

**PROOF OF SERVICE (Court of Appeal)**

CASE #: D074587

☐ Mail ☒ Personal Service

**Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.**

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number: TBD

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action**.
2. My ☐ residence ☒ business address is (specify):  
270 E. Douglas Ave El Cajon Ca 92020
3. I mailed or personally delivered a copy of the following document as indicated below (fill in the name of the document you mailed or delivered and complete either a or b):  
**Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Exhibits Volumes 1, 2 and 3 and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief**
  - a. ☐ **Mail.** I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed:
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name:
        - (ii) Address:
      - (b) Person served:
        - (i) Name:
        - (ii) Address:
      - (c) Person served:
        - (i) Name:
        - (ii) Address:
  - ☐ Additional persons served are listed on the attached page (write "APP-009, Item 3a" at the top of the page).
  - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state):

Case Name:	Court of Appeal Case Number:
	Superior Court Case Number:

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Firluzeh Tirandazi c/ Sammi Ma

(b) Address where delivered:

1221 First Ave 3rd Floor San Diego Ca 92101

(c) Date delivered: 08-21-18

(d) Time delivered: 3:37pm

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

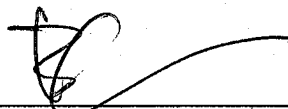
☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08-21-18

Bj Cavins

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

**PROOF OF SERVICE (Court of Appeal)**☐ Mail ☒ **Personal Service**

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Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number: TBD

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
  2. My ☐ residence ☒ business address is (*specify*):  
1455 Frazee Road, Suite 500, San Diego, CA 92108
  3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):  
Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Declaration of Jacob P. Austin re Service of Correct Copy of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief on Respondent and Real Parties in Interest
    - a. ☐ **Mail.** I mailed a copy of the document identified above as follows:
      - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
        - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
        - (b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
      - (2) Date mailed:
      - (3) The envelope was or envelopes were addressed as follows:
        - (a) Person served:
          - (i) Name:
          - (ii) Address:
        - (b) Person served:
          - (i) Name:
          - (ii) Address:
        - (c) Person served:
          - (i) Name:
          - (ii) Address:
- ☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Diego, California

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:  
TBDSuperior Court Case Number:  
37-2017-00010073-CU-BC-CTL3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: The Honorable Joel R. Wohfeil

(b) Address where delivered:  
San Diego County Superior Court  
330 West Broadway  
San Diego, CA 92101

By time-stamping each of the documents set forth at page 1, #3 and a copy of the Proof of Service, and placing it into the Court's drop box with written instructions to place the packet into Judge Wohlfiel's box

(c) Date delivered: August 27, 2018

(d) Time delivered: 4:25 p.m.

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 27, 2018

Zoë Gayle Villaroman

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

**PROOF OF SERVICE (Court of Appeal)**☐ Mail ☒ Personal Service

CASE #: D074587

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Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number: TBD

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
  2. My ☐ residence ☒ business address is (*specify*):  
1455 Frazee Road, Suite 500, San Diego, CA 92108
  3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):  
Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief, Exhibits 1, 2 and 3, and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief
    - a. ☐ **Mail.** I mailed a copy of the document identified above as follows:
      - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
        - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
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        - (a) Person served:
          - (i) Name:
          - (ii) Address:
        - (b) Person served:
          - (i) Name:
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        - (c) Person served:
          - (i) Name:
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- ☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Diego, California

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:

TBD

Superior Court Case Number:

37-2017-00010073-CU-BC-CTL

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: The City of San Diego, a public entity

(b) Address where delivered:

202 "C" Street

San Diego, CA 92101

By serving: Colleen Williams, City of San Diego Clerk's Office

(c) Date delivered: August 21, 2018

(d) Time delivered: 11:15 a.m.

