

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

**MINUTE ORDER**

DATE: 03/22/2019

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

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**EVENT TYPE:** Motion Hearing (Civil)

MOVING PARTY: Ninus Malan

CAUSAL DOCUMENT/DATE FILED: Motion for Sanctions, 11/29/2018

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**APPEARANCES**

Timothy J Daley, counsel, present for Cross - Defendant(s).

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

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The Court confirms the tentative ruling as follows:

**TENTATIVE RULING**

Defendant Ninus Malan's motion for sanctions is denied, without prejudice. The evidence relied upon in support of sanctions under Code of Civil Procedure section 128.5 is in flux. Defendant relies heavily on the restraining order and its declarations in support, which have subsequently been vacated based in part upon a stipulation to dismiss the petition. Judge Frederick A. Mandabach heard both the motion to vacate as well as a request for attorney's fees at the January 30, 2019 hearing. Some of the fees requested in the other case appear to overlap some of the fees requested in this case.

Furthermore, although defendants cite the federal complaint and FBI's probable cause declaration in *United States of America v. Razuki* 18 MJ 5915, in support of the charges against plaintiff Salam Razuki, the declaration concludes Razuki admitted the existence of the ongoing civil lawsuit, but when "he heard N.M. was missing, but thought it was a joke and denied involvement in any conspiracy to kidnap and kill N.M." (Probable cause decl., 7:19-21.)

The court does not mean to minimize Malan's concerns, or the attorney's fees incurred. Nonetheless, the motion is premature.

*Eddie C. Sturgeon*

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Judge Eddie C Sturgeon