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Superior Court of California,
County of San Diego
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Clerk of the Superior Court
By Bernabe Montijo, Deputy Clerk

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF SAN DIEGO**
12 **HALL OF JUSTICE BRANCH**

13 -ooOoo-

14 SALAM RAZUKI, an Individual,

15 Plaintiff,

16 vs.

17 NINUS MALAN, an individual; CHRIS HAKIM,
18 an Individual; MONARCH MANAGEMENT
19 CONSULTING, INC., a California Corporation;
20 SAN DIEGO UNITED HOLDINGS GROUP,
21 LLC., a California Limited Liability Company;
22 FLIP MANAGEMENT, LLC., a California Limited
23 Liability Company; MIRA ESTE PROPERTIES,
24 LLC., a California Limited Liability Company;
25 ROSELLE PROPERTIES, LLC, a California
26 Limited Liability Company; BALBOA AVE.
27 COOPERATIVE, a California Non-Profit Mutual
28 Benefit Corporation; CALIFORNIA CANNABIS
GROUP, a California Non-Profit Mutual Benefit
Corporation; DEVILISH DELIGHTS, INC., a
California Non-Profit Mutual Benefit Corporation;
and DOES 1 through 100, Inclusive,

Defendants.

NINUS MALAN; an Individual ;
CALIFORNIA CANNABIS GROUP, a
California Nonprofit Mutual Benefit Corporation;
DEVILISH DELIGHTS, INC., a California
Nonprofit Mutual Benefit Corporation; BALBOA
AVE. COOPERATIVE, a California Nonprofit
Mutual Benefit Corporation; AMERICAN

Case No. 37-2018-00034229-CU-BC-CTL
[IMAGED CASE]
Consolidated With
Case No. 37-2018-000039388-CU-BC-CTL

DECLARATION OF NINUS
MALAN IN SUPPORT OF
MOTION BY NINUS MALAN FOR
SANCTIONS PURSUANT TO CCP
§128.5 AGAINST PLAINTIFF AND
CROSS-DEFENDANT SALAM
RAZUKI

Date: 4-14-23
Time: 9:00 a.m.
I/C Judge: Hon. Eddie C. Sturgeon
Dept: C-67
Filed: 7-10-18
Trial Date: 4-14-23

DECLARATION OF NINUS MALAN IN SUPPORT OF MOTION BY NINUS MALAN FOR SANCTIONS
PURSUANT TO CCP §128.5 AGAINST PLAINTIFF AND CROSS-DEFENDANT SALAM RAZUKI

1 LENDING AND HOLDINGS, LLC, a Limited
2 Liability Company; MONARCH MANAGEMENT
3 CONSULTING, INC., a California Corporation;
4 FLIP MANAGEMENT, LLC, a Limited Liability
5 Company; SAN DIEGO UNITED HOLDINGS,
6 GROUP, LLC, a Limited Liability Company,

7 Cross-Complainants

8 vs.

9 SALAM RAZUKI, an Individual; RAZUKI
10 INVESTMENTS, LLC, a Limited Liability
11 Company; MARVIN RAZUKI, an Individual;
12 SARAH RAZUKI, an Individual; MATTHEW
13 RAZUKI, an Individual; SH WESTPOINT
14 GROUP, LLC, A Limited Liability Company;
15 EL CAJON INVESTMENTS GROUP, LLC, a
16 California Limited Liability Company; SAN
17 DIEGO PRIVATE INVESTMENTS, LLC, a
18 California Limited Liability Company;
19 STONECREST PLAZA, LLC, a California
20 Limited Liability Company; SUNRISE
21 PROPERTY INVESTMENTS, LLC, a California
22 Limited Liability Company; LEMON GROVE
23 GROVE PLAZA, LP, a California Limited
24 Partnership; SOCAL BUILDING VENTURES,
25 LLC, a Delaware Limited Liability Company; RM
26 PROPERTY HOLDINGS, LLC, a Limited Liability
27 Company; MELROSE PLACE, INC. a Delaware
28 Corporation; and ALL PERSONS UNKNOWN
CLAIMING ANY LEGAL OR EQUITABLE
RIGHT, TITLE, ESTATE, LIEN, OR INTEREST
IN THE PROPERTY; SUPER 5 CONSULTING
GROUP, LLC (Formerly ROE 1); ALTERNATIVE
HEALTH COOPERATIVE, INC. (Formerly ROE 2)
GOLDN BLOOM VENTURES, INC. (Formerly
ROE 3); and ROES 4 through 50, Inclusive,

Cross-Defendants.