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

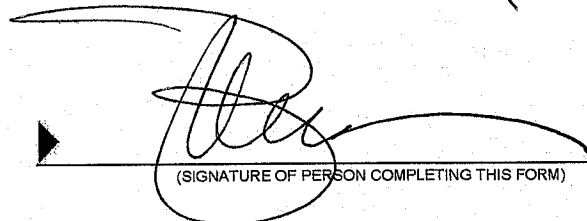
☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 21, 2018

Zoë Gayle Villaroman

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)



eal)

☐ Mail☒ Personal Service

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Court of Appeal Case Number: TBD

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2. My ☐ residence ☒ business address is (*specify*):  
1455 Frazee Road, Suite 500, San Diego, CA 92108
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):  
Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Declaration of Jacob P. Austin re Service of Correct Copy of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief on Respondent and Real Parties in Interest
  - a. ☐ **Mail.** I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
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Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:  
TBDSuperior Court Case Number:  
37-2017-00010073-CU-BC-CTL3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Ferris &amp; Britton APC - Gary Moyer, President and Agent for Service of Process

(b) Address where delivered:

Ferris &amp; Britton

By serving: Rachel Prendergast

501 West Broadway

San Diego, CA 92101-2994

TELEPHONE: (619) 233-3131

(c) Date delivered: August 27, 2018

(d) Time delivered: 4:35 p.m.

(2) Person served:

(a) Name: Michael R. Weinstein, an individual

(b) Address where delivered:

Ferris &amp; Britton

By serving: Rachel Prendergast

501 West Broadway

San Diego, CA 92101-2994

TELEPHONE: (619) 233-3131

(c) Date delivered: August 27, 2018

(d) Time delivered: 4:35 p.m.

(3) Person served:

(a) Name: Scott Toothacre, an individual

(b) Address where delivered:

Ferris &amp; Britton

By serving: Rachel Prendergast

501 West Broadway

San Diego, CA 92101-2994

TELEPHONE: (619) 233-3131

(c) Date delivered: August 27, 2018

(d) Time delivered: 4:35 p.m.

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Date: August 27, 2018

Zoë Gayle Villaroman

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)



**ATTACHMENT TO APP-009, ITEM 3b**

**(4) Person served:**

**(a) Name:** Michael R. Weinstein and Scott Toothacre, Attorneys for Real Parties in Interest  
Larry Geraci and Rebecca Berry

**By Serving:** Rachel Prendergast

**(b) Address where delivered:**

Ferris & Britton  
501 West Broadway, Suite 1450  
San Diego, CA 92101-2994

TELEPHONE: (619) 233-3131

**(c) Date Delivered:** August 27, 2018

**(d) Time Delivered:** 4:35 p.m.

**PROOF OF SERVICE (Court of Appeal)**

CASE #: D074587

☐ Mail ☒ Personal Service

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Court of Appeal Case Number:

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3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):  
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(3) The envelope was or envelopes were addressed as follows:

(a) Person served:

(i) Name:

(ii) Address:

(b) Person served:

(i) Name:

(ii) Address:

(c) Person served:

(i) Name:

(ii) Address:

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Case Name: Larry Geraci v. Darryl Cotton, et al.	Court of Appeal Case Number:
	Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Jim Bartell, an individual

(b) Address where delivered:

Bartell & Associates  
5333 Mission Center Road, #115

San Diego, CA 92108

By serving Marcos Finbress, individual in charge

(c) Date delivered: August 20, 2018

(d) Time delivered: 4:10 p.m.

(2) Person served:

(a) Name: Bartell & Associates, a California corporation

(b) Address where delivered:

Bartell & Associates  
5333 Mission Center Road, #115

San Diego, CA 92108

By serving Marcos Finbress, individual in charge

(c) Date delivered: August 20, 2018

(d) Time delivered: 4:10 p.m.

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

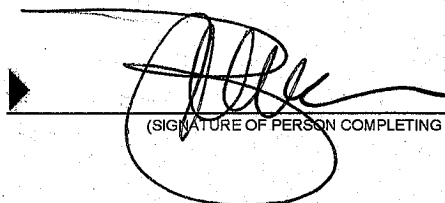
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 20, 2018

Zoë Gayle Villaroman

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

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CASE #: D074587

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Court of Appeal Case Number:

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        - (i) Name:
        - (ii) Address:

☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).

- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Diego, California



Case Name: Larry Geraci v. Darryl Cotton, et al.	Court of Appeal Case Number:
	Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Abhay Schweitzer, an individual

(b) Address where delivered:

TECHNE

3956 30th Street

San Diego, CA 92104

By serving Ken Edelson, individual in charge

(c) Date delivered: August 21, 2018

(d) Time delivered: 1:00 p.m.

(2) Person served:

(a) Name: Abhay Schweitzer dba TECHNE

(b) Address where delivered:

TECHNE

3956 30th Street

San Diego, CA 92104

By serving Ken Edelson, individual in charge

(c) Date delivered: August 21, 2018

(d) Time delivered: 1:00 p.m.

