

PROOF OF SERVICE (Court of Appeal) Mail Personal Service

Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number: TBD

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My residence business address is (*specify*):
1455 Frazee Road, Suite 500, San Diego, CA 92108
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):
Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Exhibits Volumes 1, 2 and 3, and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief
 - a. **Mail.** I mailed a copy of the document identified above as follows:
 - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
 - (a) **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
 - (b) **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
 - (2) Date mailed:
 - (3) The envelope was or envelopes were addressed as follows:
 - (a) Person served:
 - (i) Name:
 - (ii) Address:
 - (b) Person served:
 - (i) Name:
 - (ii) Address:
 - (c) Person served:
 - (i) Name:
 - (ii) Address:

Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).

- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Diego, California

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3. b. **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

- (a) Name: Gina M. Austin, an individual
- (b) Address where delivered:
Austin Legal Group
3990 Old Town Avenue, Suite A-112
San Diego, CA 92110
- By serving: Gina Austin
TELEPHONE: (619) 924-9600
- (c) Date delivered: August 27, 2018
- (d) Time delivered: 4:37 p.m.

(2) Person served:

- (a) Name: Austin Legal Group, APC, a California corporation
- (b) Address where delivered:
Austin Legal Group
3990 Old Town Avenue, Suite A-112
San Diego, CA 92110
- By serving: Gina Austin
TELEPHONE: (619) 924-9600
- (c) Date delivered: August 27, 2018
- (d) Time delivered: 4:37 p.m.

(3) Person served:

- (a) Name: Gina M. Austin/Austin Legal Group, APC Attorneys for Aaron Magagna, an individual
- (b) Address where delivered:
Austin Legal Group
3990 Old Town Avenue, Suite A-112
San Diego, CA 92110
- By serving: Gina Austin
TELEPHONE: (619) 924-9600
- (c) Date delivered: August 27, 2018
- (d) Time delivered: 4:37 p.m.


Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

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

Date: August 27, 2018

Jacob P. Austin

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)


(SIGNATURE OF PERSON COMPLETING THIS FORM)

ATTACHMENT TO APP-009, ITEM 3b(3)

On Monday, August 27, 2018 at 4:37 p.m., I visited the office of attorney Gina Austin [SBN 246833] (“Mrs. Austin”)/Austin Legal Group, APC to serve copies of the documents listed as ITEM 3 on page 1 on the individuals and entities listed in ITEM 3b(1)-(3).

When I arrived, the receptionist was not at the reception desk in the front office. Shortly thereafter, Mrs. Austin came from the back office to the reception desk to greet me. I told Mrs. Austin that I was there to serve documents – all of which were the correct copies of the Petition that had been personally served on her office the previous week.

Mrs. Austin responded that she wanted to look at copies of the Proofs of Service, and I told her that I was leaving copies for her and the Proofs of Service stated that I was serving her with three sets of the documents: one set on her as an individual, one set on her on behalf of her law firm Austin Legal Group, APC, and one set on her on behalf of her client Aaron Magagna.

Mrs. Austin then took two sets of the documents, told me she did not “want” the third set of documents, and then shoved me out the door. After standing outside and thinking about the situation, I walked back into the office at 4:39 p.m. and told Mrs. Austin that, since I was there, I was going to leave the third set of documents with her anyway. She responded very emphatically, “I don’t want this!” I shrugged and said that I was leaving the documents with her.

Mrs. Austin became very angry and approached me quickly as though she was going to physically shove me out the door and said, “You’re not welcome here!” Barely restraining herself from physically shoving me, as she got within inches of me she forcefully opened the door into the hallway, she then snatched the third set of documents and threw them into the hallway repeating in a loud, angry tone, “I told you, I DO NOT WANT THIS!!!”

I did not argue or resist leaving, I left at that point. I was wildly surprised by the unexpected reaction, the anger exhibited towards me, and how my personal space was violated. As an attorney I was disappointed in her decorum and unprofessional demeanor.