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Attorneys for Defendants  
**GINA M. AUSTIN and**  
**AUSTIN LEGAL GROUP APC**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

DARRYL COTTON, an individual,  
JOE HURTADO, an individual

Plaintiffs,

v.

LARRY GERACI, an individual;  
REBECCA BERRY a/k/a REBECCA  
ANN BERRY RUNYAN, an  
individual; MICHAEL R.  
WEINSTEIN, an individual; SCOTT  
TOOTHACRE, an individual;  
FERRIS & BRITTON APC, a  
California corporation; GINA M.  
AUSTIN, an individual; AUSTIN  
LEGAL GROUP APC, a California  
corporation; SEAN MILLER, an  
individual; FINCH THORTON &  
BAIRD, a limited liability  
partnership; DAVID DEMIAN, an  
individual; ADAM WITT, an  
individual; and DOES 1 through 50,  
inclusive,

Defendants.

CASE NO.: 18-cv-02751-GPC-MDD

**DEFENDANTS GINA M. AUSTIN  
AND AUSTIN LEGAL GROUP  
APC'S NOTICE OF MOTION AND  
MOTION TO DISMISS**

Date: May 24, 2019  
Time: 1:30 p.m.  
Courtroom: 2D (2<sup>nd</sup> Floor)  
District Judge: Gonzalo P. Curiel  
Magistrate Judge: Mitchell D. Dembin  
Complaint Filed: December 6, 2018  
Trial Date: None

**TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF  
RECORD:**

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1       **PLEASE TAKE NOTICE** that on May 24, 2019, at 1:30 p.m., or as soon  
 2 thereafter as the matter may be heard in Courtroom 2D of the above-entitled Court,  
 3 located at United States Courthouse – Southern District, Edward J. Schwartz U.S.  
 4 Courthouse, 221 W. Broadway, San Diego, California 92101, defendants GINA M.  
 5 AUSTIN and AUSTIN LEGAL GROUP APC (“ALG Defendants”) will and  
 6 hereby do move this Court for an Order, dismissing them from this litigation  
 7 without prejudice.

8       This motion is made on the grounds that Plaintiffs’ Complaint fails to state a  
 9 claim for which relief can be granted, fails to plead allegations of fraud with the  
 10 requisite particularity required by the Federal Rules of Civil Procedure, and  
 11 Plaintiffs’ First, Second, and Fourth Causes of Action against Defendants are in  
 12 violation of the applicable California Anti-SLAPP statute.

13       This motion is based upon this Notice of Motion, the accompanying  
 14 Memorandum of Points and Authorities, Declaration of Julia Dalzell, Esq., Request  
 15 for Judicial Notice, and all pleadings, papers and records on file herein, any  
 16 additional matter of which the Court may take judicial notice, and such oral  
 17 argument as may be presented at the hearing of this Motion.

18  
 19                                   **PETTIT KOHN INGRASSIA LUTZ &  
 20                                   DOLIN PC**

21       Dated: March 26, 2019

22       By: s/ Julia Dalzell, Esq.  
 23               Douglas A. Pettit, Esq.  
 24               Julia Dalzell, Esq.  
 25               Attorneys for Defendants  
 26               **GINA M. AUSTIN and AUSTIN LEGAL**  
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 28               dpettit@pettitkohn.com  
               jdalzell@pettitkohn.com



**CERTIFICATE OF SERVICE**

I hereby certify that the following document(s):

**DEFENDANTS GINA M. AUSTIN AND AUSTIN LEGAL GROUP  
APC'S NOTICE OF MOTION AND MOTION TO DISMISS**

was served on this date to counsel of record:

**[X] BY ELECTRONIC TRANSMISSION:** I electronically filed the above document(s) with the Clerk of the Court using the CM/ECF system. The CM/ECF system will send notification of this filing to the person(s) listed below.

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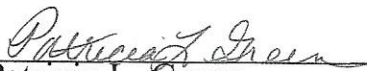
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Executed on **March 26, 2019**, at San Diego, California.

  
Patricia L. Green