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

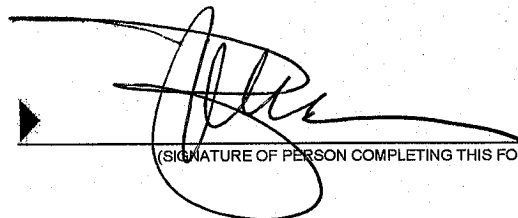
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 21, 2018

Zoë Gayle Villaroman

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

THE LAW OFFICE OF JACOB AUSTIN

1455 FRAZEE ROAD, SUITE 500

SAN DIEGO, CA 92108

619-357-6850

Attorney for: THE SUPERIOR COURT OF CALIFORNIA

Atty. File No.: 37-2017-00010073

CASE #: D074587

COURT OF APPEALS FOURTH APPELLATE DISTRICT

PLAINTIFF : DARRYL COTTON

DEFENDANT : THE SUPERIOR COURT OF CALIFORNIA

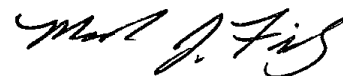
Case No. :

**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the PETITION FOR WRIT OF MANDATE, SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF; DECLARATION OF JACOB P. AUSTIN REGARDING SERVICE OF CORRECT COPY OF PETITION FOR WRIT OF MANDATE, SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF ON RESPONDENT AND REAL PARTIES IN INTEREST
3.
  - a. Party Served : T. MICHAEL PHELPS, CITY ATTORNEY
  - b. Person Served : DANA MYERS, CITY CLERK  
(BLK/F/40YO/5FT6IN/120LBS/BLK/BRN)
4. Address where the party was served: 202 C STREET 2ND FLOOR  
SAN DIEGO, CA 92101 (Business)
5. I served the party
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on August 28, 2018 (2) at: 02:00 PM
6. Witness fees were not demanded and were not paid.
7. **Person who served papers**
  - a. MARK FINK
  - b. KNOX ATTORNEY SERVICE  
2250 FOURTH AVENUE  
SAN DIEGO, CA 92101
  - c. 619-233-9700
  - d. Fee For Service : \$ 127.25
  - e. I am
    - (3) a registered California process server
    - (i) an employee
    - (ii) Registration No.: 1973
    - (iii) County: SAN DIEGO, CA
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date : August 30, 2018

Signature: \_\_\_\_\_



MARK FINK

THE LAW OFFICE OF JACOB AUSTIN

1455 FRAZEE ROAD, SUITE 500

SAN DIEGO, CA 92108

619-357-6850

Attorney for: THE SUPERIOR COURT OF CALIFORNIA

Atty. File No.: 37-2017-00010073

CASE #: D074587

COURT OF APPEALS FOURTH APPELLATE DISTRICT

PLAINTIFF : DARRYL COTTON

DEFENDANT : THE SUPERIOR COURT OF CALIFORNIA

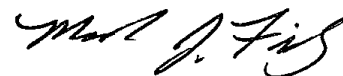
Case No. :

**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the PETITION FOR WRIT OF MANDATE, SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF; DECLARATION OF JACOB P. AUSTIN REGARDING SERVICE OF CORRECT COPY OF PETITION FOR WRIT OF MANDATE, SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF ON RESPONDENT AND REAL PARTIES IN INTEREST
3.
  - a. Party Served : MICHELLE SOKOLOWSKI
  - b. Person Served : DANA MYERS, CITY CLERK  
(BLK/F/40YO/5FT6IN/120LBS/BLK/BRN)
4. Address where the party was served: 202 C STREET 2ND FLOOR  
SAN DIEGO, CA 92101 (Business)
5. I served the party
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on August 29, 2018 (2) at: 03:55 PM
6. Witness fees were not demanded and were not paid.
7. **Person who served papers**
  - a. MARK FINK
  - b. KNOX ATTORNEY SERVICE  
2250 FOURTH AVENUE  
SAN DIEGO, CA 92101
  - c. 619-233-9700
  - d. Fee For Service : \$ 86.15
  - e. I am
    - (3) a registered California process server
    - (i) an employee
    - (ii) Registration No.: 1973
    - (iii) County: SAN DIEGO, CA
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date : August 30, 2018

