

Jacob P. Austin (SBN 290303)
The Law Office of Jacob Austin
P.O. Box 231189
San Diego, CA 92193
Telephone: (619) 357-6850
Facsimile: (888) 357-8501
E-mail: JPA@JacobAustinEsq.com

Attorney for Defendant/Cross-Complainant DARRYL COTTON

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

LARRY GERACI, an individual,)	Case No. 37-2017-00010073-CU-BC-CTL
Plaintiff,)	
vs.)	DEFENDANT/CROSS-COMPLAINANT DARRYL COTTON'S RESPONSES TO SPECIAL INTERROGATORIES (SET TWO)
DARRYL COTTON, an individual; and)	
DOES 1 through 10, inclusive,)	Dept: C-73
Defendants.)	Judge: The Hon. Joel R. Wohlfeil
_____)	Complaint filed: March 21, 2017
AND RELATED CROSS-ACTION.)	Trial Date: June 28, 2019
_____)	

PROPOUNDING PARTY: Plaintiff/Cross-Defendant, LARRY GERACI
RESPONDING PARTY: Defendant/Cross-Complainant, DARRYL COTTON
SET NO: TWO (2)

Defendant/Cross-Complainant DARRYL COTTON ("Responding Party") serves these Objections and Responses to Plaintiff/Cross-Defendant's Second Set of Requests for Special Interrogatories pursuant to Code of Civil Procedure section 2030, et seq.

DEFENDANT/CROSS-COMPLAINANT DARRYL COTTON'S RESPONSES TO SPECIAL INTERROGATORIES (SET TWO)

PRELIMINARY STATEMENT

Each response is given subject to all appropriate objections (including but not limited to objections to relevancy) which would require the exclusion of any statement herein if the request or interrogatory were asked of, or any statement contained herein were made by, a witness present and testifying in court. Any and all such objections, and the grounds therefor, are expressly reserved and may be interposed at the time of the trial. Further, except for the explicit facts admitted herein, no admission of any nature is to be implied or inferred.

Responding party has not fully completed his investigation of the facts, discovery, or preparation for trial. It is anticipated that further discovery, investigation, legal research and analysis will lead to new facts, add meaning to known facts and establish entirely new factual conclusions and legal contentions. The foregoing may lead to substantial additions to, changes in, or variation of these responses.

Accordingly, these responses are based upon only such information reasonably available, known and recalled at this time. All responses are made without prejudice to Responding Party's right to produce, at the time of trial, evidence of any fact which Responding Party may later discover, recall, or later determine to be material.

Responding Party objects to these interrogatories in their entirety to the extent they call for Responding Party to discover information not within his possession, custody or control, and/or information equally available to Propounding Party.

Responding Party objects to the interrogatories in their entirety to the extent they are overly broad, seek information that is not relevant to the subject matter of this action, and/or are not reasonably calculated to lead to the discovery of admissible evidence.

Responding Party objects to the interrogatories in their entirety to the extent they are unreasonably

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1 burdensome, oppressive and harassing and requires the adoption of assumption which is improper.

2 The preliminary statement is expressly incorporated by reference into each response to interrogatory
3 below.

4 Discovery is continuing and Responding Party reserves the right to amend these responses at a
5 later date to incorporate later discovered facts and/or documents.

6 Finally, if information is not provided herein it is not provided because it is unknown unless
7 otherwise stated.
8

9 **OBJECTIONS AND RESPONSES TO SPECIAL INTERROGATORIES**

10 **SPECIAL INTERROGATORY 36:**

11 Please state the name and current or last known address, telephone number, and email address
12 of Don Casey. (Note: Don Casey was disclosed as having been interviewed in your response to Form
13 Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl Cotton to
14 Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set One)
15 dated May 9, 2018.)
16

17 **RESPONSE TO SPECIAL INTERROGATORY 36:**

18 Don Casey 2048 Hills Lake Dr., El Cajon, CA 92020 - 619.449.4075
19

20 **SPECIAL INTERROGATORY 37:**

21 Please state the name and current or last known address, telephone number, and email address
22 of Dale Cotton. (Note: Dale Cotton was disclosed as having been interviewed in your response to
23 Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl
24 Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set
25 One) dated May 9, 2018.)
26

27 **RESPONSE TO SPECIAL INTERROGATORY 37:**

28
**DEFENDANT/CROSS-COMPLAINANT DARRYL COTTON'S RESPONSES TO SPECIAL
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1 Dale Cotton, 811 Sixth St., Mendota, IL 61342 - 708.380.7020 - cott811@yahoo.com

