

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Charles C. Cavanagh FIRM NAME: Messner Reeves LLP STREET ADDRESS: 1550 Wewatta Street, Suite 710 CITY: Denver TELEPHONE NO.: (303) 623-1800 EMAIL ADDRESS: ccavanagh@messner.com ATTORNEY FOR{name}: San Diego Patients Cooperative Corporation, Inc. and Bradford Harcourt	STATE BAR NUMBER: 198468  FOR COURT USE ONLY  <b>ELECTRONICALLY FILED</b> Superior Court of California, County of San Diego  <b>04/19/2024 at 11:06:00 AM</b> Clerk of the Superior Court By Chona De Los Santos, Deputy Clerk
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: 330 W. Broadway CITY AND ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: San Diego Patients Cooperative Corp. Inc., et al. DEFENDANT/RESPONDENT: Razuki Investments LLC, et al. OTHER PARENT/PARTY:	
<b>RESPONDENT'S NOTICE DESIGNATING RECORD ON APPEAL— UNLIMITED CIVIL CASE</b>	
SUPERIOR COURT CASE NUMBER: 37-2017-00020661-CU-C●-CTL	
COURT OF APPEAL CASE NUMBER (if known):	
Re: Appeal filed on (date): April 5, 2024	
<b>Notice: Please read <i>Information on Appeal Procedures for Unlimited Civil Cases</i> (form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.</b>	

**1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT**

The appellant has chosen to use a clerk's transcript under Cal. Rules of Court, rule 8.122. (You must check a or b):

- a.  I agree to a clerk's transcript. (If you want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk's transcript, you must identify those documents in item 2.)
- b.  If the appellant has not been granted a waiver of the fee for a clerk's transcript, I choose an appendix as the record of documents under Cal. Rules of Court, rule 8.124 instead of a clerk's transcript. (If the appellant has been granted a waiver of the fee for a clerk's transcript, you may not choose an appendix; a clerk's transcript will be used. If a clerk's transcript is used and you want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk's transcript, you must identify those documents in item 2.)

**2. CLERK'S TRANSCRIPT**

The parties will use a clerk's transcript under Cal. Rules of Court, rule 8.122.

- a.  **Additional documents.** In addition to the documents designated by the appellant, I request that the clerk include in the transcript the following documents from the superior court proceedings. (You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)

	Document Title and Description	Date of Filing
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		

See additional pages. (Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 2(a)," and start with number (8).)

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2. b.  **Additional exhibits.** In addition to the exhibits designated by the appellant, I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. *(For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Cal. Rules of Court, rule 8.122(a)(3).))*

Exhibit Number	Description	Admitted (Yes/No)
(1)		
(2)		
(3)		
(4)		

See additional pages. *(Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 2b," and start with number (5).)*

- c.  **Copy of clerk's transcript.** I request a copy of the clerk's transcript. *(Check (1) or (2).)*
- (1)  I will pay the superior court clerk for this transcript when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, I will not receive a copy.
  - (2)  I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record *(check (a) or (b))*:
    - (a)  An order granting a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58; or
    - (b)  An application for a waiver of court fees and costs under Cal. Rules of Court, rules 3.50–3.58. *(Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)*

**3. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT**

The appellant has chosen to use a reporter's transcript under Cal. Rules of Court, rule 8.130.

- a.  **Designation of additional proceedings.** *(If you want any oral proceedings in addition to the proceedings designated by the appellant to be included in the reporter's transcript, you must identify those proceedings here.)*
- (1) In addition to the proceedings designated by the appellant, I request that the following proceedings in the superior court be included in the reporter's transcript. *(You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)*

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et

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3. a. (1) (continued)

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(a) Oct 27, 23	67	Partial	Trial Call	Jamie Billings (CSR 8296)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(b)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(c)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(d)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(e)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(f)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(g)					<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages. (Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 3a(1)," and start with letter (h).)

(2) Deposit for additional proceedings.

I have (check a, b, c, or d):

- (a)  Deposited with the superior court clerk the approximate cost of preparing the additional proceedings by including the deposit with this notice as provided in Cal. Rules of Court, rule 8.130(b)(1).
- (b)  Attached a copy of a Transcript Reimbursement Fund application filed under Cal. Rules of Court, rule 8.130(c)(1)
- (c)  Attached the reporter's written waiver of a deposit under Cal. Rules of Court, rule 8.130(b)(3)(A) for (check either (i) or (ii)):
- (i)  All of the designated proceedings.
- (ii)  Part of the designated proceedings.
- (d)  Attached a certified transcript under Cal. Rules of Court, rule 8.130(b)(3)(C).

b. Copy of reporter's transcript.

- (1)  I request a copy of the reporter's transcript.
- (2)  I request that the reporters provide (check (a), (b), or (c)) :
- (a)  My copy of the reporter's transcript in electronic format.
- (b)  My copy of the reporter's transcript in paper format.
- (c)  My copy of the reporter's transcript in electronic format and a second copy of the reporter's transcript in paper format.

(Code Civ. Proc., § 271.)

Date:

April 19, 2024

(TYPE OR PRINT NAME)



(SIGNATURE OF RESPONDENT OR ATTORNEY)

**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 April 19, 2024, I served the foregoing document described as:

**RESPONDENT'S NOTICE DESIGNATING RECORD ON APPEAL – UNLIMITED CIVIL CASE**

on the interested parties as follows:

Douglas Jaffee  
501 West Broadway, Suite 800  
San Diego, CA 92101  
Phone: (619) 400-4945  
Fax: (619) 400-4947  
Email: [dougjaffelaw@gmail.com](mailto:dougjaffelaw@gmail.com)

David K. Demergian  
501 West Broadway, Suite 800  
San Diego, CA 92101  
Phone: (619) 239-3015  
Fax: (619) 239-3029  
Email: [david@demergianlaw.com](mailto:david@demergianlaw.com)

***ATTORNEY FOR DEFENDANTS RAZUKI INVESTMENTS, LLC and DEFENDANT/CROSS COMPLAINANT SALAM RAZUKI***

***ATTORNEY FOR DEFENDANTS/CROSS-DEFENDANTS NINUS MALAN, SAN DIEGO UNITED HOLDINGS, LLC, AMERICAN LENDING AND HOLDINGS, LLC***

J. Scott Russo  
RUSSO & DUCKWORTH, LLP  
3404 Via Oporto, Suite 201  
Newport Beach, CA 92663  
T.: (949) 752-7106  
F.: (949) 752-0629  
E.: [jsrusso@russoandduckworth.com](mailto:jsrusso@russoandduckworth.com)

***ATTORNEY FOR DEFENDANT KEITH HENDERSON***

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.

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

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

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

6 Executed on April 19, 2024, at Denver, Colorado.

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Tara Nelson, Declarant