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Attorneys for Plaintiffs-in-Intervention
SoCal Building Ventures, LLC and San Diego
Building Ventures, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO - CENTRAL DIVISION

SALAM RAZUKI, an individual, ,
Plaintiff,
v.
NINUS MALAN, et al.,
Defendants.

AND RELATED COMPLAINT-IN-
INTERVENTION

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

09/04/2018 at 07:38:00 PM
Clerk of the Superior Court
By Lee McAlister, Deputy Clerk

CASE NO.: 37-2018-00034229-CU-BC-CTL
(Assigned to: Hon. Eddie E. Sturgeon, Dept. C-67)

**DECLARATION OF SALVATORE J.
ZIMMITTI IN SUPPORT OF
PLAINTIFFS-IN-INTERVENTION'S
MEMORANDUM IN SUPPORT OF OSC RE:
CONFIRMATION OF RECEIVER AND
REQUEST FOR FORENSIC ACCOUNTING**

*[Filed concurrently with Plaintiffs-In-Intervention's
Memorandum In Support of OSC Re: Confirmation
of Receiver and Request For Forensic Accounting;
and the Declaration of Chris Berman]*

DATE: September 7, 2018
TIME: 1:30 p.m.
DEPT: C-67

Action Filed: July 10, 2018

DECLARATION OF SALVATORE J. ZIMMITTI

I, Salvatore J. Zimmitti, declare as follows:

1. I am an attorney at law the law firm of Nelson Hardiman, LLP, counsel of record for Plaintiffs-in-Intervention SoCal Building Ventures, LLC and San Diego Building Ventures, LLC (collectively "SoCal") in this action. I make this declaration in support of the Order to Show Cause why the appointment of the receiver should not be confirmed and a preliminary injunction should not be granted. I have personal knowledge of the facts set forth herein, and if called upon to testify thereto, I could and would competently do so under oath.

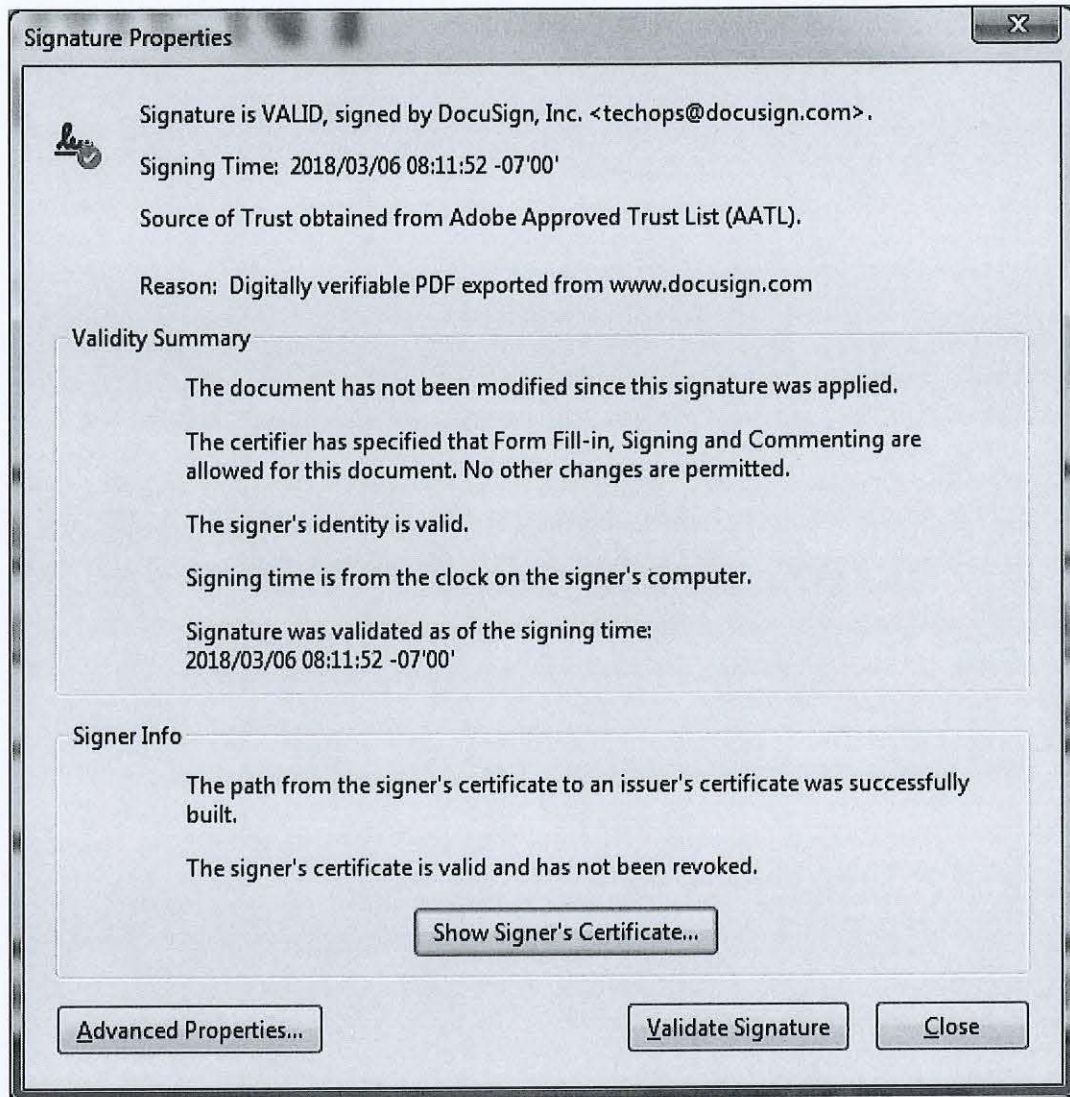
2. On August 22, 2018, SoCal's Chief Operating Officer, Chris Berman, forwarded to me an email string between Mr. Berman and Defendant Chris Hakim containing 8 email attachments. The email by Mr. Hakim forwarding the 8 attachments is dated **March 6, 2018**. A true and correct copy of this email string as I received it is attached hereto as Exhibit A.

