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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego

**05/03/2021** at 04:01:00 PM

Clerk of the Superior Court  
By E- Filing, Deputy Clerk

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF SAN DIEGO**

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

13 Plaintiffs,

14 vs.

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

16 Defendants.

17  
18 AND RELATED CROSS ACTIONS.

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

**IMAGED FILE**

**DEFENDANT NINUS MALAN'S  
OPPOSITION TO PROPOSED  
PLAINTIFF IN INTERVENTION AMY  
SHERLOCK'S MOTION TO INTERVENE**

Date: May 14, 2021

Time: 9:00 a.m.

Dept: C-67

Judge: Hon. Eddie C. Sturgeon

1 Defendant Ninus Malan respectfully submits the following Opposition to Intervenor Amy  
2 Sherlock's Motion to Intervene.

3 Malan opposes Ms. Sherlock's Motion to Intervene on the ground that the Proposed  
4 Complaint-in-Intervention, and each cause of action therein, is barred by the three-year statute of  
5 limitations for fraud set forth in Code of Civil Procedure Section 338(d) and is thus subject to  
6 demurrer pursuant to Code of Civil Procedure 430.10(e). *See Robin v. Crowell*, 55 Cal. App. 5th  
7 727, 739 (2020) (because the Legislature has not established a specific statute of limitations for  
8 quiet title, courts refer to the underlying theory of relief to determine the applicable limitations  
9 period); *see also Fed. Deposit Ins. Corp. v. Dintino*, 167 Cal. App. 4th 333, 348 (2008) (indicating  
10 that a claim for unjust enrichment based on fraud would be subject to CCP § 338(d)'s three-year  
11 limitations period). Malan plans to file a Demurrer to the Proposed Complaint-in-Intervention  
12 within the time limits set forth in Code of Civil Procedure Sections 387(f) and 430.41(a)(2) should  
13 the Court grant Ms. Sherlock's Motion to Intervene.

14  
15 Dated: May 3, 2021

NOONAN LANCE BOYER & BANACH LLP

16  
17 By: 

18 James R. Lance  
19 Ethan T. Boyer  
Genevieve M. Ruch  
Attorneys for Defendant NINUS MALAN

1 **PROOF OF SERVICE**

2  
3 *San Diego Patients Cooperative Corporation Inc. v. Razuki Investments LLC*  
4 San Diego Superior Court Case No. 37-2017-00020661-CU-CO-CTL

5 I, the undersigned, declare: That I am, and was at the time of service of the papers herein  
6 referred to, over the age of eighteen years, and not a party to the action; and I am employed in the  
County of San Diego, California. My business address is 701 Island Avenue, Suite 400, San  
Diego, California 92101.

7 On May 3, 2021, at San Diego, California, I served the following document(s) described as  
8 DEFENDANT NINUS MALAN'S OPPOSITION TO PROPOSED PLAINTIFF IN  
INTERVENTION AMY SHERLOCK'S MOTION TO INTERVENE on the parties in said action  
9 in the manner indicated below, addressed to each such addressee as indicated below, which  
reflects the address last given by each such addressee on any document filed in the action and  
served on this office.

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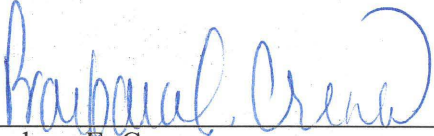
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*Attorney for Proposed Plaintiff in Intervention  
AMY SHERLOCK*

- 1 ☐ **BY MAIL:** I am readily familiar with our business practice for collecting, processing and  
2 mailing correspondence and pleadings with the United States Postal Service. Such  
3 correspondence and pleadings are deposited with the United States Postal Service on the  
4 same day that they are placed for mailing in the ordinary course of business. I sealed each  
5 envelope and, with the postage thereon fully prepaid, placed it for mailing in accord with  
6 our business' practice. (C.C.P. § 1013(a) and (b))
- 7 ☐ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on an agreement or  
8 stipulation between all parties, I caused the document(s) to be sent from e-mail address  
9 bcrena@noonanlance.com to the persons at the e-mail addresses listed in the Service List. I  
10 did not receive, within a reasonable time after the transmission, any electronic message or  
11 other indication that the transmission was unsuccessful.
- 12 ☒ **VIA ELECTRONIC FILING:** I caused such document to be uploaded and served through  
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14 issued by OneLegal. A copy of the One Legal/Caselink transaction receipt will be  
15 maintained with the original document in our office.

16 Executed on May 3, 2021 at San Diego, California. I declare under penalty of perjury  
17 under the laws of the State of California that the above is true and correct.

18   
19 \_\_\_\_\_  
20 Barbara E. Crena