

1 DOUGLAS JAFFE, ESQ. Bar No. 170354
2 LAW OFFICES OF DOUGLAS JAFFE
3 501 West Broadway, Suite 800
4 San Diego, California 92101
5 Telephone: (619) 400-4945
6 Facsimile: (619) 400-4947

7 Attorneys for Razuki Investments, LLC
8 and Salam Razuki

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
8/30/2024 12:27:47 PM

Clerk of the Superior Court
By T. Support , Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN DIEGO - CENTRAL

11 SAN DIEGO PATIENTS COOPERATIVE
12 CORP, et. al.,

13 Plaintiffs,

14 vs.

15 RAZUKI INVESTMENT L.L.C., et. al.,

16 Defendants.

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

**OPPOSITION TO PLAINTIFFS' EX-
PARTE APPLICATION TO ADVANCE
HEARING**

DATE: September 3, 2024

TIME: 8:30 a.m.

DEPT.: 67

18
19 Defendant Razuki Investments, LLC submit its Opposition To Plaintiffs' Ex-Parte To
20 Advance Hearing as follows:

21 **I. Plaintiff Has Failed To Meet And Confer As Required By The Court's Order**

22 Razuki Investments has attempted to meet and confer with counsel for Plaintiff as the
23 Court's Order requires. Razuki Investments proposed, prior to the Plaintiff's motion to compel
24 and prior to the Ex-Parte Application, that the existing protective order be amended to include a
25 provision for documents to be produced for attorneys' eyes only.

26 Plaintiff's counsel has failed and refused to respond to whether Plaintiff agrees to that
27 amendment. It is Plaintiff who is in violation of the Court's Order regarding post-judgment
28

1 discovery. Razuki Investments cannot produce post-judgment discovery documents and/or
2 information without a protective order as the Court's Order requires.

3
4 **II. There Are No Exigent Circumstances Or Statutory Basis**
5 **Supporting Ex-Parte Relief**

6 “Various court rules govern ex parte proceedings, which are designed to afford relief on
7 an essentially emergency basis. ‘A court will not grant ex parte relief ‘in any but the plainest and
8 most certain of cases.’ (*People ex rel. Allstate Ins. Co. v. Suh* (2019) 37 Cal.App.5th 253, 257,
9 249 Cal.Rptr.3d 500 (*People ex rel. Allstate Ins. Co.*).) Substantively, ‘[a]n applicant must
10 make an affirmative factual showing in a declaration containing competent testimony based on
11 personal knowledge of irreparable harm, immediate danger, or any other statutory basis for
12 granting relief ex parte.’ (Cal. Rules of Court, rule 3.1202(c)”. *Newsom v. Superior Court*, 51
13 Cal.App.5th 1093, 1097 (Cal. Ct. App. 2020).

14 Plaintiff has failed to make such an affirmative factual showing of irreparable harm,
15 immediate danger, or any other statutory basis for granting relief ex parte.

16 Many litigants are waiting for the entry of Orders by the Court. There is no reason for
17 Plaintiff to jump ahead of them.

18
19 **III. Plaintiff Failed To Serve Notice Of The Entry Of The Court's Order**

20 The Court issued a tentative ruling on Plaintiff's motion to compel further post-
21 judgment discovery responses. The Court then took the matter under submission, and
22 subsequently issued an Order which was not served on counsel for Razuki Investments.
23 Plaintiff failed to serve the Order on counsel for Razuki Investments until August 20, 2024, and
24 the Order provides for 30 days to provide supplemental responses.

25 There is a transcript of the hearing of the August 19th hearing, and the case is already on
26 appeal so everything in this matter will be reviewed. Razuki Investments did not waive notice
27 of entry of the Order.
28

1 **IV. Conclusion**

2 The ex-parte application should be denied in its entirety.

3
4 Dated: August 30, 2024

LAW OFFICES OF DOUGLAS JAFFE

5
6 By: _____

7 Douglas Jaffe