

APR 19 2021 12:11  
FILED  
Clerk of the Superior Court  
APR 19 2021  
By: \_\_\_\_\_, Deputy

**NOTICE OF HEARING ON DEMURRER AND  
DEMURRER BY DEFENDANT NINUS MALAN TO COMPLAINT BY PLAINTIFF  
CHRIS HAKIM**

1 California a hearing will be held on the Demurrer by Ninus Malan ("Malan") to Plaintiff Chris  
2 Hakim's Complaint filed December 14, 2020 ("Complaint").

3 The Demurrer stated below is brought under *Code of Civil Procedure* §430.10(e) based  
4 on that neither the Complaint nor any cause of action pled therein states facts sufficient to  
5 constitute a cause of action against Malan, and *Code of Civil Procedure* §430.10(e) because the  
6 Complaint is vague, ambiguous and uncertain. It is also brought under *Code of Civil Procedure*  
7 §§761.020 and 761.020(a) as to the Fifth Cause of Action (Quiet Title) because it is not verified  
8 and does not set forth the required descriptions of the properties as to which Plaintiff seeks to  
9 quiet title. The Demurrer is based on this Notice of Demurrer and Demurrer and the  
10 Memorandum of Points and Authorities, Exhibits 1 and 2 and Request for Judicial Notice filed in  
11 Support hereof, as well as any additional pleadings filed hereafter and argument presented at the  
12 hearing on this Demurrer.

13 The Court may, but is not required to, issue a tentative ruling prior to the hearing on this  
14 motion under California Rules of Court, Rule 3.1308. Any tentative ruling that is issued may be  
15 accessed on the Court's website at <http://www.sdcourt.ca.gov> by clicking on the "Tentative  
16 Rulings" link under the Civil tab or by telephone from the independent calendar clerk for the  
17 assigned department.

18 As of the date this motion is filed, the Court is not hearing motions in open court but  
19 rather by telephonic or video appearance through CourtCall. All parties desiring to appear must  
20 make separate arrangements to do so through CourtCall at its website [www.courtcall.com](http://www.courtcall.com) or by  
21 telephone at (888) 882-6878.

### 22 DEMURRER

23 Malan demurs to Plaintiff's Complaint as follows:

24 The First Cause of Action for Breach of Written Contract does not state facts sufficient to  
25 constitute a cause of action against Defendant Malan [*Code of Civil Procedure* §430.10(e)] and  
26 is ambiguous and uncertain [*Code of Civil Procedure* §430.10(f)].

27 The Second Cause of Action for Breach of Fiduciary Duty does not state facts sufficient  
28 to constitute a cause of action against Defendant Malan [*Code of Civil Procedure* §430.10(e)]

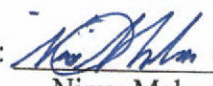
1 and is ambiguous and uncertain [*Code of Civil Procedure* §430.10(f)] .

2 The Third Cause of Action for Fraud does not state facts sufficient to constitute a cause  
3 of action against Defendant Malan [*Code of Civil Procedure* §430.10(e) and is ambiguous and  
4 uncertain [*Code of Civil Procedure* §430.10(f)].

5 The Fourth Cause of Action for Declaratory Relief does not state facts sufficient to  
6 constitute a cause of action against Defendant Malan. *Code of Civil Procedure* §430.10(e) and is  
7 ambiguous and uncertain [*Code of Civil Procedure* §430.10(f)].

8 The Fifth Cause of Action for Quiet Title does not state facts sufficient to constitute a  
9 cause of action against Defendant Malan. *Code of Civil Procedure* §§430.10(e), 761.020,  
10 761.020(a) and is ambiguous and uncertain [*Code of Civil Procedure* §430.10(f)].

11 Dated: February 23, 2021

12 By:   
13 Ninus Malan  
14 In Pro Per  
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