

In The Superior Court Of The State Of California
In And For The County Of San Diego
Department 73 Hon; 5. JOEL WOHLFEIL, Judge

LARRY GERACI,)
)
 Plaintiff,)
)
 vs.) Case No.
)
 DARRYL COTTON)
)
 Defendants.)
 _____)

Reporter's Transcript
JULY 13, 2018

Appearances:

For the Plaintiff: Michael Weinstein, Esq.
Ferris & Britton
501 W. Broadway, #1450
San Diego, California 92101

For the Defendant: Jacob Austin, Esq.
1455 Frazee Road, #500
San Diego, California 92108

Darla Kmety, RPR, CSR 12956
Official Court Reporter
San Diego Superior Court
San Diego, California 92101

1 JULY 13, 2018; San Diego, California; 9:15 A.M.

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3 THE COURT: Item 7. Geraci versus Cotton.
4 Ending 10073.

5 MR. WEINSTEIN: Good morning, your Honor.
6 Michael Weinstein for plaintiff, Larry Geraci. We're
7 submitting. Just time to reply.

8 MR. AUSTIN: Good morning, your Honor. Jacob
9 Austin on behalf of Mr. Cotton.

10 THE COURT: Good morning to each of you two.
11 Interesting motion, particularly combined with your
12 request for judicial notice. Is there anything else that
13 you'd like to add?

14 MR. AUSTIN: Well, I would like an explanation.
15 So Mr. Geraci, the plaintiff in this case, he submitted
16 the declaration admitting essentially that --

17 THE COURT: It's the "essentially" part that I
18 don't agree with. You make those same comments in your
19 paper. There's four separate causes of action.

20 MR. AUSTIN: Right.

21 THE COURT: The court wasn't persuaded that even
22 if I were to grant the request to take judicial notice of
23 a declaration granted of a party opponent, it's still not
24 dispositive of the entire complaint. And that's what your
25 motion is directed to, isn't it --

26 MR. AUSTIN: Well --

27 THE COURT: -- in it's entirety?

28 MR. AUSTIN: Because all four causes of action

1 are premised on a breach of contract, so if there's not an
2 integrated contract, according to plaintiff himself, I
3 feel that all four causes of actions fail.

4 THE COURT: Not so sure if I agree with that
5 entire analysis.

6 Anything else, counsel?

7 MR. AUSTIN: Well, I was just wondering if you
8 could explain to me, if you believe as a matter of law,
9 the three-sentence contracts that plaintiff claims is an
10 integrated contract. If you believe that to actually be a
11 fully integrated contract.

12 THE COURT: You know, we've been down this road
13 so many times, counsel. I've explained and reexplained
14 the court's interpretation of your position. I don't know
15 what more to say.

16 Is there anything else, counsel?

17 CO COUNSEL: Your Honor, if I may, I'm co
18 counsel on behalf of Mr. Cotton.

19 Your Honor, the only thing we really want
20 clarification is the matter whether or not the court deems
21 the contract an integrated contract or not.

22 THE COURT: Again, we've addressed that in
23 multiple motions. I'm not going to go back over it again
24 at this point in time.

25 Anything else, counsel?

26 CO COUNSEL: That's it.

27 THE COURT: All right. So the court confirms
28 the court's tentative ruling. Makes it an order of the

1 court and directs that plaintiff's counsel serve notice.
2 Thank you very much.

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[End of proceeding.]

1 STATE OF CALIFORNIA
2 COUNTY OF SAN DIEGO

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I, Darla Kmety, Court-Approved Official Pro Tem Reporter for the Superior Court of the State of California, in and for the County of San Diego, do hereby certify:

That as such reporter, I reported in machine shorthand the proceedings held in the foregoing case;

That my notes were transcribed into typewriting under my direction and the proceedings held on July 13, 2018, contained within pages 1 through 4, are a true and correct transcription.

This Day 2nd of August 2018

Darla Kmety, CSR 12956

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