3. I opened one of the attachments to this email forwarded by Mr. Hakim titled "Mira Este Bid – 7.1.17." A true and correct copy of that document (the "July 1 Bid") is attached hereto as Exhibit B.

4. The July 1 Bid appears to reflect a proposal by Element Builders for work totaling \$266,725.00. The proposal is dated "6/16/2017" and submitted by "Chris Grippi." The proposal indicates it was "accepted" by Mr. Hakim and shows a "Date of acceptance" of "7/1/2017." See Exhibit B.

5. Upon opening the July 1 Bid, **I observed that it had been electronically signed by Mr. Hakim through a "Realtor" "DocuSign" account.** See Exhibit B. In my experience, DocuSign is a trusted document management platform commonly used by realtors, accountants and other professionals. Notably, according to DocuSign, **its electronic signatures are highly secure.** See <https://www.docusign.com/how-it-works/security>.

6. After I opened the July 1 Bid directly from the email string provided by Mr. Berman using Adobe Acrobat Pro, I checked the "Signature Properties" associated with Mr. Hakim's electronic DocuSign signature. A signature property box then opened, a true and correct screenshot of which is pasted below:



7. As the above screenshot reflects, Mr. Hakim appears to have signed the July 1 Bid not in July 2017 but rather on **March 6, 2018** – the same day Mr. Hakim forwarded this document to Mr. Berman as “proof” of tenant improvements allegedly made in 2017.

8. The July 1 Bid was then forwarded to counsel for Plaintiff Razuki, who I am informed contacted Mr. Grippi directly to inquire whether or not the work reflected in this proposal had been performed by Element Builders.

9. Mr. Grippi, the owner of Element Builders, confirmed that he never prepared any proposal for \$266,725.00, and that Element Builders never performed any work at the Mira Este Facility. Mr. Grippi explained that he provided two different Mira Este

1 proposals in June 2017 to Defendant Malan, one totaling \$192,073 and a second, revised version
2 totaling \$184,554, but neither was accepted. A true and correct copy of Mr. Grippi's declaration
3 with the two, actual proposals he prepared was forwarded to me by counsel for Plaintiff and is
4 attached hereto as Exhibit C.