Signature: \_\_\_\_\_



MARK FINK

**PROOF OF SERVICE (Court of Appeal)**☐ Mail

Personal Service

**Notice:** This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number: TBD

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action**.
2. My ☐ residence ☒ business address is (specify):  
270 E. Douglas Ave El Cajon Ca 92020
3. I mailed or personally delivered a copy of the following document as indicated below (fill in the name of the document you mailed or delivered and complete either a or b):  
**Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Exhibits Volumes 1, 2 and 3 and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief**
  - a. ☐ **Mail.** I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed:
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name:
        - (ii) Address:
      - (b) Person served:
        - (i) Name:
        - (ii) Address:
      - (c) Person served:
        - (i) Name:
        - (ii) Address:
  - ☐ Additional persons served are listed on the attached page (write "APP-009, Item 3a" at the top of the page).
  - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state):



Case Name:	Court of Appeal Case Number:
	Superior Court Case Number:

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Travis Phelps c/o Katherine Nicholas

(b) Address where delivered:

1200 Third Ave Ste 1100 San Diego Ca 92101

(c) Date delivered: 08-21-18

(d) Time delivered: 3:55pm

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08-21-18

Bj Cavins

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

**PROOF OF SERVICE (Court of Appeal)**

CASE #: D074587

☐ Mail ☒ Personal Service

**Notice: This form may be used to provide proof that a document has served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.**

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number: TBD

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My ☐ residence ☒ business address is (*specify*):  
1455 Frazee Road, Suite 500, San Diego, CA 92108
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):  
Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Exhibits Volumes 1, 2 and 3 and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief
  - a. ☐ **Mail.** I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed:
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name:
        - (ii) Address:
      - (b) Person served:
        - (i) Name:
        - (ii) Address:
      - (c) Person served:
        - (i) Name:
        - (ii) Address:
  - ☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
  - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Diego, California

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:

TBD

Superior Court Case Number:

37-2017-00010073-CU-BC-CTL

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Ferris &amp; Britton APC - Gary Moyer, President and Agent for Service of Process

(b) Address where delivered:

501 West Broadway, Suite 1450 By serving Nicholas Smith, Receptionist  
San Diego, CA 92101-2994

TELEPHONE: (619) 233-3131

(c) Date delivered: August 21, 2018

(d) Time delivered: 12:22 p.m.

(2) Person served:

(a) Name: Michael R. Weinstein, an individual

(b) Address where delivered:

Ferris & Britton By serving Nicholas Smith, Receptionist  
501 West Broadway, Suite 1450  
San Diego, CA 92101-2994

TELEPHONE: (619) 233-3131

(c) Date delivered: August 21, 2018

(d) Time delivered: 12:22 p.m.

(3) Person served:

(a) Name: Scott Toothacre, an individual

(b) Address where delivered:

Ferris & Britton By serving Nicholas Smith, Receptionist  
501 West Broadway, Suite 1450  
San Diego, CA 92101-2994

TELEPHONE: (619) 233-3131

(c) Date delivered: August 21, 2018

(d) Time delivered: 12:22 p.m.

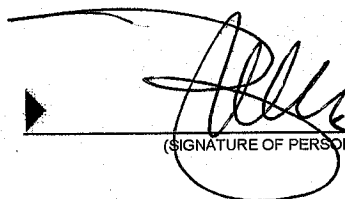
☒ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 21, 2018

Zoë Gayle Villaroman

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

**ATTACHMENT TO APP-009, ITEM 3b**

**(4) Person served:**

**(a) Name:** Michael R. Weinstein and Scott Toothacre, Attorneys for Real Parties in Interest  
Larry Geraci and Rebecca Berry

**By Serving:** Nicholas Smith, Receptionist

**(b) Address where delivered:**

Ferris & Britton  
501 Broadway, Suite 1450  
San Diego, CA 92101-2994  
TELEPHONE: (619) 233-3131

**(c) Date Delivered:** August 21, 2018

**(d) Time Delivered:** 12:22 p.m.



**PROOF OF SERVICE (Court of Appeal)**

☐ Mail ☒ Personal Service

**Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.**

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number: TBD

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My ☐ residence ☒ business address is (specify):  
270 E. Douglas Ave El Cajon Ca 92020
3. I mailed or personally delivered a copy of the following document as indicated below (fill in the name of the document you mailed or delivered and complete either a or b):  
**Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Exhibits Volumes 1, 2 and 4 and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief**
  - a. ☐ Mail. I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed:
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name:
        - (ii) Address:
      - (b) Person served:
        - (i) Name:
        - (ii) Address:
      - (c) Person served:
        - (i) Name:
        - (ii) Address:
  - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state):  
☐ Additional persons served are listed on the attached page (write "APP-009, Item 3a" at the top of the page).

