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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN DIEGO**

11 LARRY GERACI, an individual,
12 Plaintiff,
13 vs.
14 DARRYL COTTON, an individual; and
15 DOES 1 through 10, inclusive,
16 Defendants.
17 _____
18 AND RELATED CROSS-ACTION.
19 _____

Case No. 37-2017-00010073-CU-BC-CTL
**DEFENDANT/CROSS-COMPLAINANT
DARRYL COTTON'S RESPONSES TO
PLAINTIFF/CROSS-DEFENDANT LARRY
GERACI'S SPECIAL INTERROGATORIES
SET THREE**

21 PROPOUNDING PARTY: DEFENDANT/CROSS-COMPLAINANT DARRYL COTTON
22 RESPONDING PARTY: PLAINTIFF/CROSS-DEFENDANT LARRY GERACI
23 SET NO.: THREE

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1 **PRELIMINARY STATEMENT**

2 The party on whose behalf the responses are given has not completed its investigation of the
3 facts relating to this action, has not yet completed its discovery in this action, and has not completed its
4 preparation for trial. Consequently, the following response are given without prejudice to the responding
5 party’s right to produce at trial subsequently discovered evidence relating to the proof of fact discovered
6 to be material.

7 The responses contained herein are made in good faith and should in no way be to the prejudice
8 of responding party in relation to further discovery, research or analysis. Notably, they do not contain
9 information in the possession of Mr. Joe Hurtado (“Hurtado”) as Hurtado and Mr. Darryl Cotton
10 (“Cotton”) now have legally opposed interests and, as you know, are each pursuing their own claims
11 independent of each other.

12 **RESPONSE TO SPECIAL INTERROGATORIES**

13 DEFENDANT/CROSS-COMPLAINANT DARRYL COTTON responds to the Special
14 Interrogatories, Set Three, propounded to PLAINTIFF/CROSS-DEFENDANT LARRY GERACI.

15 **SPECIAL INTERROGATORY NO. 57:**

16 Please state the name of each employee of the City of San Diego Development Services Division with
17 whom you have spoken (after the date of your deposition on May 14, 2018) regarding the CUP
18 Application submitted by Rebecca Berry regarding the property located at 6176 Federal Boulevard
19 (hereinafter, the "6176 CUP APPLICATION").

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 57:**

21 Mr. Cotton has not communicated with any City of San Diego Development Services Division
22 employees since his May 14, 2018 deposition.

23 **SPECIAL INTERROGATORY NO. 58:**

24 Please state the date of the conversation and substance of the conversation you have had with each
25 employee of the City of San Diego Development Services Division (after the date of your Deposition
26 on May 14, 2018), regarding the 6176 CUP APPLICATION.

27 **RESPONSE TO SPECIAL INTERROGATORY NO. 58:**

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1 Mr. Cotton has not communicated with any City of San Diego Development Services Division
2 employees since his May 14, 2018 deposition.

3 **SPECIAL INTERROGATORY NO. 59:**

4 Please state the date, time and sending and receiving party of each email or text message you have had
5 with the City of San Diego Development Services Division after the date of your deposition on May
6 14, 2018, regarding the CUP Application submitted by or on behalf of Mr. Aaron Magagna regarding
7 the property located at 6220 Federal Boulevard (hereinafter, the "6220 CUP APPLICATION"). In lieu
8 of answering this interrogatory you may simply provide a true and accurate copy of the texts/emails.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 59:**

10 Mr. Cotton has not communicated with any City of San Diego Development Services Division
11 employees since his May 14, 2018 deposition.

12 **SPECIAL INTERROGATORY NO. 60:**

13 Please state the date, time and sending and receiving party of each email or text message you have had
14 with the City of San Diego Development Services Division after the date of your deposition on May
15 14, 2018, regarding the 6176 CUP APPLICATION. In lieu of answering this interrogatory you may
16 simply provide a true and accurate copy of the text/email.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 60:**

18 Mr. Cotton has not communicated with any City of San Diego Development Services Division
19 employees since his May 14, 2018 deposition.

20 **SPECIAL INTERROGATORY NO. 61:**

21 Please state all actions taken by Mr. Cotton to delay the CUP application process with regard to the
22 6176 CUP Application from the inception of the Application process to the present.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 61:**

24 Mr. Cotton has not "delayed" the 6176 CUP process.

25 **SPECIAL INTERROGATORY NO. 62:**

26 Please state all actions taken by Mr. Cotton to cease the CUP application process with regard to the
27 6176 CUP APPLICATION from the inception of the Application process to the present.