5 I declare under penalty of perjury, under the laws of the State of California, that the
6 foregoing is true and correct. Executed on September 4, 2018, at Los Angeles, California.

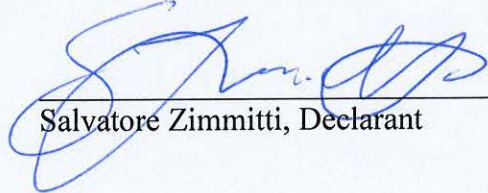
7
8 
9 Salvatore Zimmitti, Declarant

EXHIBIT A

Salvatore J. Zimmitti

From: Chris Berman <bermanc1976@gmail.com>
Sent: Wednesday, August 22, 2018 5:17 PM
To: Salvatore J. Zimmitti
Subject: Fwd: Mira Este: T.I. Improvements & Insurance
Attachments: Mira Este Bid - 7.1.17.pdf; Invoice Details _ Mira Este.pdf; INVOICE_418_TECHNE.pdf; INVOICE_443_TECHNE.pdf; INVOICE_449_TECHNE.pdf; INVOICE_450_TECHNE.pdf; INVOICE_461_TECHNE.pdf; INVOICE_468_TECHNE.pdf

----- Forwarded message -----

From: Chris Hakim <symbolicrealestate@gmail.com>
Date: Tue, Mar 6, 2018 at 7:10 AM
Subject: Re: Mira Este: T.I. Improvements & Insurance
To: Chris Berman <bermanc1976@gmail.com>
CC: Ninus Malan <ninusmalan@yahoo.com>, Dean Bornstein <dbadh13@gmail.com>

Attached are the expenses for Mira TI. There are more invoices relating to design and construction changes, but this should be enough for your file.

Sincerely,

On Thu, Mar 1, 2018 at 2:21 PM, Chris Berman <bermanc1976@gmail.com> wrote:
Guys,

A couple things related to Mira Este:

- 1) Here is the copy of the Insurance we just locked up. This is what has been preventing us from getting operational at Mira Este.
- 2) Can you send us copies of your receipts / expenses for T.I. improvements made to the 1,200 sf manufacturing space that you are seeking reimbursement on?

Thanks,
Chris

--

Chris Hakim
Broker
License #01353790
858-373-8781 DIRECT
619-900-4185 OFFICE

1545 Hotel Circle South Ste. 145

San Diego, CA 92108

EXHIBIT B



Proposal

1704 Hornblend St, San Diego, CA 92109

Ph: 858-414-4601

License #965397

Owner:	Mira Este MMM
Attn:	Ninus Malan
Ph:	
Email:	

Date:	6/16/2017
Job Name:	Mira Este MMM
Job Address:	9212 Mira Este Ct

We hereby propose to furnish all material and necessary equipment and perform all labor to complete the above project

Trade	Scope of Work	Cost
Demo	Remove 1200 SF of existing T-Bar Ceiling.	\$ 1,090.00
	Remove 4' high run of DW for all new electrical outlets on existing walls	\$ 910.00
Parking Lot	Remove and replace concrete and asphalt totaling 2500 SF	\$ 46,400.00
	Form and pour 130 LF of concrete curb	
	Form and pour 350 SF of concrete sidewalk with truncated domes	
	Form and pour 500 SF of concrete for ADA Parking Stall	
	Install 3" of asphalt totaling 200 SF	
	Install 1" to 6" of asphalt totaling 950 SF	
	Replace signs and posts for ADA parking	
	Install (2) wheel stops	
Drywall	Frame, hang and finish 69 LF interior drywall partitions.	\$ 8,625.00
	Frame, Hang w/ (2) layers DW, finish 100 LF for fire rated corridor	\$ 14,000.00
	Frame, Hang w/ (2) layers DW, finish 185 SF for fire rated cor. Ceiling	\$ 1,980.00
	Patch 728 SF of drywall for new electrical on existing walls	\$ 2,730.00
T-Bar	Supply and install 1200 SF of new T-Bar grid system with washable tiles	\$ 7,200.00
Doors	Supply and install (4) Solid Core doors with timely frames	\$ 4,400.00
	Includes all hardware	

