

DEC 03 2021

By: M. David, Deputy

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8 Attorney For  
9 **Court-Appointed Receiver Michael Essary**

10 SUPERIOR COURT OF CALIFORNIA  
11 FOR THE COUNTY OF SAN DIEGO

12 SALAM RAZUKI, an individual,  
13 Plaintiff,

14 v.

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

Defendants.

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

**STATUS REPORT OF MICHAEL ESSARY,  
COURT APPOINTED RECEIVER**

Judge: Hon. Eddie C. Sturgeon  
Dept: C-67  
Date: December 3, 2021  
Time: 1:30 p.m.

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1 **RECEIVER'S STATUS REPORT**

2 I, MICHAEL ESSARY, hereby declare as follows:

3 1. I am the Court-Appointed Receiver in the above-captioned matter. I have personal  
4 knowledge of the matters set forth herein, and if called upon as a witness, I could and would testify  
5 competently thereto.

6 2. I make this declaration to provide the Court and all parties with an update regarding  
7 receivership activities.

8 **PAYMENT OF BALBOA AVE COOPERATIVE CREDITORS**

9 3. On July 23, 2021, the Court ordered me to pay outstanding taxes and currently owed creditor  
10 balances, including those liabilities incurred during CBDCA's management of the Balboa Ave  
11 Cooperative dispensary.

12 4. All owed taxes were paid. I did not pay the penalties and interest and have applied for a  
13 waiver, which is still being considered.

14 5. Most of the other creditors have been paid. I have not been able to get in touch with some  
15 vendors that are owed money. So far, I have been able to settle approximately \$538,542.35 of  
16 outstanding invoices for \$192,227.33, a reduction of almost 65%.

17 6. I continue to try to contact the other unpaid vendors and creditors, so that all potential claims  
18 against Balboa Ave Cooperative can be addressed. Approximately 23 creditors remain to be paid  
19 and most of those have not responded to my communications.

20 **FORECLOSURE OF MIRA ESTE PROPERTY**

21 7. After considering argument at the September 2, 2021 hearing, the Court authorized the  
22 foreclosure sale of the property located at 9212 Mira Este Court, San Diego ("Mira Este Property")  
23 to proceed. The foreclosure sale occurred as scheduled and the Mira Este Property is no longer part  
24 of the receivership estate.

25 **BALBOA AVE COOPERATIVE AUDIT**

26 8. Balboa Ave Cooperative, one of the receivership entities, is currently being audited by the  
27 California Department of Tax and Fee Administration.

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1 9. I have been in communication with the auditor and am pressing to resolve this matter as soon  
2 as possible.

3 **REMAINING RECEIVERSHIP ISSUES**


4 10. The G10 Galuppo Law v. Malan, et al. lawsuit, in which I am a named defendant, remains  
5 active. However, I believe that G10 Galuppo Law will dismiss me from the case upon my discharge,  
6 because it is my understanding that I was named only because I am the receiver for other defendants  
7 in that case.

8 11. I remain in possession of \$817,940.46 in receivership funds (as of 11/30/21). These funds  
9 will need to be distributed or deposited at the Court's direction upon my discharge.

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I declare, under penalty of perjury under the laws of the State of California, that the foregoing  
is true and correct.

Executed this 2nd day of December 2021 at San Diego, California

  
\_\_\_\_\_  
Michael Essary  
Court-Appointed Receiver

DEC 03 2021

PROOF OF SERVICE

By: M. David, Deputy

*Salam Razuki v. Ninus Malan, et al.*

*San Diego County Superior Court Lead Case No. 37-2018-00034229-CU-BC-CTL  
CONSOLIDATED WITH: Case No. 37-2018-00039388-CU-BC-CTL*

I am employed in the County of San Diego, State of California. I am over the age of 18 and am not a party to the within action. I am employed by Griswold Law, APC and my business address is 705 North Vulcan Avenue, Encinitas, California 92024.

On *December 2, 2021*, I served the documents described as *STATUS REPORT OF MICHAEL ESSARY, COURT APPOINTED RECEIVER* on each interested party, as follows:

SEE ATTACHED SERVICE LIST

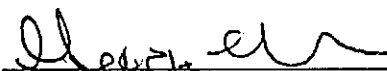
   (VIA MAIL) I placed a true and correct copy(ies) of the foregoing document in a sealed envelope(s) addressed to each interested party as set forth above. I caused each such envelope, with postage thereon fully prepaid, to be deposited with the United States Postal Service. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

   (VIA OVERNIGHT DELIVERY) I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to each interested party. I placed the envelope or package for collection and overnight delivery in the overnight delivery carrier depository at Encinitas, California to ensure next day delivery.

  X (VIA ELECTRONIC MAIL) I caused true and correct copy(ies) of the foregoing document(s) to be transmitted via **One Legal e-service** to each interested party at the electronic service addresses listed on the attached service list.

   (VIA EMAIL) I caused true and correct copy(ies) of the foregoing document(s) to be transmitted via electronic service to each interested party at the electronic service addresses listed on the attached service list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on *December 2, 2021*, in Encinitas, California.

  
\_\_\_\_\_  
Georgina Montano

**SERVICE LIST**

<p><u>Counsel for Plaintiff Salam Razuki</u>          ELIA LAW FIRM, APC          Steven A. Elia, Esq.          Maura Griffin, Esq.          2221 Camino Del Rio South, Suite 207          San Diego, CA 92108          Email: <a href="mailto:steve@elialaw.com">steve@elialaw.com</a>; <a href="mailto:garrett@elialaw.com">garrett@elialaw.com</a>;  <a href="mailto:MG@mauragriffinlaw.com">MG@mauragriffinlaw.com</a>;  <a href="mailto:maura@elialaw.com">maura@elialaw.com</a>; <a href="mailto:maria@elialaw.com">maria@elialaw.com</a>;</p>	<p><u>Defendant Ninus Malan</u>          3555 Rosecrans Street          Suite 114-809          San Diego, CA 92110          Email: <a href="mailto:ninusmalan@yahoo.com">ninusmalan@yahoo.com</a></p>
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<p><u>Counsel for Synergy Management Partners</u>          WITHAM MAHONEY &amp; ABBOTT, LLP          Matt Mahoney, Esq.          401 B Street, Suite 2220          San Diego, CA 92101          Email: <a href="mailto:mahoney@wmalawfirm.com">mahoney@wmalawfirm.com</a></p>	<p><u>Counsel for Plaintiffs-in-Intervention SoCal Building Ventures and San Diego Building Ventures</u>          LAW OFFICES OF PAUL A. BECK          Paul A. Beck, Esq.          13701 Riverside Drive, Suite 202          Sherman Oaks, CA 91423          Email: <a href="mailto:pab@pablaw.org">pab@pablaw.org</a>;  <a href="mailto:szimmitti@nelsonhardiman.com">szimmitti@nelsonhardiman.com</a>;  <a href="mailto:fsheldon@nelsonhardiman.com">fsheldon@nelsonhardiman.com</a>;  <a href="mailto:rfuller@nelsonhardiman.com">rfuller@nelsonhardiman.com</a>;  <a href="mailto:mmarkwell@nelsonhardiman.com">mmarkwell@nelsonhardiman.com</a>;  <a href="mailto:ZRothenberg@NelsonHardiman.com">ZRothenberg@NelsonHardiman.com</a></p>
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