

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 08/26/2019

TIME: 10:43:00 AM

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

The Court, having taken the above-entitled matter under submission on 08/23/2019 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Cross-Complainants Ninus Malan's and American Lending and Holding, LLC's Motion to Disqualify Douglas Jaffe and Law Offices of Douglas Jaffe As Counsel For Parties In This Action is DENIED.

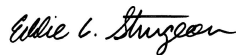
Cross-Defendants' Objection to the Declaration of Ninus Malan In Support Of Reply is sustained. New evidence submitted in reply cannot be considered. (*See, e.g., San Diego Watercrafts, Inc. v. Wells Fargo Bank, N.A.* (2002) 102 Cal.App.4th 308, 316 (due process requires a party be fully advised of the issues to be addressed and be given adequate notice of what facts it must rebut in order to prevail).)

Cross-Complainants have not shown Mr. Jaffe, or his law firm, has breached a duty owed to a former client.

California Rule of Professional Conduct ("RPC") 1.9(a) provides:

A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed written consent.

Whether two representations are "substantially related" depends on the factual situation, legal questions, and the attorney's involvement in the two cases. (*Morrison Knudsen Corp. v. Hancock Rother & Bunshoft* (1999) 69 Cal.App.4th 223, 234.) Courts should examine, among other things, the type of work performed, and the attorney's possible exposure to formulation of policy or strategy. (*Id.*) A conflict requiring disqualification exists where the information acquired during the first representation is "material" to the second. (*Id.*)



Judge Eddie C Sturgeon