Flooring	Supply and install 1200 SF of Commercial Hybrid click flooring	\$	6,850.00
	Scrap glue and prep subfloor	\$	950.00
	Supply and install 1200 SF of Floor Underlayment	\$	580.00
Base	Supply and install 280 LF of Roppe Rubber Base	\$	840.00
Paint	Paint all walls in work area with (2) coats of paint	\$	2,700.00
	Paint (4) doors		
Plumbing	Run condensate line to existing Men's restroom sink	\$	1,100.00
HVAC	Supply and install: (1) Five Ton Mitsubishi Mini Split multi zone system w/ (4) wall mounted fan coils per schedule, (1) Three Ton Mitsubishi mini split multi zone system w/ (4) wall mounted fan coils per schedule, mixing branch boxes, thermostats, refrigeration lines, condensate pumps, control wires, (2) fans and ducting per plan, louvers per plan	\$	63,200.00
Electrical	install receptacles, light fixtures, emergency lighting, exit signs dedicated circuits.	\$	12,125.00
	Light Fixture Package	\$	10,500.00
	New Panel 100A, 100B, New 200 Amp feed from meter, refeed existing Truck panel from new panel A	\$	27,250.00
Lighting Controls	Supply and install Nlight Lighting Controls, Relay Packs and Sensors	\$	4,175.00
Signage	Supply and install custom ADA interior signage	\$	580.00
Trash	Pick up trash and take to dump. (4) trips	\$	1,200.00
Final Clean Up	Give a overall final clean up at completion of construction	\$	600.00
Title 24	3rd Party Title 24 inspection for Lighting	\$	1,500.00
Supervision	(4) Weeks of site supervision and meeting with inspectors	\$	7,000.00
P&O	14% Profit and Overhead	\$	35,290.00

Option

Lighting for Corridor with ceiling sensors, emergencies and lighting controls

\$2,950.00

Excludes

Permits, , Cabinets, Low Voltage Wiring, Stucco, Exterior Paint

Landscaping, Roofing, Relocate Panel HP, Storefront, Building Concrete

Total**\$ 266,725.00**

NOTE: This proposal may be withdrawn if not accepted within 30 days

WE AGREE hereby to the price and scope of work described above.**Submitted by: Chris Grippi****Signature:**

ACCEPTED - You are hereby authorized to furnish all material, equipment and labor required to complete the work described in the above proposal, for which the undersigned agrees to pay the amount stated in said proposal and according to the terms thereof. Any changes involving extra cost of labor or materials will be executed only on submission and acceptance of a written and approved change order.

Date of acceptance: 7/1/2017**Accepted by:** Chris Hakim**Signature:**DocuSigned by:

003047B03D0B47B...

EXHIBIT C

1 Steven A. Elia (State Bar No. 217200)
Maura Griffin (State Bar No. 264461)
2 James Joseph (State Bar No. 309883)
LAW OFFICES OF STEVEN A. ELIA, APC
3 2221 Camino Del Rio South, Suite 207
San Diego, California 92108
4 Telephone: (619) 444-2244
Facsimile: (619) 440-2233
5 Email: steve@elialaw.com
maura@elialaw.com
6 james@elialaw.com

7 Attorneys for Plaintiff
SALAM RAZUKI
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

11 SALAM RAZUKI, an individual,

12 Plaintiff,

13 v.

14 NINUS MALAN, an individual; CHRIS
15 HAKIM, an individual; MONARCH
MANAGEMENT CONSULTING, INC. a
16 California corporation; SAN DIEGO
UNITED HOLDING GROUP, LLC, a
17 California limited liability company; FLIP
MANAGEMENT, LLC, a California limited
18 liability company; MIRA ESTE
PROPERTIES, LLC, a California limited
19 liability company; ROSELLE PROPERTIES,
LLC, a California limited liability company;
20 BALBOA AVE COOPERATIVE, a
California nonprofit mutual benefit
21 corporation; CALIFORNIA CANNABIS
GROUP, a California nonprofit mutual
22 benefit corporation; DEVILISH DELIGHTS,
INC., a California nonprofit mutual benefit
23 corporation; and DOES 1-100, inclusive,

24 Defendants.
25
26
27
28

CASE NO. 37-2018-00034229-CU-BC-CTL

DECLARATION OF CHRIS GRIPPI

1 I, Chris Grippi, declare as follows:

2 1. I am over the age of eighteen and otherwise competent to make the statements contained
3 herein based on personal knowledge or information and belief as noted.

