

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 12/20/2019

TIME: 09:00:00 AM

DEPT: C-67

JUDICIAL OFFICER PRESIDING: Eddie C Sturgeon

CLERK: Patricia Ashworth

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: M. Micone

CASE NO: **37-2018-00034229-CU-BC-CTL** CASE INIT.DATE: 07/10/2018

CASE TITLE: **Razuki vs Malan [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Motion Hearing (Civil)

MOVING PARTY: Austin Legal Group

CAUSAL DOCUMENT/DATE FILED: Motion for Leave to Intervene, 10/08/2019

APPEARANCES

James Joseph, counsel, present for Respondent on Appeal,Cross - Defendant,Plaintiff(s).

Tamara M Leetham, counsel, present for Defendant,Cross - Defendant,Cross - Complainant,Interested Party,Appellant(s).

Gina M Austin, counsel, present for Defendant,Cross - Defendant,Interested Party,Cross - Complainant,Appellant(s).

Douglas Jaffe, counsel, present for Respondent on Appeal,Cross - Defendant(s).

Attorney Neil Sheaffer, Receiver, is personally present.

The Court hears oral argument and confirms the tentative ruling as follows:

TENTATIVE RULING

Austin Legal Group, APC's ("ALG") unopposed motion to file a complaint to assert a declaratory relief action is granted. Because a receiver may be sued "only by permission of the court appointing him" (*Ostrowski v. Miller* (1964) 226 Cal.App.2d 79, 84), the court grants ALG leave to sue Michael Essary in San Diego County Superior Court case number 37-2019-00025668-CU-BC-CTL, *Austin Legal Group, APC v. Ninus Malan, et al.* That is a separate action pending action against Malan and the Malan Entities. ALG shall file and serve its complaint within 10 days.

ALG represented defendants Ninus Malan, San Diego United Holdings Group, Balboa Ave Cooperative, California Cannabis Group, and Devilish Delights Inc., Flip Management ("Flip"), Roselle Properties, LLC ("Roselle"), Mira Este Properties, LLC ("MEP"), and Monarch Management and Consulting, Inc. ("Monarch") (San Diego United, Balboa, CCG, Flip, Roselle, and MEP, the "Malan Entities") from December 13, 2016 through the end of 2018.

ALG has claims against Malan and the Malan Entities over legal fees that accrued over the course of ALG's representation in the present case, and other matters. Court-appointed receiver Michael Essary ("Essary") is in control of the Malan Entities and controls when and how their bills are paid.

Eddie C. Sturgeon

Judge Eddie C Sturgeon