CHRIS HAKIM, an Individual; MIRA ESTE
PROPERTIES, LLC., a California Limited Liability
Company; and ROSELLE PROPERTIES, LLC.,
a California Limited Liability Company,

Cross-Complainants,

vs.

SALAM RAZUKI, an Individual; SOCAL
BUILDING VENTURES, LLC., a Delaware
Limited Liability Company; SAN DIEGO
BUILDING VENTURES, LLC., a Delaware

1 Limited Liability Company; and ROES 51-100,
2 Cross-Defendants.

3 **SOCAL BUILDING VENTURES, LLC, a**
4 **California Limited Liability Company; SAN**
5 **BUILDING VENTURES, LLC., a California**
6 **Limited Liability Company,**

7 Plaintiffs-In-Intervention,

8 vs.

9 **SAN DIEGO HOLDING GROUP, LLC., a**
10 **California Limited Liability Company; BALBOA**
11 **AVE. COOPERATIVE, a California Cooperative**
12 **Company; MIRE ESTE PROPERTIES, LLC., a**
13 **California Limited Liability Company; ROSELLE**
14 **PROPERTIES, LLC, a California Limited Liability**
15 **Company; CHRIS HAKIM, an Individual NINUS**
16 **MALAN; an Individual; MONARCH**
17 **MANAGEMENT CONSULTING, INC., a**
18 **California Corporation; CALIFORNIA CANNABIS**
19 **GROUP, a California Nonprofit Mutual Benefit**
20 **Corporation; DEVILISH DELIGHTS, INC., a**
21 **California Nonprofit Mutual Benefit Corporation;**
22 **FAR WEST MANAGEMENT, LLC, a California**
23 **Limited Liability Company; HEIDI RISING, an**
24 **Individual; MATTHEW FREEMAN, an**
25 **Individual; ALEXIS BRIDGEWATER, an**
26 **Individual; and ADAM KNOPF, an Individual,**

27 Defendants-In-Intervention.

28 **RM PROPERTY HOLDINGS, LLC., a**
29 **California Limited Liability Company,**

30 Cross-Complainant,

31 vs.

32 **NINUS MALAN, an Individual; and POES 1-**
33 **20, Inclusive,**

34 Cross-Defendants.

35 **SH WESTPOINT INVESTMENTS GROUP,**
36 **LLC., a California Limited Liability Company;**
37 **and SALAM RAZUKI, an Individual,**

38 Plaintiffs,

39 vs.

40

1 NINUS MALAN, an Individual; AMERICAN
 2 LENDING & HOLDING, LLC., a California
 3 Limited Liability Company; and DOES 1-100,
 4 Inclusive,
 Defendants.

5 I, NINUS MALAN, declare that if called as a witness I could, and would, testify of my own
 6 personal knowledge as to the following facts and circumstances:

7 1. I am a named Defendant, Cross-Complainant and Cross-Defendant in the above-captioned
 8 matter and am, therefore, familiar with the facts and circumstances surrounding same.

9 2. Based upon my conversations with the United States Attorney’s Office, The Government’s
 10 Complaint/Probable Cause Statement in *United States of America v. Razuki, et al*-U.S.D.C. Case No.
 11 18MJ5915 (See: RFJN, Exhibit “B”), The Government’s Consolidated Sentencing Brief in *United States*
 12 *of America v. Razuki, et al*-U.S.D.C. Case No. 18CR05260 (See: RFJN, Exhibit “C”) and the FBI, I am
 13 informed and believe that¹:

14 In September 2018, RAZUKI and Elizabeth Juarez (a RAZUKI employee) met with a
 15 Confidential Informant (CI) requesting that the CI arrange to kill me. According to RAZUKI and Sylvia
 16 Gonzales (a Razuki employee), they had invested in multiple properties and business ventures together and
 17 were now involved in a civil dispute over their assets.

18 RAZUKI and Gonzales told the CI that they wanted the CI to “shoot him [Me] in the face,”
 19 “to take [me] to Mexico and have [me] whacked,” or kill [me] in some other way. RAZUKI and Gonzales
 20 provided CI with a picture of me which the CI provided to the FBI.

21 On or about November 5, 2018, the CI met with Gonzales at The Great Maple in San Diego,
 22 CA. During the meeting, Gonzales asked if the CI could “get rid of Salam’s [RAZUKI] other little
 23 problem, [Me], because it looks like they’re going to appeal.... I would love for him [Me] to go to TJ and
 24 get lost. Just leave [Me] over there.”

25
 26
 27 ¹ The same is not offered for the proof thereof, proof having already been shown by RAZUKI’s
 28 information’s effect on the listener (MALAN).