Case Name:	Court of Appeal Case Number:
	Superior Court Case Number:

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Michelle Sokolowski c/o Monica Pasatrina

(b) Address where delivered:

1221 First Ave 3rd Floor San Diego Ca 92101

(c) Date delivered: 08-21-18

(d) Time delivered: 3:39pm

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:


☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08-21-18

Bj Cavins

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

**PROOF OF SERVICE (Court of Appeal)**

CASE #: D074587

☐ Mail ☒ Personal Service

**Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.**

Case Name: Larry Geraci v. Darryl Cotton, et al.  
Court of Appeal Case Number: TBD  
Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My ☐ residence ☒ business address is (*specify*):  
1455 Frazee Road, Suite 500, San Diego, CA 92108
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):  
Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief, Exhibits Volumes 1, 2 and 3, and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief
  - a. ☐ **Mail.** I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed:
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name:
        - (ii) Address:
      - (b) Person served:
        - (i) Name:
        - (ii) Address:
      - (c) Person served:
        - (i) Name:
        - (ii) Address:
  - (4) ☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
  - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Diego, California

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:

TBD

Superior Court Case Number:

37-2017-00010073-CU-BC-CTL

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Gina M. Austin, an individual

(b) Address where delivered:

Austin Legal Group  
3990 Old Town Avenue, Suite A-112  
San Diego, CA 92110

By serving Jane Doe, Receptionist (See Attachment to APP-009)

(c) Date delivered: August 20, 2018

(d) Time delivered: 4:30 p.m.

(2) Person served:

(a) Name: Austin Legal Group, APC, a California corporation

(b) Address where delivered:

Austin Legal Group  
3990 Old Town Avenue, Suite A-112  
San Diego, CA 92110

By serving Jane Doe, Receptionist (See Attachment to APP-009)

(c) Date delivered: August 20, 2018

(d) Time delivered: 4:30 p.m.

(3) Person served:

(a) Name: Gina M. Austin/Austin Legal Group, APC Attorneys for Aaron Magagna, an individual

(b) Address where delivered:

Austin Legal Group  
3990 Old Town Avenue, Suite A-112  
San Diego, CA 92110

By serving Jane Doe, Receptionist (See Attachment to APP-009)

(c) Date delivered: August 20, 2018

(d) Time delivered: 4:30 p.m.

☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 20, 2018

Zoë Gayle Villaroman

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

**ATTACHMENT TO APP-009, ITEMS 3b(1), (2) and (3)**

**Detail of Service on Jane Doe**

On August 20, 2018 at approximately 4:20 p.m., I entered the offices of the Austin Legal Group, APC to serve copies of the items listed at page 1, #3 on the parties listed at page 2, #s 3b(1), 3b(2) and 3b(3).

When I entered the office, I greeted the receptionist, placed a box containing the documents being served on the receptionist counter, told her I was there to serve the documents on Austin Legal Group, APC, Attorney Gina M. Austin and Gina M. Austin/Austin Legal Group, APC as counsel for Real Party in Interest Aaron Magagna, and asked her for her name so I could complete the Proof of Service.

The receptionist would not give me her name and asked me the name of the case and what type of documents I was serving. I responded that I was serving a writ, and supporting exhibits and Request for Judicial Notice which were going to be filed with the Fourth District Court of Appeal related to the *Geraci v. Cotton* case in the Superior Court, and showed her a copy of the Proof of Service. The receptionist looked at the Proof of Service then abruptly grabbed from my hand, looked it over and repeated that she would not accept service of the documents. I again asked for her name, but she shook her head side-to-side indicating that she would not do so.

I explained that she was the individual in charge at the front desk of the law firm and I was serving her as such. She then picked up the phone and spoke with a woman, whom I presume was Attorney Gina Austin, and advised her someone was there to serve some documents and I overheard the woman on the phone tell her, "No."