4 2. I am the owner of Element Builders, a construction firm that has worked with many
5 businesses in San Diego. Element Builders specializes in commercial construction.

6 3. I have worked with Salam Razuki and Ninus Malan in the past. My company served as
7 the general contractor for the marijuana dispensary located at 8863 Balboa Ave.

8 4. After completing work at 8863 Balboa Ave., I was asked to prepare a proposal for
9 construction at 9212 Mira Este Ct.

10 5. On or around June 17, 2017, I sent an email to Ninus Malan. Attached to that email was
11 a proposal I drafted for construction at 9212 Mira Este Ct. The proposal totaled \$192,073.00. Attached,
12 as **Exhibit A** is a true and correct copy of this email and its attachment.

13 6. On or around June 20, 2017, I sent another email to Ninus Malan that attached a revised
14 proposal for 9212 Mira Este Ct. This revised proposal totaled \$184,554.00. Attached, as **Exhibit B** is
15 a true and correct copy of this email and its attachment.

16 7. Both of my proposals weren't accepted

17 8. Element Builders has never done any work at 9212 Mira Este Ct.

18 9. On August 24, 2018, Salam Razuki texted me pictures of a construction proposal on
19 Element Builders letterhead. The proposal was for 9212 Mira Este Ct. and totaled \$266,725.00.

20 10. I did not prepare any proposal for 9212 Mira Este Ct. that totaled \$266,725.00. The only
21 proposals I prepared were the proposals I sent to Ninus Malan on June 17, 2017 and June 20, 2017.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct. This Declaration was executed on August 28, 2018, at San Diego, California.


24 
Chris Grippi

Exhibit A

----- Forwarded message -----

From: **Chris Grippi** <chris@elementbuilderssd.com>

Date: Sat, Jun 17, 2017 at 2:05 PM

Subject: Mira Este

To: Ninus Malan <ninusmalan@yahoo.com>

Attached is the bid for work per the plans. I added a ceiling and a floor cause I think you'll need it. The site work on the plan doesn't even come close to what is actually on the site.

Give me a call if you want to go over, I'm working on bids all weekend.

--

Chris Grippi

Owner

Element Builders

1704 Hornblend St.

San Diego, CA 92109

858-414-4601 Cell

License #965397

www.elementbuildersca.com

--

Chris Grippi

Owner

Element Builders

1704 Hornblend St.

San Diego, CA 92109

858-414-4601 Cell

License #965397

www.elementbuildersca.com



Proposal

1704 Hornblend St, San Diego, CA 92109

Ph: 858-414-4601

License #965397

Owner:	Mira Este MMM
Attn:	Ninus Malan
Ph:	
Email:	

Date:	6/16/2017
Job Name:	Mira Este MMM
Job Address:	9212 Mira Este Ct

We hereby propose to furnish all material and necessary equipment and perform all labor to complete the above project

Trade	Scope of Work	Cost
Demo	Remove 1200 SF of existing T-Bar Ceiling.	\$ 1,090.00
	Remove 4' high run of DW for all new electrical outlets on existing walls	\$ 910.00
Parking Lot	Remove and replace concrete and asphalt totaling 2500 SF	\$ 26,400.00
	Form and pour 130 LF of concrete curb	
	Form and pour 350 SF of concrete sidewalk with truncated domes	
	Form and pour 500 SF of concrete for ADA Parking Stall	
	Install 3" of asphalt totaling 200 SF	
	Install 1" to 6" of asphalt totaling 950 SF	
	Replace signs and posts for ADA parking	
	Install (2) wheel stops	
Drywall	Frame, hang and finish 69 LF interior drywall partitions.	\$ 8,625.00
	Frame, Hang w/ (2) layers DW, finish 100 LF for fire rated corridor	\$ 14,000.00
	Frame, Hang w/ (2) layers DW, finish 185 SF for fire rated cor. Ceiling	\$ 1,980.00
	Patch 728 SF of drywall for new electrical on existing walls	\$ 2,730.00
T-Bar	Supply and install 1200 SF of new T-Bar grid system with washable tiles	\$ 7,200.00
Doors	Supply and install (4) Solid Core doors with timely frames Includes all hardware	\$ 4,400.00