1 Gonzales said the civil dispute between her, RAZUKI, and I was over \$44 million dollars.
2 Gonzales went on to say, "It's no joke, Salam [RAZUKI] has a lot of money tied up right now, and he's
3 paying attorney fees. You need to get rid of this asshole [Me], he's costing me too much money!" Gonzales
4 wanted this to occur before the next court date in this matter then scheduled for November 16, 2018.

5 At a certain point during the conversation, a server was close to their table and Gonzales
6 said, "You don't have to kill him, you don't have to put him off the face of the earth." Despite her words
7 at the time, Gonzales was making a slashing movement across her neck indicating she wanted me to be
8 killed. During the conversation, Gonzales advised that there was no reason to involve RAZUKI in planning
9 for the my kidnaping because "I am the one with the balls, any time they [business partners, including
10 RAZUKI] have a problem, they come after me ... they say Sylvia is like a little ... honey badger ... they're
11 like send the honey badger after them."

12 On or about November 8, 2018, the CI met with Gonzales at Banbu Sushi Bar and Grill in
13 La Mesa, CA. At the outset of the meeting, Gonzales continued to complain about me and the ongoing civil
14 lawsuit. According to Gonzales, another individual was coming, later identified as Juarez, to talk about
15 how to handle me. GONZALES said, "Elizabeth [JUAREZ] right here, Elizabeth is going to give you a
16 proposition also on that problem. She said all you got to do is get him to Mexico and she'll take care of
17 him over there." The CI asked, "She will?" and Gonzales replied, "Yes, that's why she's coming."

18 Approximately one hour and 20 minutes into Gonzales's and the CI's meeting at Banbu
19 Sushi Bar and Grill, Juarez joined them. Juarez said that all the CI needed to do was to get me down to
20 Mexico and she would take care of the rest. Juarez and Gonzales said a lot of people have it out for me so
21 nothing would come back on RAZUKI.

22 Gonzales said she wanted to watch and wanted me to know that it had come from them
23 [Gonzales and RAZUKI], but Juarez cautioned Gonzales shouldn't watch because it would be gruesome
24 and haunt her. Juarez said this "wasn't her first rodeo" and went on to talk about a previous incident
25 involving a female from Vista, CA, who was drugged and kidnaped.

26 The CI, Gonzales, and Juarez discussed a cost of \$2,000 for the job. The CI clarified
27 whether Gonzales and Juarez wanted this to happen in the United States or Mexico. Juarez said, "No, I
28

1 don't want it done here [in the United States]." Gonzales added, "No, let's do it in Mexico because we
2 can't be charged in the US. Let's do it in Mexico in case anything comes back to us." Juarez said, "In
3 Mexico it's easier to make things go away. You pay for your freedom."

4 Gonzales and Juarez said they wanted to "put the turkey up to roast before Thanksgiving."
5 After the meeting, the CI positively identified a driver's license photo of Elizabeth Juarez as the individual
6 that joined them and talked of my kidnaping and murder. This is the same individual observed by FBI
7 agents as joining the meeting as well.

8 Gonzales advised that RAZUKI often referred to me as "the midget" and near the end of
9 the dinner, Juarez handed the CI her cellphone to take a picture of Gonzales and Juarez and said, "You can
10 take a picture of us when we were going to get rid of the midget [decided to kidnap and kill me]."

11 After dinner, the CI called Gonzales and confirmed that the CI could kidnap and murder
12 me. During the call, the CI told Gonzales to provide information on me, including my address, what car
13 I drove, and other identifying information. Gonzales asked to meet the next day so she could give the CI
14 the information requested.

15 On or about November 9, 2018, Gonzales called the CI and asked the CI to meet her,
16 RAZUKI, and Juarez. During the meeting, RAZUKI, Gonzales, and Juarez, discussed with the CI several
17 loans they were trying to secure for their businesses, including cannabis dispensaries, as well as RAZUKI's
18 frustration with the ongoing civil suit with me.

19 Gonzales asked if the CI needed money [for my kidnaping] and said she would go get
20 \$1,000 but asked if the CI wanted the full payment instead. The CI indicated that \$1,000 was fine for the
21 time being and Gonzales sent to the [Cross-Defendant] GOLDN BLOOM Dispensary and returned with
22 \$1,000 cash. Surveillance agents observed Gonzales walk to the GOLDN BLOOM Dispensary across the
23 street and return.

24 At the same time that Gonzales and RAZUKI were meeting with the CI on November 9,
25 2018, RAZUKI was exchanging messages with Juarez in which RAZUKI pressed for updates about
26 "work" related to me that RAZUKI had "commissioned."

