

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael R. Weinstein FIRM NAME: FERRIS & BRITTON, APC STREET ADDRESS: 501 West Broadway, Suite 1450 CITY: San Diego TELEPHONE NO.: 619-233-3131 E-MAIL ADDRESS: mweinstein@ferrisbritton.com ATTORNEY FOR (name): LARRY GERACI and REBECCA BERRY	STATE BAR NUMBER: 106464 STATE: CA ZIP CODE: 92101 FAX NO.: 619-232-9316	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Diego 01/02/2020 at 02:37:00 PM Clerk of the Superior Court By Chona De Los Santos, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, California 92101 BRANCH NAME: HALL OF JUSTICE		
PLAINTIFF/PETITIONER: LARRY GERACI DEFENDANT/RESPONDENT: DARRYL COTTON OTHER PARENT/PARTY:		
RESPONDENT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)		SUPERIOR COURT CASE NUMBER: 37-2017-00010073-CU-BC-CTL
Re: Appeal filed on (date): 11/21/19 re Judgment After Jury Trial 10/16/19		COURT OF APPEAL CASE NUMBER (if known):
Notice: Please read <i>Information on Appeal Procedures for Unlimited Civil Cases</i> (form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.		

1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

The appellant has chosen to use a clerk's transcript under rule 8.122.

- a. **Additional documents.** (If you want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk's transcript, you must identify those documents here.)

In addition to the documents designated by the appellant, I request that the clerk include in the transcript the following documents from the superior court proceedings. (You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)

Document Title and Description	Date of Filing
(1) Plaintiff Larry Geraci's Memo of Points & Authorities in Opposition to Ex Parte Application for a Temp Rest Order & Order to Show Cause re Preliminary Injunction [ROA #73]	12/7/17
(2) Plaintiff Larry Geraci's Notice of Lodgment in Opposition to Ex Parte Application for a Temp Rest Order & Order to Show Cause re Preliminary Injunction [ROA #74]	12/7/17
(3) Proof of Serve re Opposition to Ex Parte Application for a Temp Rest Order & Order to Show Cause re Preliminary Injunction [ROA #79]	12/7/17
(4) Minutes re Motion to Expunge Lis Pendens [ROA #192]	4/13/18
(5) Notice of Ruling [ROA #195]	4/13/18
(6) Plaintiff Larry Geraci's Memo of Points & Authorities in Opposition to Motion by Cotton for Judgment on the Pleadings [ROA #250]	6/29/18
(7) Proof of Service re Opp to Motion for Judgment on the Pleadings [ROA #251]	6/29/18

- See additional pages. (Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 1(a)," and start with number (8).)

CASE NAME: Geraci v. Cotton

SUPERIOR COURT CASE NUMBER:
37-2017-00010073-CU-BC-CTL

1. b. **Additional exhibits.** (If you want any exhibits from the superior court proceedings in addition to those designated by the appellant to be included in the clerk's transcript, you must identify those exhibits here.)

In addition to the exhibits designated by the appellant, I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. (For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Rule 8.122(a)(3).))

Exhibit Number	Description	Admitted (Yes/No)
----------------	-------------	-------------------

(1)

(2)

(3)

(4)

See additional pages. (Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 1(b)," and start with number (5).)

- c. **Copy of clerk's transcript.** I request a copy of the clerk's transcript. (Check (1) or (2).)

(1) I will pay the superior court clerk for this transcript when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, I will not receive a copy.

(2) I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (check (a) or (b)):

(a) An order granting a waiver of court fees and costs under rules 3.50–3.58; or

(b) An application for a waiver of court fees and costs under rules 3.50–3.58. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)

2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

The appellant has chosen to use a reporter's transcript under rule 8.130.

- a. **Designation of additional proceedings.** (If you want any oral proceedings in addition to the proceedings designated by the appellant to be included in the reporter's transcript, you must identify those proceedings here.)

(1) In addition to the proceedings designated by the appellant, I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)

CASE NAME: Geraci v. Cotton

SUPERIOR COURT CASE NUMBER:
37-2017-00010073-CU-BC-CTL

2. a. (1) (continued)

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(a) 7/16/19	C-73	Partial	Trial	Margaret A. Smith, CSR	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(b)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(c)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(d)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(e)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(f)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(g)					<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages. (Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 2a(1)," and start with letter (h).)

(2) Deposit for additional proceedings.

I have (check a, b, c, or d):

- (a) Deposited with the superior court clerk the approximate cost of preparing the additional proceedings by including the deposit with this notice as provided in rule 8.130(b)(1).
- (b) Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
- (c) Attached the reporter's written waiver of a deposit under rule 8.130(b)(3)(A) for (check either (i) or (ii)):
- (i) All of the designated proceedings.
- (ii) Part of the designated proceedings.
- (d) Attached a certified transcript under rule 8.130(b)(3)(C).

b. Copy of reporter's transcript.

(1) I request a copy of the reporter's transcript.(2) I request that the reporters provide (check (a), (b), or (c)):

- (a) My copy of the reporter's transcript in electronic format.
- (b) My copy of the reporter's transcript in paper format.
- (c) My copy of the reporter's transcript in electronic format and a second copy of the reporter's transcript in paper format.