Flooring	Supply and install 1200 SF of Commercial Hybrid click flooring	\$	6,850.00
	Scrap glue and prep subfloor	\$	950.00
	Supply and install 1200 SF of Floor Underlayment	\$	580.00
Base	Supply and install 280 LF of Roppe Rubber Base	\$	840.00
Paint	Paint all walls in work area with (2) coats of paint	\$	2,700.00
	Paint (4) doors		
Plumbing	Run condensate line to existing Men's restroom sink	\$	1,100.00
HVAC	Supply and install: (1) Five Ton Mitsubishi Mini Split multi zone system w/ (4) wall mounted fan coils per schedule, (1) Three Ton Mitsubishi mini split multi zone system w/ (4) wall mounted fan coils per schedule, mixing branch boxes, thermostats, refrigeration lines, condensate pumps, control wires, (2) fans and ducting per plan, louvers per plan	\$	43,200.00
Electrical	install receptacles, light fixtures, emergency lighting, exit signs dedicated circuits.	\$	12,125.00
	Light Fixture Package	\$	10,500.00
	New Panel 100A, 100B, New 200 Amp feed from meter, refeed existing Truck panel from new panel A	\$	7,250.00
Lighting Controls	Supply and install Nlight Lighting Controls, Relay Packs and Sensors	\$	4,175.00
Signage	Supply and install custom ADA interior signage	\$	580.00
Trash	Pick up trash and take to dump. (4) trips	\$	1,200.00
Final Clean Up	Give a overall final clean up at completion of construction	\$	600.00
Title 24	3rd Party Title 24 inspection for Lighting	\$	1,500.00
Supervision	(4) Weeks of site supervision and meeting with inspectors	\$	7,000.00
P&O	14% Profit and Overhead	\$	23,588.00

Option

Lighting for Corridor with ceiling sensors, emergencies and lighting controls

\$2,950.00

Excludes

Permits, , Cabinets, Low Voltage Wiring, Stucco, Exterior Paint

Landscaping, Roofing, Relocate Panel HP, Storefront, Building Concrete

Total**\$ 192,073.00**NOTE: This proposal may be withdrawn if not accepted within **30** days**WE AGREE hereby to the price and scope of work described above.****Submitted by: Chris Grippi****Signature:**

ACCEPTED - You are hereby authorized to furnish all material, equipment and labor required to complete the work described in the above proposal, for which the undersigned agrees to pay the amount stated in said proposal and according to the terms thereof. Any changes involving extra cost of labor or materials will be executed only on submission and acceptance of a written and approved change order.

Date of acceptance: _____**Accepted by:** _____**Signature:** _____

----- Forwarded message -----

From: **Chris Grippi** <chris@elementbuilderssd.com>

Date: Tue, Jun 20, 2017 at 12:05 PM

Subject: Revised bid

To: Ninus Malan <ninusmalan@yahoo.com>

Found a way to cheapen up fire rated corridor. Used standard ceiling tiles.

