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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
8/30/2024 10:45:46 AM

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By A. Naranjo ,Deputy Clerk

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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)
CORPORATION, INC., *et al.*,)

19 Plaintiffs,)

20 v.)

21 RAZUKI INVESTMENTS, L.L.C., *et al.*,)

22 Defendants.)

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

) Honorable Michael T. Smyth, Dept. C-67

) **DECLARATION OF CHARLES**
) **CAVANAGH IN SUPPORT OF EX PARTE**
) **APPLICATION TO ADVANCE HEARING**
) **ON JUDGMENT CREDITOR BRADFORD**
) **HARCOURT'S MOTION FOR**
) **SANCTIONS AGAINST JUDGMENT**
) **DEBTOR RAZUKI INVESTMENTS, LLC**
) **AND ITS COUNSEL**

) Date: September 3, 2024

) Time: 8:30 a.m.

) Courtroom: C-67

) Complaint Filed: June 7, 2017

) Trial Date: October 27, 2023

1 I, Charles Cavanagh, declare and state as follows:

2 1. I am a partner of the law firm of Park Lawless & Tremonti LLP, counsel of
3 record in this matter for judgment creditor Bradford Harcourt (“Judgment Creditor”). I make
4 this Declaration based upon my own personal knowledge and can testify truthfully to the facts
5 set forth herein if called to do so.

6 2. On February 14, 2024, this Court, the Honorable Eddie C. Sturgeon presiding,
7 entered a Judgment On Jury Verdict, which, among other things, entered judgment in favor of
8 Judgment Creditor and against Judgment Debtor Razuki Investments, LLC (“Judgment
9 Debtor”) in the amount of \$2,500,000.00.

10 3. On February 16, 2024, I caused to be served on Judgment Debtor a first set of
11 interrogatories and a first set of requests for the production of documents.

12 4. On March 20, 2024, Judgment Debtor’s counsel served on me Judgment
13 Debtor’s Responses To Interrogatories, Judgment Debtor’s Responses to Requests for
14 Production, and Judgment Debtor’s Amended Responses to Requests for Production. Each of
15 the responses consisted entirely of objections. There were no substantive responses to any of
16 the interrogatories or to any of the requests for production, and Judgment Debtor did not
17 produce any responsive documents.

18 5. On April 5, 2024, I caused to be filed with this Court Motions To Compel
19 Judgment Debtor to provide further, substantive responses to each of Judgment Creditor’s
20 interrogatories and requests for production.

21 6. Douglas Jaffe appeared for, and argued on behalf of, Judgment Debtor at the July
22 19, 2024 hearing on the Motions To Compel.

23 7. After hearing argument of counsel, the Court granted Judgment Creditor’s
24 Motions To Compel (but limited the date range of responsive information and documents to
25 June 7, 2017, to present), and imposed sanctions against Judgment Debtor in the amount of
26 \$4,246.25. The Court also expressly ordered that “[a]ll responses and production of documents
27 shall be served within 30 days of this order.”

28 8. Judgment Debtor did not serve any supplemental discovery responses or produce

1 any documents by August 19, 2024, as ordered.

2 9. To date, Judgment Debtor has neither responded to Judgment Creditor's
3 discovery requests nor produced any responsive documents. To date, Judgment Debtor also has
4 not paid any portion of the \$4,246.25 in discovery sanctions issued against it.

5 10. On August 26, 2024, I prepared a motion for sanctions against Judgment Debtor
6 and its counsel.

7 11. Also on August 26, 2024, my assistant called the Court's clerk to obtain a
8 hearing date on the motion for sanctions. My assistant was told that the earliest available
9 hearing date was January 17, 2025. Accordingly, I proceeded to cause the motion for sanctions
10 to be filed on August 26, 2024, with a January 17, 2025 hearing date.

11 12. I provided notice of this Application to the other counsel of record. Specifically,
12 on August 29, 2024, I sent counsel an email message, a true and correct copy of which is
13 attached hereto as **Exhibit A**. Through that communication, I informed counsel that, through
14 his Application, Judgment Creditor would seek to advance the hearing date on his motion for
15 sanctions against Judgment Debtor and its counsel to the earliest hearing date convenient for the
16 Court.

17 13. As of the time of the filing of this Application, I have not heard back from
18 counsel regarding their respective clients' positions on the Application or their plans to appear
19 at the hearing thereon.

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

22 Executed this 30th day of August 2024, at Loveland, Colorado.

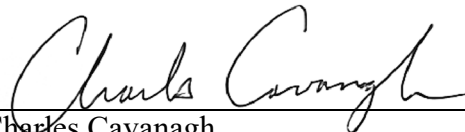
23
24 
25 Charles Cavanagh

Exhibit A

Re: San Diego Patients Cooperative Corporation, Inc., et al., v. Razuki Investments, L.L.c., et al., - Case No. 37-2017-00020661-CU-CO-CTL

Charles Cavanagh <ccavanagh@parklawless.com>

Thu 2024-08-29 1:29 PM

To:Paulina Resendez <presendez@parklawless.com>;dougjaffelaw@gmail.com <dougjaffelaw@gmail.com>; david@demergianlaw.com <david@demergianlaw.com>;jsrusso@russoandduckworth.com <jsrusso@russoandduckworth.com>

Cc:aclaybon@messner.com <aclaybon@messner.com>;mcollier@childsmccune.com <mcollier@childsmccune.com>

Counsel:

I will be going in ex parte to ask to advance the hearing on this motion to the earliest date convenient for the Court. The grounds will be that Judgment Debtor and its counsel should not be permitted to continue to disobey the Court's prior discovery order for several more months while the motion is waiting to be heard. The ex parte application will be heard on September 3 at 8:30 a.m. in Department 67 of the San Diego Superior Court, 330 West Broadway, San Diego, CA 92101. Please let me know your position with respect to the ex parte application and whether you intend to appear at the hearing on the ex parte application.

