

1 FERRIS & BRITTON  
A Professional Corporation  
2 Michael R. Weinstein (SBN 106464)  
Scott H. Toothacre (SBN 146530)  
3 501 West Broadway, Suite 1450  
San Diego, California 92101  
4 Telephone: (619) 233-3131  
Fax: (619) 232-9316  
5 mweinstein@ferrisbritton.com  
stoothacre@ferrisbritton.com  
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7 Attorneys for Plaintiff/Cross-Defendant LARRY GERACI and  
Cross-Defendant REBECCA BERRY

8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF SAN DIEGO, HALL OF JUSTICE**

10 LARRY GERACI, an individual,

11 Plaintiff,

12 v.

13 DARRYL COTTON, an individual; and  
14 DOES 1 through 10, inclusive,

15 Defendants.

16 AND RELATED CROSS-ACTION

Case No. 37-2017-00010073-CU-BC-CTL

Judge: Hon. Joel R. Wohlfeil

**DECLARATION OF SCOTT H.  
TOOTHACRE IN SUPPORT OF  
PLAINTIFF/CROSS-DEFENDANTS'  
OPPOSITION TO DEFENDANT/CROSS-  
COMPLAINANT DARRYL COTTON'S  
MOTION FOR NEW TRIAL**

**[IMAGED FILE]**

**DATE: October 25, 2019**  
**TIME: 9:00 a.m.**  
**DEPT: C-73**

Filed: March 21, 2017  
Trial Date: June 28, 2019  
Notice of Entry  
of Judgment: August 20, 2019

23 I, SCOTT H. TOOTHACRE, declare and say as follows:

24 1. I am an attorney with the law firm of Ferris & Britton, APC, attorneys of record herein  
25 for Plaintiff/Cross-Defendant Larry Geraci, and for Cross-Defendant Rebecca Berry. I am licensed to  
26 practice before all Courts in the State of California. I make this declaration upon personal knowledge  
27 except as to those matters stated upon information and belief, and if called as a witness I would and  
28 could competently testify under oath as follows:

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2           2.     Attached to this Notice of Lodgment as Exhibit 1 is a true and correct copy Cross-  
3 Defendant Rebecca Berry's Responses to Request for Production of Documents, Set On, Propounded  
4 by Defendant/Cross-Complainant Darryl Cotton, dated September 21, 2017.

5           3.     Attached to this Notice of Lodgment as Exhibit 2 are true and correct copies of  
6 Plaintiff/Cross-Defendant Larry Geraci's Amended Responses to Special Interrogatories, Set Two,  
7 Propounded by Defendant/Cross-Complainant Darryl Cotton, dated February 15, 2019

8           4.     I attended each day of trial in this matter and heard all of the testimony. Attached to this  
9 Notice of Lodgment as Exhibit 3 is a true and correct copy of excerpts from the Reporter's Transcript  
10 of Proceedings of July 3, 2019.

11          5.     I attended each day of trial in this matter and heard all of the testimony. Attached to this  
12 Notice of Lodgment as Exhibit 4 is a true and correct copy of excerpts from the Reporter's Transcript  
13 of Proceedings of July 8, 2019.

14          6.     I attended each day of trial in this matter and heard all of the testimony. Attached to this  
15 Notice of Lodgment as Exhibit 5 is a true and correct copy of excerpts from the Reporter's Transcript  
16 of Proceedings of July 9, 2019.

17          7.     I attended each day of trial in this matter and heard all of the testimony. Attached to this  
18 Notice of Lodgment as Exhibit 6 is a true and correct copy of excerpts from the Reporter's Transcript  
19 of Proceedings of July 10, 2019.

20          8.     Attached to this Notice of Lodgment as Exhibit 7 is a true and correct copies of Trial  
21 Exhibit Nos. 59 and 62 which were admitted into evidence on July 3, 2019.

22          9.     Attached to this Notice of Lodgment as Exhibit 8 is a true and correct copy of Trial  
23 Exhibit No. 30 which was admitted into evidence on July 3, 2019..

24          10.    Attached to this Notice of Lodgment as Exhibit 9 is a true and correct copies of Trial  
25 Exhibit Nos. 63 and 70 which were admitted into evidence on July 3, 2019.

26          11.    Attached to this Notice of Lodgment as Exhibit 10 is a true and correct copy of the Joint  
27 Trial Exhibit List with Objections and Date Admitted.

1 I declare under penalty of perjury under the laws of California that the foregoing is true and  
2 correct, and that this declaration was executed on September 23, 2019, in San Diego, California.

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5 SCOTT H. TOOTHACRE

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