2 **SPECIAL INTERROGATORY 38:**

3 Please state the name and current or last known address, telephone number, and email address
4 of Cindy Jackson. (Note: Cindy Jackson was disclosed as having been interviewed in your response to
5 Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl
6 Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set
7 One) dated May 9, 2018.)
8

9 **RESPONSE TO SPECIAL INTERROGATORY 38:**

10 Cindy Jackson, 2003 Bayview Heights Drive, No 110, San Diego, CA 92105 - 619.723.9319 -
11 suamicocj@gmail.com
12

13 **SPECIAL INTERROGATORY 39:**

14 Please state the name and current or last known address, telephone number, and email address
15 of Jeffrey Hagler. (Note: Jeffrey Hagler was disclosed as having been interviewed in your response to
16 Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl
17 Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set
18 One) dated May 9, 2018.)
19

20 **RESPONSE TO SPECIAL INTERROGATORY 39:**

21 Jeffrey Hagler, 919 Angelus Ave., San Diego, CA 92114 - 619.417.5183 - jhagler2go@gmail.com

22 **SPECIAL INTERROGATORY 40:**

23 Please state the name and current or last known address, telephone number, and email address
24 of Shawna Salazar. (Note: Shawna Salazar was disclosed as having been interviewed in your response
25 to Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl
26
27
28

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INTERROGATORIES (SET TWO)**

1 Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set
2 One) dated May 9, 2018.)

3 **RESPONSE TO SPECIAL INTERROGATORY 40:**

4
5 Shawna Salazer, 2003 Bayview Heights Drive, No 157 San Diego, CA 92105 - 619.778.6293 -
6 sskarma2@gmail.com

7 **SPECIAL INTERROGATORY 41:**

8 Please state the name and current or last known address, telephone number, and email address
9 of James Whitfield. (Note: James Whitfield was disclosed as having been interviewed in your
10 response to Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant
11 Darryl Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry
12 Geraci (Set One) dated May 9, 2018.)

13 **RESPONSE TO SPECIAL INTERROGATORY 41:**

14 James Whitfield, 6176 Federal Blvd., San Diego, CA 92114 - 619.252.6000

15 **SPECIAL INTERROGATORY 42:**

16
17 Please state the name and current or last known address, telephone number, and email address
18 of Charles Findley. (Note: Charles Findley was disclosed as having been interviewed in your response
19 to Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl
20 Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set
21 One) dated May 9, 2018.)

22 **RESPONSE TO SPECIAL INTERROGATORY 42:**

23 Unknown.

24 **SPECIAL INTERROGATORY 43:**

25
26 Please state the name and current or last known address, telephone number, and email address
27 of Stephen Jao. (Note: Stephen Jao was disclosed as having been interviewed in your response to
28

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INTERROGATORIES (SET TWO)**

1 Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl
2 Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set
3 One) dated May 9, 2018.)

4 **RESPONSE TO SPECIAL INTERROGATORY 43:**

5 Stephen Jao, 6176 Federal Blvd., San Diego, CA 92114

6 **SPECIAL INTERROGATORY 44:**

7
8 Please state the name and current or last known address, telephone number, and email address
9 of Michael McShane. (Note: Michael McShane was disclosed as having been interviewed in your
10 response to Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant
11 Darryl Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry
12 Geraci (Set One) dated May 9, 2018.)

13 **RESPONSE TO SPECIAL INTERROGATORY 44:**

14 Michael McShane: 248.284.5042 (deceased)

15 **SPECIAL INTERROGATORY 45:**

16
17 Please state the name and current or last known address, telephone number, and email address
18 of Elizabeth Emerson. (Note: Elizabeth Emerson was disclosed as having been interviewed in your
19 response to Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant
20 Darryl Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry
21 Geraci (Set One) dated May 9, 2018.)

22 **RESPONSE TO SPECIAL INTERROGATORY 45:**

23 Unknown

24 **SPECIAL INTERROGATORY 46:**

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1 Please state the name and current or last known address, telephone number, and email address
2 of Tom Maas. (Note: Tom Maas was disclosed as having been interviewed in your response to Form
3 Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl Cotton to
4 Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set One)
5 dated May 9, 2018.)

6
7 **RESPONSE TO SPECIAL INTERROGATORY 46:**

8 Tom Maas: 3500 Grossmont Center Dr., #440-2334, La Mesa, CA 91942.

9 **SPECIAL INTERROGATORY 47:**

10 Please state the name and current or last known address, telephone number, and email address
11 of Cheryl Morrow. (Note: Cheryl Morrow was disclosed as having been interviewed in your response
12 to Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl
13 Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set
14 One) dated May 9, 2018.)