27 After the meeting, the CI provided agents with \$1000 cash provided by Gonzales as well
28

1 as an envelope with a piece of paper inside, which had also been provided by Gonzales. The paper had two
2 business addresses for me according to Gonzales in a later meeting.

3 On or about November 13, 2018, Gonzales contacted the CI again via phone and informed
4 the CI that RAZUKI and Gonzales would be with me in court at the Hall of Justice located at 330 West
5 Broadway, San Diego, CA. Gonzales requested the CI join them so the CI could see me in person. The CI
6 declined going into the courtroom, but agreed to stand outside the building and wait for me to exit.

7 While inside the Hall of Justice, Gonzales took a picture of me with her phone and sent it
8 to the CI and then called the CI and described what I was wearing at the hearing. Gonzales exited the Hall
9 of Justice and met with CI to further discuss my description, which was recorded. According to Gonzales,
10 the information on the envelope and back of the paper provided on November 9, 2018, was to assist the
11 CI in locating me for the kidnaping and murder in Mexico. Gonzales also stated during the meeting "if they
12 take him now, it's gunna be good." Gonzales went back into the courthouse and provided the CI with
13 updates as I was departing the Hall of Justice to ensure the CI observed me as I left. Gonzales told the CI
14 that I would be exiting the courthouse and that Gonzales, RAZUKI, Juarez, and their attorney would exit
15 after me. FBI agents observed me exit the courthouse after the CI had been told this and agents observed
16 RAZUKI, Gonzales & Juarez proceed on foot to the vehicle they arrived in and depart.

17 On November 15, 2018, the CI met with RAZUKI, which was recorded and surveilled by
18 FBI agents. The CI said, "I took care of it." RAZUKI replied, "So he will take care of it, or it's done?" The
19 CI replied, "Done." RAZUKI quickly changed the subject to discuss other business investments and
20 pending loans. Later in the conversation, the CI said, "Well, when I talked to what's her name, she said
21 that she wanted to have proof. Do you want to see it, or are you ok with it?" RAZUKI replied, "No, I'm
22 ok with it. I don't want to see it." Shortly thereafter, the CI requested the remainder of the agreed-upon
23 payment and RAZUKI directed the CI to follow up with Gonzales for payment.

24 3. On November 14, 2018 my girlfriend and I awoke to a ringing doorbell and 7 FBI agents who
25 told me my life was in danger, and that we needed to come with them. My thoughts immediately turned
26 to RAZUKI as the only person I knew who might want to do me harm.

27 4. FBI agents then created a murder scene in my home. They gagged me, duct taped me to a chair,
28

1 tore my clothes and put make-up on to make it look like I had been beaten bloody. It was a difficult 90-
2 minute photo shoot, but had to be grotesque as I was told that the people who wanted him dead wanted him
3 shot in the face.

4 5. After surrendering their electronic devices, and being told not to contact friends or family, my
5 girlfriend and I were whisked away to a hotel room where we were secreted with an armed guard outside,
6 and the television and phone removed, for an indeterminate period.

7 6. On November 15, 2018, Gonzales was arrested. On November 16, 2018, Juarez and RAZUKI
8 were arrested.

9 7. Remarkably, after his arrest RAZUKI demanded I pay him \$25 Million and make a public
10 apology, as well as increasing his aggression towards me!

11 8. At the time this original motion was brought in 2019 my fees and expenses occasioned by
12 RAZUKI's delaying tactics totaled \$31,189.25. Since that time my attorney's fees and expenses which
13 have been occasioned by RAZUKI's tactics have well-exceeded \$200,000.

14 9. Moreover, in the context of punitive damages, the effect of RAZUKI's bad-faith tactics on me
15 personally have been immeasurable, and from which I will likely never recover. I have suffered, and
16 continue to suffer, from extreme emotional distress and post-traumatic stress disorder. With RAZUKI out
17 on bail since November, 2018, I fear for the safety of myself and my loved ones every single day.
18 Nightmares and insomnia are common, where I never experienced them before. I have suffered, and
19 continue to suffer, from medical and domestic issues from the anxiety associated with the attempt to take
20 my life. I occasionally have trouble breathing when anxiety levels get high. Whereas I used to like to go
21 out to dinner and the like, I prefer now to stay home where I feel safer. I fear RAZUKI will continue to
22 manipulate the criminal justice system to avoid, for as long as humanly possible, actually going into
23 custody.

24 I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration
25 was executed this 20th day of March, 2023 at San Diego, California.

26 DocuSigned by:

27 *Ninus Malan*

28 8746FAF28B134C5

Ninus Malan