

1 PARK LAWLESS & TREMONTI LLP
Charles C. Cavanagh (SBN 198468)
2 515 South Flower Street, 18th Floor
Los Angeles, CA 90071
3 Telephone: (213) 640-3770
Facsimile: (213) 640-3015
4 E-mail: ccavanagh@parklawless.com

5 MESSNER REEVES LLP
Allan Claybon (SBN 239021)
6 650 Town Center Drive, Suite 700
Costa Mesa, CA 92626
7 Telephone: (310) 909-7440
Facsimile: (310) 889-0896
8 E-mail: aclaybon@messner.com

9 CHILDS MCCUNE
Mark Collier (*Pro Hac Vice*)
10 821 17th Street, Suite 500
Denver, CO 80202
11 Telephone: (303) 296-7300
Facsimile: (720) 625-3637
12 E-mail: mcollier@childsmccune.com

13 Attorneys for Plaintiffs
SAN DIEGO PATIENTS COOPERATIVE CORPORATION, INC.;
14 *and* BRADFORD HARCOURT

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF SAN DIEGO**
17

18 SAN DIEGO PATIENTS COOPERATIVE)	Case No. 37-2017-00020661-CU-CO-CTL
19 CORPORATION, INC., <i>et al.</i> ,)	
) Plaintiffs,	Honorable Michael T. Smyth, Dept. C-67
20) NOTICE OF ENTRY OF ORDER	
) v.	
21) RAZUKI INVESTMENTS, L.L.C., <i>et al.</i> ,	Date: July 19, 2024
22) Defendants.	Time: 9:00 a.m.
23) Courtroom: C-67	
24) Complaint Filed: June 7, 2017	
25) Trial Date: October 27, 2023	
26)	
27)	
28)	

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
8/20/2024 12:43:22 PM
Clerk of the Superior Court
By E. SDCourt ,Deputy Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that, on July 19, 2024, the Honorable Michael T. Smyth entered a Minute Order, granting the motions of Plaintiff/Judgment Creditor Bradford Harcourt to compel further responses to his judgment debtor discovery requests; ordering Defendant/Judgment Debtor Razuki Investments, LLC to serve further responses and to produce responsive documents within 30 days of that Minute Order; and imposing sanctions against Defendant/Judgment Debtor Razuki Investments, LLC in the amount of \$4246.25.

A true and correct copy of the Court’s Minute Order is attached hereto.

Dated: August 20, 2024

PARK LAWLESS & TREMONTI LLP
MESSNER REEVES LLP
CHILDS MCCUNE



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

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 07/19/2024

TIME: 9:00 AM

DEPT: C-67

JUDICIAL OFFICER: MICHAEL T. SMYTH
CLERK: Herlinda Chavarin
REPORTER/ERM: Debbie Wood, CSR 6515
BAILIFF/COURT ATTENDANT:

CASE NO: **37-2017-00020661-CU-CO-CTL** CASE INIT.DATE: 06/07/2017

CASE TITLE: **San Diego Patients Cooperative Corporation Inc vs Razuki Investments LLC**
[IMAGED]

CASE CATEGORY: Civil CASE TYPE: (U)Other Contract

HEARING TYPE: Discovery Hearing
MOVING PARTY:

APPEARANCES

CHARLES C CAVANAGH, Attorney for Plaintiff(s) and Respondent on Appeal(s), present via remote video appearance.

Douglas Jaffe, Attorney for Defendant(s), Appellant(s), and Respondent on Appeal(s), present via remote video appearance.

The Court hears argument of counsel.

The Court CONFIRMS, AS MODIFIED, the tentative ruling as follows:

Plaintiff and Judgment Creditor Bradford Harcourt's unopposed Motions to Compel Further Responses to RFPs and Interrogatories are **GRANTED**. (See ROA 803, 806.) Sanctions are imposed in the amount of \$4,246.25.

“A judgment creditor may conduct discovery directly against the judgment debtor by means of a judgment debtor examination, written interrogatories, and requests for production of documents.” (*SCC Acquisitions, Inc. v. Super. Ct.* (2015) 243 Cal.App.4th 741, 751-752 [citing Code of Civil Procedure sections 708.110, 708.020, and 708.030].) These demands are permitted “if the demand requests information to aid in enforcement of the money judgment.” (E.g., Code Civ. Proc., § 708.030.)

On July 17, 2023, the court heard Defendant and Judgment Debtor Razuki Investments, LLC's ex parte hearing regarding the failure to oppose the motions to compel calendared for hearing on July 19, 2023. Because moving the motions to a future date would only delay the process inordinately due to the court's impacted calendar, the court decided that the motions would go forward on July 19, 2023 but it

would consider any late-filed oppositions and provide Plaintiff an opportunity to reply by oral argument at the hearing. Defendant filed his oppositions later July 17, 2023, arguing that (1) the date of the requests to before the filing of the complaint is overbroad and will not lead to information that will aid in the enforcement of the money judgment; and (2) that a protective order must be in place to protect third-party confidentiality.

First, the court finds that discovery will be required from June 7, 2017 as there appeared to be at least some compromise by Plaintiff as to that date during meet and confer. (E.g., ROA 848, Emails Attached to Jaffe Declaration, pp. 1-2 [suggesting the parties discussed moving the date].)

Second, the parties are to agree to a protective order to the degree that an existing protective order does not already apply. The court finds that Plaintiff's counsel had already so agreed. (E.g., *id.*, p. 2 ["I agreed that any information and documents that Razuki Investments provided in response to Mr. Harcourt's discovery requests could be subject to the Stipulation and Protective Order previously agreed to by the parties."].)

All responses and production of documents shall be served within 30 days of this order.

IT IS SO ORDERED:

Michael T. Smyth

Judge Michael T. Smyth

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 South Flower Street, 18th Floor, Los Angeles, CA 90071.

On August 20, 2024, I caused to be served the foregoing document described as:

NOTICE OF ENTRY OF ORDER on the interested parties as follows:

Douglas Jaffe
LAW OFFICES OF DOUGLAS JAFFE
501 West Broadway, Suite 800
San Diego, CA 92101
T.:(619) 400-4945
F.: (619) 400-4947
E.: dougjaffelaw@gmail.com
Attorney for Defendants Razuki Investments,
L.L.C. and Keith Henderson and
Defendant/Cross-Complainant Salam Razuki

David K. Demergian
DEMERGIAN LAW
501 West Broadway, Suite 800
San Diego, CA 92101
T: (619) 239-3015
F: (619) 239-3029
E: david@demergianlaw.com
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
Attorney for Defendant Keith Henderson

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.

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

DATED: August 20, 2024