28 **RESPONSE TO SPECIAL INTERROGATORY NO. 62:**

1 Mr. Cotton repeatedly requested that the City cancel the 6176 CUP application as he is the owner-of-
2 record in accordance with SCMC Section 113.0103. As noted in the CUP application form DS-3032,
3 the “property owner” has “the right to cancel the approval” of the CUP application. During the
4 deposition of Ms. Tirandazi, she was asked why she did not cancel the CUP application at Mr. Cotton’s
5 request when confronted with the clear language of SCMC Section 113.0103 in form DS-3032, to which
6 she responded: “I can’t speak to that. That’s not how we have interpreted that. It’s whoever that has
7 been given the right to process the application on behalf of the property owner.” Tirandazi Deposition
8 at 33:11-14. Later, she was asked: “So the owner cannot stop the application without the applicant’s
9 approval; is that correct?” Ms. Tirandazi replied with: “Well, it wasn’t the owner that submitted the
10 application. It was the owner that authorized the application to be submitted on his behalf. So the
11 applicant then would have to request to withdraw the application.” Ms. Tirandazi’s decision has no basis
12 in law as the regulation was clear: the applicant has the right to cancel the CUP application “**in addition**
13 **to the property owner**” as set forth in Form DS-3032. Thus, Mr. Cotton actions taken in seeking to
14 cancel the 6176 CUP application are based on his right as the owner-of-record of the property and
15 granted to him by SCMC Section 113.0103 and stated in form DS-3032.

16 **SPECIAL INTERROGATORY NO. 63:**

17 Please describe by date, time and content, of the meeting which took place at Joe Hurtado’s home
18 between Mr. Cotton, Mr. Hurtado, Mr. Austin and Corrina Young regarding an investment proposal
19 for her to help fund Mr. Cotton’s litigation.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 63:**

21 No meeting has ever taken place at “Joe Hurtado’s home” between the noted individuals.

22 **SPECIAL INTERROGATORY NO. 64:**

23 Please describe any and all statements made to you by Corrina Young regarding her allegations that
24 Jim Bartell was going to get Geraci's CUP denied or any such similar words.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 64:**

26 Young had a long narrative describing a meeting with, among others, Jim Bartell at which he stated that
27 he was going to have the 6176 CUP application denied “because everyone hates Darryl.”

28 **SPECIAL INTERROGATORY NO. 65:**

1 Please describe by date and content each communication you have had with Corinna Young with
2 regard to any of the matters which are the subject of the instant ligation between Mr. Geraci and Mr.
3 Cotton.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 65:**

5 The only conversation Cotton had with Young regarding this action was the one at which Young had a
6 long narrative describing a meeting with, among others, Jim Bartell at which he stated that he was going
7 to have the 6176 CUP application denied “because everyone hates Darryl.”

8 **SPECIAL INTERROGATORY NO. 66:**

9 Please describe each communication you have had with Corina Young in which she communicated
10 that she was not interested in investing in Mr. Cotton's litigation.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 66:**

12 Cotton has not had any communications with Corina Young in which she communicated that she was
13 not interested in investing in Cotton’s litigation.

14 **SPECIAL INTERROGATORY NO. 67:**

15 Please describe by date and content each communication you have had with Matt Shapiro with regard
16 to any of the matters which are the subject of the instant ligation between Geraci and Cotton.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 67:**

18 The only interaction Cotton had with Shapiro is when Shapiro sat next to Mr. Cotton at a court hearing,
19 dressed in casual clothes, and said “excuse me” to get into the seat adjacent to Cotton in a near-empty
20 courtroom.

21 **SPECIAL INTERROGATORY NO. 68:**

22 Please name and describe each person whom you claim threatened and/or intimidated you that allege
23 was acting on behalf of Geraci.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 68:**

25 1. Suspects who committed a robbery on the 6176 Federal Blvd property on June 10, 2017, unknown
26 names. 2. Logan STELLMACHER 3. Duane “Doe” 4. Shawn Miller

27 **SPECIAL INTERROGATORY NO. 69:**

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1 Please describe each threat and/or act of intimidation against you by anyone you claim was acting on
2 behalf of Mr. Geraci.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 69:**