15
16 **RESPONSE TO SPECIAL INTERROGATORY 47:**

17 Cheryl Morrow, 973.294.6505 - beautewealth@yahoo.com

18
19 **SPECIAL INTERROGATORY 48:**

20 Please state the name and current or last known address, telephone number, and email address
21 of Sean Major. (Note: Sean Major was disclosed as having been interviewed in your response to Form
22 Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl Cotton to
23 Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set One)
24 dated May 9, 2018.)

25
26 **RESPONSE TO SPECIAL INTERROGATORY 48:**

27 Sean Major, 509.768.8088 - Sean.J.Major@gmail.com

28
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INTERROGATORIES (SET TWO)**

1 **SPECIAL INTERROGATORY 49:**

2 Please state the name and current or last known address, telephone number, and email address
3 of Rod Luck. (Note: Rod Luck was disclosed as having been interviewed in your response to Form
4 Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl Cotton to
5 Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set One)
6 dated May 9, 2018.)
7

8 **RESPONSE TO SPECIAL INTERROGATORY 49:**

9 Rod Luck, 858.735.8535, 858.847.2377, 858.729.0041

10 **SPECIAL INTERROGATORY 50:**

11 Please state the name and current or last known address, telephone number, and email address
12 of Michael Scott McKim. (Note: Michael Scott McKim was disclosed as having been interviewed in
13 your response to Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-
14 Complainant Darryl Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-
15 Defendant Larry Geraci (Set One) dated May 9, 2018.)
16

17 **RESPONSE TO SPECIAL INTERROGATORY 50:**

18 Michael Scott McKim, 1978 Bacon Street, San Diego, CA 92107 - 619.496.2102 -
19 smckim40@gmail.com
20

21 **SPECIAL INTERROGATORY 51:**

22 Please state the name and current or last known address, telephone number, and email address
23 of Anna Espinoza. (Note: Anna Espinoza was disclosed as having been interviewed in your response
24 to Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl
25 Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set
26 One) dated May 9, 2018.)
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1 **RESPONSE TO SPECIAL INTERROGATORY 51:**

2 Anna Espinoza, 6665 MacArthur Drive, Lemon Grove CA 91945 - 619.408.3247

3 **SPECIAL INTERROGATORY 52:**

4 Please state the name and current or last known address, telephone number, and email address
5 of Joe Hurtado. (Note: Joe Hurtado was disclosed as having been interviewed in your response to
6 Form Interrogatory No. 12.1 set forth in the Responses by Defendant/Cross-Complainant Darryl
7 Cotton to Form Interrogatories—General, Propounded by Plaintiff/Cross-Defendant Larry Geraci (Set
8 One) dated May 9, 2018.)

10 **RESPONSE TO SPECIAL INTERROGATORY 52:**

11 646.867.9542 - j.hurtado1@gmail.com, the physical address for Mr. Hurtado will not be disclosed for
12 safety reasons. Specifically, as Plaintiff and Plaintiff's counsel are aware, Mr. Hurtado has submitted
13 a declaration that he and his family were threatened by Shawn Miller on behalf of Mr. Geraci and that
14 Ferris & Britton are co-conspirators of Mr. Geraci and Mr. Miller. Mr. Hurtado's beliefs are based on,
15 *inter alia*, the following:

17 On November 21, 2018, Mr. Weinstein executed Mr. Geraci's Answers to Special
18 Interrogatories (Set One). In response to Special Interrogatory No. 33, requesting: "Please specify
19 with specificity the *history* of YOUR relationship with Shawn Miller," Mr. Geraci responded with:
20 "Larry Geraci does not have any relationship with Shawn Miller." Thus, that answer failed to
21 accurately answer the question about whether Mr. Geraci had a "*history*" with Mr. Miller and the
22 response, stated in the present tense, only means he *currently* has no relationship with Mr. Miller.

24 In response to Special Interrogatory No. 35, requesting: "Have YOU or YOUR AGENTS
25 requested that Shawn Miller contact Mr. Joe Hurtado regarding any matter related to this litigation?",
26 Mr. Geraci responded with: "Not that I am aware. Moreover, I have never requested or authorized any
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1 person to do so.” This answer is also evasive as it leaves open the possibility that if discovery were to
2 produce evidence that Mr. Miller is connected to Mr. Geraci or one of his agents, Mr. Geraci will be
3 able to allege that his agent, who ordered Mr. Miller to threaten Mr. Hurtado and his family, did so
4 without Mr. Geraci’s consent. A fall guy.