See you at 2

--

Chris Grippi

Owner

Element Builders

1704 Hornblend St.

San Diego, CA 92109

858-414-4601 Cell

License #965397

www.elementbuildersca.com

--

Chris Grippi

Owner

Element Builders

1704 Hornblend St.

San Diego, CA 92109

858-414-4601 Cell

License #965397

www.elementbuildersca.com



Proposal

1704 Hornblend St, San Diego, CA 92109

Ph: 858-414-4601

License #965397

Owner:	Mira Este MMM
Attn:	Ninus Malan
Ph:	
Email:	

Date:	6/20/2017
Job Name:	Mira Este MMM
Job Address:	9212 Mira Este Ct

We hereby propose to furnish all material and necessary equipment and perform all labor to complete the above project

Trade	Scope of Work	Cost
Demo	Remove 1200 SF of existing T-Bar Ceiling.	\$ 1,090.00
	Remove 4' high run of DW for all new electrical outlets on existing walls	\$ 910.00
Parking Lot	Remove and replace concrete and asphalt totaling 2500 SF	\$ 26,400.00
	Form and pour 130 LF of concrete curb	
	Form and pour 350 SF of concrete sidewalk with truncated domes	
	Form and pour 500 SF of concrete for ADA Parking Stall	
	Install 3" of asphalt totaling 200 SF	
	Install 1" to 6" of asphalt totaling 950 SF	
	Replace signs and posts for ADA parking	
	Install (2) wheel stops	
Drywall	Frame, hang and finish 69 LF interior drywall partitions.	\$ 8,625.00
	Frame, Hang w/ (2) layers DW, finish 100 LF for fire rated corridor	\$ 10,800.00
	Frame, Hang w/ (2) layers DW, finish 185 SF for fire rated cor. Ceiling	\$ 1,980.00
	Patch 728 SF of drywall for new electrical on existing walls	\$ 2,730.00
T-Bar	Supply and install 1200 SF of new T-Bar grid system	\$ 4,905.00
Doors	Supply and install (4) Solid Core doors with timely frames Includes all hardware	\$ 4,400.00

Flooring	Supply and install 1200 SF of Commercial Hybrid click flooring	\$	6,850.00
	Scrap glue and prep subfloor	\$	950.00
	Supply and install 1200 SF of Floor Underlayment	\$	580.00
Base	Supply and install 280 LF of Roppe Rubber Base	\$	840.00
Paint	Paint all walls in work area with (2) coats of paint	\$	2,700.00
	Paint (4) doors		
HVAC	Supply and install: (1) Five Ton Mitsubishi Mini Split multi zone system w/ (4) wall mounted fan coils per schedule, (1) Three Ton Mitsubishi mini split multi zone system w/ (4) wall mounted fan coils per schedule, mixing branch boxes, thermostats, refrigeration lines, condensate pumps, control wires, (2) fans and ducting per plan, louvers per plan Run condensate drain to restroom	\$	43,200.00
Electrical	install receptacles, light fixtures, emergency lighting, exit signs dedicated circuits.	\$	12,125.00
	Light Fixture Package	\$	10,500.00
	New Panel 100A, 100B, New 200 Amp feed from meter, refeed existing Truck panel from new panel A	\$	7,250.00
Lighting Controls	Supply and install Nlight Lighting Controls, Relay Packs and Sensors	\$	4,175.00
Signage	Supply and install custom ADA interior signage	\$	580.00
Trash	Pick up trash and take to dump. (4) trips	\$	1,200.00
Final Clean Up	Give a overall final clean up at completion of construction	\$	600.00
Title 24	3rd Party Title 24 inspection for Lighting	\$	1,500.00
Supervision	(4) Weeks of site supervision and meeting with inspectors	\$	7,000.00
P&O	14% Profit and Overhead	\$	22,664.00

Option

Lighting for Corridor with ceiling sensors, emergencies and lighting controls

\$2,950.00

Excludes

Permits, , Cabinets, Low Voltage Wiring, Stucco, Exterior Paint

Landscaping, Roofing, Relocate Panel HP, Storefront, Building Concrete

Total**\$ 184,554.00**NOTE: This proposal may be withdrawn if not accepted within **30** days**WE AGREE hereby to the price and scope of work described above.****Submitted by: Chris Grippi****Signature:**

ACCEPTED - You are hereby authorized to furnish all material, equipment and labor required to complete the work described in the above proposal, for which the undersigned agrees to pay the amount stated in said proposal and according to the terms thereof. Any changes involving extra cost of labor or materials will be executed only on submission and acceptance of a written and approved change order.

Date of acceptance: _____**Accepted by:****Signature:**