

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

MINUTE ORDER

DATE: 04/27/2018

TIME: 10:45:00 AM

DEPT: C-73

JUDICIAL OFFICER PRESIDING: Joel R. Wohlfeil

CLERK: Ryan A Willis, Andrea Taylor

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: R. Camberos

CASE NO: **37-2017-00010073-CU-BC-CTL** CASE INIT.DATE: 03/21/2017

CASE TITLE: **Larry Geraci vs Darryl Cotton [Imaged]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Motion Hearing (Civil)

MOVING PARTY: Larry Geraci, Rebecca Berry

CAUSAL DOCUMENT/DATE FILED: Motion - Other Notice of Hearing on Motion for Monetary and Escalating/Terminating Sanctions, 04/09/2018

APPEARANCES

Michael R Weinstein, counsel, present for Respondent on Appeal,Cross - Defendant,Cross - Complainant,Plaintiff(s).

Darryl Cotton, self represented Defendant, present.

The Court modifies the tentative ruling as follows:

The Motion (ROA # 169, 177, 194) of Plaintiff / Cross - Defendant LARRY GERACI ("Plaintiff" or "Geraci") and Cross - Defendant REBECCA BERRY ("Berry") for orders 1. Imposing monetary sanctions against Defendant and Cross - Complainant DARRYL COTTON ("Cotton") to compensate for the attorneys' fees and costs associated with Cotton's non-appearance at his April 5, 2018, deposition, and with the preparation and hearing of this Motion for sanctions; and 2. Imposing escalating / terminating sanctions (a) for an order striking Cotton's Answer to the Complaint; and (b) for an order striking Cotton's operative Second Amended Cross-Complaint; or 3. Alternatively, as a possible lesser but escalating sanctions, for an order continuing the Trial date for 60 days to permit Cotton one final chance to provide the written discovery responses and make himself available for deposition on a date certain within 10 days, and at the same time extending the discovery cutoff by 60 days for Plaintiff and Berry so that Plaintiff and Berry are given opportunity to conduct follow up discovery, including depositions that they deem necessary in light of the information provided in those responses and deposition testimony, is GRANTED IN PART and will be HEARD IN PART.

The Motion to continue the May 11, 2018 trial and related dates is GRANTED. The trial is continued to July 13, 2018 at 8:30 am. The balance of the dates will be assigned at the hearing of this Motion.

The Court will HEAR why Cotton's Answer and Second Amended Cross-Complaint should not be stricken for Cotton's non-compliance with the Court's order to submit to a deposition.

All Motions and Discovery are to be completed 7/20/18.

Trial Readiness Conference (Civil) is continued pursuant to party's motion to 08/03/2018 at 10:45AM before Judge Joel R. Wohlfeil.

Civil Jury Trial is continued pursuant to party's motion to 08/17/2018 at 08:30AM before Judge Joel R. Wohlfeil.

Attorney Weinstein to serve notice of Court's modified ruling.