5 Lastly, Mr. Scott Toothacre who deposed Mr. Hurtado on April 17, 2019, after hearing Mr.
6 Hurtado’s material and credible testimony, including about the events regarding Mr. Miller, absurdly
7 claimed that he should not be held responsible for the maintaining of this action against Mr. Cotton.
8 Page 186 of the transcript for Mr. Hurtado contains the following dialogue between Mr. Toothacre and
9 Mr. Hurtado:
10

11 MR. TOOTHACRE: Thank you, Mr. Hurtado. I'm very sorry for [private matter].

12 MR. HURTADO: If that was true, Mr. Toothacre, you would cease your prosecution in this
13 action.

14 MR. TOOTHACRE: It's not my case.

15 MR. HURTADO: You put your name on it.

16 MR. TOOTHACRE: I didn't.

17 MR. HURTADO: Your name's on the letterhead. You literally sound like the Nazi guy: I'm
18 just following orders. You put your name on it.
19

20 Summarily, based on Mr. Geraci’s evasive answers and Mr. Toothacre’s comments at his
21 deposition, he believes that Mr. Geraci has a relationship with Mr. Miller and is trying to distance
22 himself from Mr. Miller by saying he has no **current** relationship. Also, his answer as to his agents
23 means it is possible that his agents did in fact order Mr. Miller to threaten Mr. Hurtado and his family,
24 but he can allege that it was not done at his order, similar to how organized crime enterprises operate.

25 Lastly, Mr. Toothacre’s position that he “didn’t” put his name on the case and it is “not [his]
26 case” is absurd. He is an attorney-of-record in this case and issued the subpoena to Mr. Hurtado. For
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1 him to take such a ridiculous position means he is scared of something, the most reasonable
2 conclusion is that Mr. Toothacre is aware that the case against Mr. Cotton lacks any merit and Mr.
3 Geraci is responsible for threatening Mr. Hurtado and his family. That would reasonably explain why he
4 is making statements that he can later rely on to prove that he should not be held as a co-conspirator
5 with Mr. Geraci, Mr. Miller and Ferris & Britton. Presumably, his statements also mean that it is Mr.
6 Weinstein, the Managing Partner of Ferris & Britton, who was the individual that first filed the action
7 against Mr. Cotton, who should be held responsible for maintaining this action. In other words, Mr.
8 Toothacre's statements can be understood to say that he is just a "proxy" for Mr. Weinstein.
9 Cumulatively, the statements by Mr. Geraci and Mr. Toothacre provide a factual basis for Mr. Cotton
10 to not provide Mr. Hurtado's physical location to Ferris & Britton as Mr. Hurtado is requesting.
11

12 **SPECIAL INTERROGATORY 53:**

13
14 Please state the name and current or last known address, telephone number, and email address
15 of Matthew Shapiro. (Note: Defendant listed Matthew Shapiro as a witness on the draft Joinder Trial
16 Readiness Conference Statement.)

17 **RESPONSE TO SPECIAL INTERROGATORY 53:**

18
19 Unknown.

20 **SPECIAL INTERROGATORY 54:**

21 Please state the name and current or last known address, telephone number, and email address of
22 Corina Young. (Note: Defendant listed Corina Young as a witness on the draft Joint Trial Readiness
23 Conference Statement.)

24 **RESPONSE TO SPECIAL INTERROGATORY 54:**

25 1390 Weers Street, El Cajon, CA 92020, 619.633.0228.

26 **SPECIAL INTERROGATORY 55:**

27
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**DEFENDANT/CROSS-COMPLAINANT DARRYL COTTON'S RESPONSES TO SPECIAL
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1 Please state the name and current or last known address, telephone number, and email address
2 of Aaron Magagna. (Note: Defendant listed Aaron Magagna as a witness on the draft Joint Trial
3 Readiness Conference Statement.)

4 **RESPONSE TO SPECIAL INTERROGATORY 55:**

5 3639 Midway Drive, Ste B #132, San Diego, CA 92110

6 **SPECIAL INTERROGATORY 56:**

7
8 Please state the name and current or last known address, telephone number, and email address
9 of Shawn Miller. (Note: Defendant listed Shawn Miller as a witness on the draft Joint Trial Readiness
10 Conference Statement.)

11 **RESPONSE TO SPECIAL INTERROGATORY 56:**

12 Unknown

13
14 DATED: May 31, 2019 THE LAW OFFICE OF JACOB AUSTIN

15 By Jacob P. Austin
16 JACOB P. AUSTIN
17 Attorney for Defendant/Cross-Complainant
18 DARRYL COTTON
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