Best regards,
Charles

Charles C. Cavanagh, Esq.

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18th Floor
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Park Lawless
& Tremonti LLP

Park Lawless & Tremonti Confidentiality Notice:

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From: Paulina Resendez <presendez@parklawless.com>

Sent: Monday, August 26, 2024 4:13 PM

To: dougjaffelaw@gmail.com <dougjaffelaw@gmail.com>; david@demergianlaw.com <david@demergianlaw.com>; jsrusso@russoandduckworth.com <jsrusso@russoandduckworth.com>

Cc: Charles Cavanagh <ccavanagh@parklawless.com>; aclaybon@messner.com <aclaybon@messner.com>; mcollier@childsmccune.com <mcollier@childsmccune.com>

Subject: San Diego Patients Cooperative Corporation, Inc., et al., v. Razuki Investments, L.L.c., et al., - Case No. 37-2017-00020661-CU-CO-CTL

Counsel,

Please see attached e-service documents in the above referenced matter.

1. NOTICE OF JUDGMENT CREDITOR BRADFORD HARCOURT'S MOTION FOR SANCTIONS AGAINST JUDGMENT DEBTOR RAZUKI INVESTMENTS, LLC AND ITS COUNSEL
2. MEMORANDUM OF POINTS AND AUTHORITIES RE: JUDGMENT CREDITOR BRADFORD HARCOURT'S MOTION FOR SANCTIONS AGAINST JUDGMENT DEBTOR RAZUKI INVESTMENTS, LLC AND ITS COUNSEL
3. DECLARATION OF CHARLES CAVANAGH IN SUPPORT OF JUDGMENT CREDITOR BRADFORD HARCOURT'S MOTION FOR SANCTIONS AGAINST JUDGMENT DEBTOR RAZUKI INVESTMENTS, LLC AND ITS COUNSEL
4. [PROPOSED] ORDER GRANTING JUDGMENT CREDITOR BRADFORD HARCOURT'S MOTION FOR SANCTIONS AGAINST JUDGMENT DEBTOR RAZUKI INVESTMENTS, LLC AND ITS COUNSEL

Thank you,

Paulina Resendez

Senior Legal Assistant

Park Lawless & Tremonti LLP

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Los Angeles, CA 90071

+1 213 640 3770

presendez@parklawless.com

www.parklawless.com



Park Lawless
& Tremonti

1 **PROOF OF SERVICE**

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

5 On August 30, 2024, I caused to be served the foregoing document described as:

6 **DECLARATION OF CHARLES CAVANAGH IN SUPPORT OF EX PARTE**
7 **APPLICATION TO ADVANCE HEARING ON JUDGMENT CREDITOR BRADFORD**
8 **HARCOURT’S MOTION FOR SANCTIONS AGAINST JUDGMENT DEBTOR**

9 **RAZUKI INVESTMENTS, LLC AND ITS COUNSEL** on the interested parties as follows:
10

11 Douglas Jaffe
12 LAW OFFICES OF DOUGLAS JAFFE
13 501 West Broadway, Suite 800
14 San Diego, CA 92101
15 T.:(619) 400-4945
16 F.: (619) 400-4947
17 E.: dougjaffelaw@gmail.com
18 Attorney for Defendants Razuki Investments,
19 L.L.C. and Salam Razuki

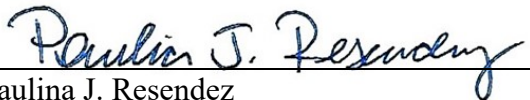
David K. Demergian
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501 West Broadway, Suite 800
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Attorney for Defendants Ninus Malan, San
Diego United Holdings, LLC, American
Lending and Holdings, LLC

16 J. Scott Russo
17 RUSSO & DUCKWORTH, LLP
18 3404 Via Oporto, Suite 201
19 Newport Beach, CA 92663
20 T.: (949) 752-7106
21 F.: (949) 752-0629
22 E.: jsrusso@russoandduckworth.com
23 Attorney for Defendant Keith Henderson

20 [x] ELECTRONIC-SERVICE/E-MAIL: Pursuant to California Rules of Court, Rule
21 2.251(b)(1)(B), a court order or by consent/agreement of the parties to accept service by e-mail
22 and/or electronic submission, I cause the above-referenced document(s) to be sent to the persons
23 indicated above at the email address set forth above from either the Court’s electronic filing
24 service or by personal email.

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

25 DATED: August 30, 2024

26 
27 Paulina J. Resendez