Our office has already purchased copies of Reporter's Transcripts for 7/3/19, 7/8/19, 7/9/19, 7/10/19, 7/15/19 and 7/16/19.

(Code Civ. Proc., § 271.)

Date: January 2, 2020

MICHAEL R. WEINSTEIN
(TYPE OR PRINT NAME)


(SIGNATURE OF RESPONDENT OR ATTORNEY)

Geraci v. Cotton
SDSC Case No. 37-2017-00010073-CU-BC-CTL

Attachment 1(a) to Respondent's Notice of Designating Record on Appeal
Re: Appeal filed on 11/21/19 Judgment After Jury Trial 10/16/19

NO.	DOCUMENT TITLE AND DESCRIPTION	DATE OF FILING
8.	Memo of Points & Authorities by Geraci & Berry in Opposition to Cotton's Six Separate Motion to Compel Further Discovery Responses [ROA #435]	1/28/19
9.	Dec. of Michael R. Weinstein in Support of Geraci & Berry's Opposition to Cotton's Six Separate Motion to Compel Further Discovery Responses [ROA #436]	1/28/19
10.	Dec. of Scott H. Toothacre in Support of Geraci & Berry's Opposition to Cotton's Six Separate Motion to Compel Further Discovery Responses [ROA #436]	1/28/19
11.	Separate Statement to Motion to Compel Further Responses of Geraci to Request for Admissions, Set One [ROA #438]	1/28/19
12.	Geraci's Opposition to Defendant Cotton's Separate Statement to Motion to Compel Further Responses of Geraci to Request for Production, Set Two [ROA #439]	1/28/19
13.	Geraci's Opposition to Defendant Cotton's Separate Statement to Motion to Compel Further Responses of Geraci to Special Interrogatories, Set Two [ROA #440]	1/28/19
14.	Berry's Opposition to Defendant Cotton's Separate Statement to Motion to Compel Supplemental Responses to Special Interrogatories, Set One (Erroneously referred to as Set Two) [ROA #441]	1/28/19
15.	Berry's Opposition to Defendant Cotton's Separate Statement to Motion to Compel Supplemental Responses to Request for Admissions, Set One [ROA #442]	1/28/19
16.	Berry's Opposition to Defendant Cotton's Separate Statement to Motion to Compel Supplemental Responses to Request for Production, Set Two [ROA #443]	1/28/19
17.	Notice of Lodgment [ROA #444]	1/28/19
18.	Proof of Service re Opps to Motions to Compel [ROA #445]	1/28/19
19.	Tentative Ruling for Discovery Hearing [ROA #446]	2/6/19
20.	Minutes re Discovery Hearings of 2/8/19 [ROA #455]	2/8/19
21.	Plaintiff/Cross-Defendants' Notice Of Motion And Motion In Limine To Exclude Any Evidence Of The Cotton And Hurtado Federal Court Lawsuits [MIL No. 1 of 15] [ROA #555]	6/21/19

22.	Plaintiff/Cross-Defendants' Notice Of Motion And Motion In Limine To Exclude Personal Attacks On Counsel For Larry Geraci And Rebecca Berry [MIL No. 2 of 15] [ROA #556]	6/21/19
23.	Plaintiff/Cross-Defendants' Notice Of Motion And Motion In Limine To Exclude Reference To The "Joint Venture Agreement" Or The "JVA" [MIL No. 12 of 15] [ROA #566]	6/21/19
24.	Plaintiff/Cross-Defendants' Notice Of Motion And Motion In Limine To Exclude Lay Opinion Testimony From Mr. Cotton And/Or Mr. Hurtado Regarding The CUP Process [MIL No. 14 of 15] [ROA #568]	6/21/19
25.	Plaintiff/Cross-Defendants' Notice Of Motion And Motion In Limine To Exclude Evidence Of Cotton's Allegations Geraci Conspired With Mr. Magagna On A Competing Cup Application And Allegations That Magagna Threatened A Witness On Behalf Of Mr. Geraci [MIL No. 15 of 15] [ROA #569]	6/21/19
26.	Proof of Service re Motions in Limine Nos. 1-15 [ROA #570]	6/21/19
27.	Plaintiff's Notice of Lodgment in Support of Motions in Limine Nos. 1-15 [ROA #571]	6/12/19
28.	Plaintiff/Cross-Defendants' Opposition to Defendant/Cross-Complainant Cotton's Motion in Limine No. 1 of 1 to Exclude Geraci's November 3 rd Factual Allegations [ROA #573]	6/26/19
29.	Proof of Service re Opp to Cotton Motion in Limine No. 1 of 1 [ROA #574]	6/26/19
30.	Trial Brief by Geraci & Berry [ROA #580]	6/26/19
31.	Judgment on Verdict [ROA #650]	8/19/19
32.	Proof of Service re Judgment [ROA #651]	8/19/19
33.	Notice of Entry of Judgment [ROA # 652]	8/20/19
34.	Proof of Service re Notice of Entry of Judgment [ROA #653]	8/20/19