

# United States District Court

## SOUTHERN DISTRICT OF CALIFORNIA

Darryl Cotton, an individual

**Civil Action No.** 18-cv-325-BAS-MDD

*Plaintiff*

**V.**

See attached.

*Defendant*

### SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an office or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) - You must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Darryl Cotton  
6176 Federal Blvd.  
San Diego, CA 92114  
619-954-4447

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 1/16/20



John Morrill

*CLERK OF COURT*

S/

J. Olsen

*Signature of Clerk or Deputy Clerk*

Civil Action No. 18-cv-325-BAS-MDDDate Issued: 1/16/20**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of the individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or  
 Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's Signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

**NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE JUDGE**

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.

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# United States District Court

## SOUTHERN DISTRICT OF CALIFORNIA

(ATTACHMENT)

**Civil Action No.** 18-cv-325-BAS-MDD

Larry Geraci, an individual; Rebecca Berry, an individual; Gina Austin, an individual; Austin Legal Group, a professional corporation; Michael Weinstein, an individual; Scott H. Toothacre, an individual; Ferris & Britton, a professional corporation; City of San Diego, a public entity; DOES 1 through 10, inclusive.

Defendant(s).



**United States District Court**  
**SOUTHERN DISTRICT OF CALIFORNIA**

Office of the Clerk  
333 West Broadway, Suite 420  
San Diego, California 92101  
Phone: (619) 557-5600 Fax: (619) 702-9900  
[www.casd.uscourts.gov](http://www.casd.uscourts.gov)

John Morrill  
Clerk of Court

1/16/20

Darryl Cotton, an individual

Darryl Cotton  
6176 Federal Blvd.  
San Diego, CA 92114

18-cv-325-BAS-MDD

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Darryl Cotton, an individual

Enclosed are the materials you will need to complete U.S. Marshal Service in your case.  
Here is what you must do:

- A) Keep for your records: One copy of your Complaint and one copy of the Court Order Granting your Motion to Proceed IFP and/or Directing U.S. Marshal Service pursuant to 28 U.S.C. 1915(d) and Fed.R.Civ.P. 4(c)(3).
- B) Remove the U.S. Marshal Service Forms(s) (USM-285) and complete the top portion, including the name and street address of the person you have named as a defendant and wish to serve, as completely and clearly as possible. You must complete one USM-285 Form for each defendant listed on the summons and Ordered to be served.
- C) Return the following items to the U.S. Marshal at this address:

**U.S. Marshals Office  
U.S. Courthouse  
333 West Broadway, 100  
San Diego, CA 92101**

  - 1. All the remaining copies of your Complaint - one for each defendant and one for the U.S. Marshal's records;
  - 2. All copies of the summons for the U.S. Marshal's Records; and
  - 3. The certified copy of the Court's Order Granting your Motion to Proceed IFP and/or Directing U.S. Marshal Service pursuant to 28 U.S.C. 1915(d) and Fed.R.Civ.P 4(c)(3).

Sincerely yours,

JOHN MORRILL  
Clerk of Court

By: s/J. Olsen  
J. Olsen, Deputy Clerk

**For Clerk's Use Only:**

11	Copies of Summons
11	Copies of Complaint/Amended Complaint
2	Certified Copy of IFP/Service Order
9	Blank USM 285s