

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

MINUTE ORDER

DATE: 11/10/2020

TIME: 02:06:00 PM

DEPT: C-67

JUDICIAL OFFICER PRESIDING: Eddie C Sturgeon

CLERK: Patricia Ashworth

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

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

APPEARANCES

FINAL RULING

Defendant/cross-complainant/cross-defendant Ninus Malan ("Malan"), and cross-complainant American Lending and Holdings, LLC's ("ALH") motion to disqualify attorney Douglas Jaffe and the Law Offices of Douglas Jaffe (collectively "Jaffe") as counsel for cross-defendants Sunrise Property Investments, LLC, Super 5 Consulting Group, LLC, Alternative Health Cooperative, Inc., Goldn Bloom Ventures, Inc., Sarah Razuki, Marvin Razuki, and Matthew Razuki (collectively "Sunrise") is granted.

Although the court previously denied the motion to disqualify Jaffe in this case on August 26, 2019, it is appropriate at this time based upon the current evidence, to grant the motion to disqualify. The court takes judicial notice of the Compendium of Exhibits in Support of Ninus Malan's and American Lending and Holdings, LLC's Motion to Disqualify Attorney Jaffe ("the Compendium" or "COE"), the August 11, 2020 Minute Order in HS Independence v. Katto, et al., Case No. 37- 2019-00029739-CU-OR-CTL ("HS Independence") and the February 27, 2020 Minute Order in HS Independence, granting Malan's motion to disqualify Attorney Jaffe.

The evidence supports Jaffe was privy to Malan's financial information and condition, the litigation strategy preferences and risk tolerances. Jaffe represents Salam Razuki in other litigation, and there is dispute as to the ownership of the company ALH. (Malan decl., ¶11.) Though Jaffe does not officially represent Razuki in this case, Jaffe currently represents him generally and in other litigation. Jaffe's clients here are so closely-related to Razuki such that they will share information about Malan and American Lending with him as well.

The verified complaint in this case by Razuki and his company alleged that Malan owns American Lending. (COE Ex. 12.) In the verified amended complaint, Razuki changed his allegation, claiming he forgot that he, and not Malan, owns American Lending. (COE Ex. 13.) Although Jaffe is not an attorney of record in that case, he submitted a declaration testifying that Razuki, and not Malan, owns American Lending. (COE Ex. 14). At a minimum, Jaffe is a witness on this critical issue.

Malan and ALH's objections #1-31 to Jaffe's declaration to the renewed motion to disqualify counsel are

sustained. Cross-defendant Sunrise's objection to James R. Lance' s declaration filed on September 25, 2020, ¶10, is sustained.

The court stays this ruling 20 days to allow Jaffe the opportunity to prepare a writ.

Eddie C. Sturgeon

Judge Eddie C Sturgeon