Colorado 80202.

On December 12, 2023, I caused to be served the foregoing document described as: **EX**

PARTE APPLICATION FOR ENTRY OF JUDGMENT on the interested parties as follows:

Douglas Jaffe	David K. Demergian
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Attorney for Defendants Razuki Investments, L.L.C. and Salam Razuki	Attorney for Defendants Ninus Malan and American Lending and Holdings, LLC

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

BY OVERNIGHT DELIVERY [CCP §1013(a)] By placing [] the original a true copy thereof enclosed in a sealed envelope(s) addressed as to the above-named counsel of record 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.

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

DATED: December 12, 2023

/s/ Tara L. Nelson
Tara L. Nelson