4 None of the individuals who have threatened Cotton have stated they were working on behalf of
5 Geraci.

6 **SPECIAL INTERROGATORY NO. 70:**

7 If it is your belief that Mr. Bartell took any actions to sabotage the CUP Application on the 6176 Federal
8 Boulevard property, please describe each such action.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 70:**

10 It is Mr. Cotton's belief that Mr. Bartell used his political influence to delay the 6176 CUP application
11 and to have the 6220 CUP application expedited so that it would get approved based on (i) the fact that
12 the 6176 CUP application was under review over 2 years and never approved and the 6220 CUP
13 application was approved in approximately six months; (ii) Ms. Young's comments regarding Mr.
14 Bartell's comments to have the 6176 CUP application denied; (iii) the communications between Mr.
15 Schweitzer and Mr. Bartell regarding the soils analysis; (iv) the fact that Mr. Schweitzer's employee
16 and company were noted as working for the 6220 CUP application on the City's website and Mr.
17 Schweitzer's claims he does not know how that happened; (v) Mr. Bartell is an expert in the marijuana
18 permitting and licensing process, he testified he spoke with Mr. Weinstein about the case before his
19 deposition, but at his deposition, he claimed to not know if it was unlawful for him to lobby for Mr.
20 Geraci who is prohibited from owning an interest in a marijuana related permit; (vi) his change in
21 testimony that Mrs. Gina Austin was not at the meeting when all the evidence points to concerted efforts
22 by all parties to keep Mrs. Austin out of this litigation; including Mr. Weinstein's emails that Mrs. Austin
23 factual representations to Judge Wohlfeil that the November Document is a sales contract is "legal
24 argument" that cannot be the basis of perpetuating a fraud upon the court when it is determined that the
25 November Document is a receipt and not a sales agreement as she told Judge Wohlfeil.

26 **SPECIAL INTERROGATORY NO. 71:**

27 If you believe that Mr. Magagna acquired the 6220 CUP APPLICATION by fraud and that Mr. Geraci
28 was somehow involved in that fraud, please state all facts which support that contention.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 71:**

2 There are no facts connecting Mr. Geraci to Mr. Magagna directly. Mr. Cotton is alleging a conspiracy,
3 the person who stands to benefit from the conspiracy is Geraci. If the 6220 CUP application is voided
4 for fraud, then the 6176 CUP application will be approved. However, Cotton was forced to sell his
5 interest in the 6176 CUP application to finance his litigation defense in this matter. Those are damages.
6 Damages for which Geraci will be liable for and which will be in the millions of dollars.

7 **SPECIAL INTERROGATORY NO. 72:**

8 If you believe Mr. Magagna offered Corinna Young financial incentives to change her proposed
9 testimony regarding her meeting with Jim Bartell, please list all facts which support that contention.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 72:**

11 The declaration of Hurtado and the attached text messages between Hurtado and Young which have
12 previously been produced.

13 **SPECIAL INTERROGATORY NO. 73:**

14 Please identify each person who, prior to November 2, 2016, made offers to purchase the 6176 Federal
15 Boulevard Property and describe the offers made by amount and terms.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 73:**

17 Christopher Williams, Keith Henderson, Joe Hurtado, Ramiz "Ray" Audish, Craig Rafik, and
18 various other parties that were interested but did not make formal offers.

19 **SPECIAL INTERROGATORY NO. 74:**

20 Please state the date of the conversation and substance of each conversation you have had with Bianca
21 Miller related in any way to Jim Bartell, Larry Geraci, the 6176 CUP APPLICATION, or the 6220 CUP
22 APPLICATION.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 74:**

24 Provided in response to the request for document production are Facebook messages between Cotton
25 and Martinez that cover the majority of topics regarding Bartell, Geraci and the CUP applications. Issues
26 not covered, but that would have been discussed during the same time frame as the Facebook messages
27 are:
28

- 1 1. Geraci has defrauded numerous business partners and, in at least once instance, his business
2 partner committed suicide because the individual was left destitute.
- 3 2. Bartell sexually harassed Martinez and she started some type of action against him, but was
4 persuaded to drop the action because Bartell is too powerful politically and she would not be
5 able to work as a political lobbyist in San Diego if she maintained that action.
- 6 3. Geraci and Bartell promised Martinez a 10 % equity position in the CUP at the Property as a
7 finders fee.

8
9 Executed on May 31, 2019, at San Diego, California.

10 Jacob P. Austin
11 Jacob Austin