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Cross-Defendant NINUS MALAN  
6  
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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**03/21/2023** at 03:24:00 PM  
Clerk of the Superior Court  
By Bernabe Montijo, Deputy Clerk

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

11 **-ooOoo-**

12 SALAM RAZUKI, an Individual, )  
13 Plaintiff, )

14 vs. )

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

23 Defendants. )  
24

25 NINUS MALAN; an Individual ; )  
CALIFORNIA CANNABIS GROUP, a )  
26 California Nonprofit Mutual Benefit Corporation; )  
DEVILISH DELIGHTS, INC., a California )  
27 Nonprofit Mutual Benefit Corporation; BALBOA )  
AVE. COOPERATIVE, a California Nonprofit )  
28 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 DAVID K.  
DEMERGIAN 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

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

4  
5 Cross-Complainants

6 vs.

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

20 Cross-Defendants.

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

23 Cross-Complainants,

24 vs.

25  
26 SALAM RAZUKI, an Individual; SOCAL  
BUILDING VENTURES, LLC., a Delaware  
27 Limited Liability Company; SAN DIEGO  
BUILDING VENTURES, LLC., a Delaware  
28

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.

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, DAVID K. DEMERGIAN, declare that if called as a witness I could, and would, testify of my  
6 own personal knowledge as to the following facts and circumstances:

7 1. I am an attorney duly licensed to practice before the Courts of the State of California, and am  
8 the attorney-of-record for Defendant/Cross-Complainant/Cross-Defendant NINUS MALAN herein. I am,  
9 therefore, familiar with the facts and circumstances surrounding the above-captioned matter.

10 2. I was present in the United States District Court on November 1, 2022 when RAZUKi entered  
11 his plea of guilty to "Conspiracy to Kidnap" MALAN, a violation of 18 USC §1201. Although RAZUKI's  
12 Plea Agreement is apparently sealed (at least not available on PACER) *under penalty of perjury*, RAZUKI  
13 admitted in open Court that he understood the elements of the offense to which he was pleading guilty, to  
14 wit:

15 (a) The Defendant agreed with one or more other persons to kidnap another person with  
16 the intent to either intimidate or murder the victim;

17 (b) The Defendant willfully joined the agreement with the intent to further its purpose; and

18 (c) During the existence of the agreement, one of the conspirators committed at least one  
19 overt act within the jurisdiction of the United States to effect any object of the agreement.

20 3. RAZUKi then went on to admit, *under penalty of perjury*, the factual basis for his guilty plea  
21 and that the United States could prove such factual basis beyond a reasonable doubt, to wit:

22 (a) Between September 2018 and November 2018 Defendants Sylvia Gonzales and  
23 Elizabeth Juarez agreed with each other to solicit another individual to kidnap MALAN;

24 (b) The purpose of the kidnaping agreement was to transport MALAN to Mexico from the  
25 United States to either intimidate or kill him;

26 (c) In furtherance of the agreement between Defendants, RAZUKI, Gonzales and Juarez  
27 met with, and solicited, another individual to arrange the kidnaping of MALAN; and  
28


1 (d) On November 9, 2018 the defendants provided another individual \$1,000 as partial  
2 payment to kidnap MALAN and transport him to Mexico to intimidate or kill him.

3 3. The Defendants also acknowledged a waiver of any right to appeal.

4 4. On February 9, 2023 the three defendants were sentenced-RAZUKI and Gonzales to seven (7)  
5 years in custody, and Juarez to just under four years. RAZUKI is scheduled to surrender into custody on  
6 April 24, 2023. See: RFJN: Exhibit "D".

7 5. I have represented Mr. MALAN herein through dozens of Court proceedings, read thousands  
8 of pages of documents, and briefed *two* appeals taken by Razuki-controlled entities/persons relative to the  
9 Court's disqualification of Mr. Jaffe. Such appeals went to the 4<sup>th</sup> District Court of Appeal, where the trial  
10 court's decisions were affirmed. Petitions for rehearing were denied. Unsuccessful Petitions for Review  
11 to the Supreme Court followed, along with a Reply to Mr. Jaffe's own Petition (which the Court struck).  
12 My own fees occasioned by by Mr. Razuki's clearly frivolous appeals (as evidenced by his continued  
13 representation of Razuki and related parties) approach \$100,000.

14  
15 I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration  
16 was executed this 20<sup>th</sup> day of March, 2023 at San Diego, California.

17   
18 \_\_\_\_\_  
19 David K. Demergian