The receptionist then hung up the phone, and advised me that she would not accept the documents. I told her that she could not decline to accept service and that I was leaving the documents anyway, and again asked for her name. When she declined to give me her name the third time, I said I would be completing and filing a proof of service using her physical description as the individual in charge whom I had served. She began to say something further, but I said she should discuss the matter with the attorney who would understand that service of the documents had been properly effected.

As I was leaving the underground parking garage at the building, another woman whom I had seen enter the Austin Legal Group, APC offices as I departed was standing on the concrete median separating the paths of incoming and outgoing traffic at the building's underground parking lot. As the vehicle in which I was riding passed by, she took down the license plate number.

The description of the Jane Doe receptionist whom I served is as follows: 5'1" tall, 115 pounds, approximately 35 years old, brown eyes, Hispanic or Asian ethnicity, shoulder length dark brown or black hair bleached to a reddish-blond color.

THE LAW OFFICE OF JACOB AUSTIN

1455 FRAZEE ROAD, SUITE 500

SAN DIEGO, CA 92108

619-357-6850

Attorney for: THE SUPERIOR COURT OF CALIFORNIA

Atty. File No.: 37-2017-00010073

CASE #: D074587

COURT OF APPEALS FOURTH APPELLATE DISTRICT

PLAINTIFF : DARRYL COTTON

DEFENDANT : THE SUPERIOR COURT OF CALIFORNIA

Case No. :

**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the PETITION FOR WRIT OF MANDATE, SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF; DECLARATION OF JACOB P. AUSTIN REGARDING SERVICE OF CORRECT COPY OF PETITION FOR WRIT OF MANDATE, SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF ON RESPONDENT AND REAL PARTIES IN INTEREST
3.
  - a. Party Served : CHERLYN CAC, DSD
  - b. Person Served : DANA MYERS, CITY CLERK  
(BLK/F/40YO/5FT6IN/120LBS/BLK/BRN)
4. Address where the party was served: 202 C STREET 2ND FLOOR  
SAN DIEGO, CA 92101 (Business)
5. I served the party
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on August 29, 2018 (2) at: 03:55 PM
6. Witness fees were not demanded and were not paid.
7. **Person who served papers**
  - a. MARK FINK
  - b. KNOX ATTORNEY SERVICE  
2250 FOURTH AVENUE  
SAN DIEGO, CA 92101
  - c. 619-233-9700
  - d. Fee For Service : \$ 86.15
  - e. I am
    - (3) a registered California process server
    - (i) an employee
    - (ii) Registration No.: 1973
    - (iii) County: SAN DIEGO, CA
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date : August 30, 2018

Signature: \_\_\_\_\_



MARK FINK

THE LAW OFFICE OF JACOB AUSTIN  
1455 FRAZEE ROAD, SUITE 500  
SAN DIEGO, CA 92108  
619-357-6850  
Attorney for: DARRYL COTTON  
Atty. File No.: 37-2017-00010073

CASE #: D074587

COURT OF APPEALS FOURTH APPELLATE DISTRICT

PLAINTIFF : DARRYL COTTON  
DEFENDANT : THE SUPERIOR COURT OF CALIFORNIA

Case No. :  
**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the PETITION FOR WRIT OF MANDATE, SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF; DECLARATION OF JACOB P. AUSTIN REGARDING SERVICE OF CORRECT COPY OF PETITION FOR WRIT OF MANDATE, SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF ON RESPONDENT AND REAL PARTIES IN INTEREST
3. a. Party Served : CITY OF SAN DIEGO, A PUBLIC ENTITY  
AGENT: SAN DIEGO CITY CLERK  
b. Person Served : TINA DAVIS, ASSISTANT SUPERVISOR  
(CAUC/F/LT40S/5FT6IN/180LBS/BLONDE/BROWN)
4. Address where the party was served: 202 C STREET  
SAN DIEGO, CA 92101 (Business)
5. I served the party  
a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on August 27, 2018 (2) at: 04:40 PM
6. Witness fees were not demanded and were not paid.
7. **Person who served papers**  
a. JEREMY S. FERREIRA  
b. KNOX ATTORNEY SERVICE  
2250 FOURTH AVENUE  
SAN DIEGO, CA 92101  
c. 619-233-9700  
d. Fee For Service : \$ 85.55  
e. I am  
(3) a registered California process server  
(i) an employee  
(ii) Registration No.: 3159  
(iii) County: SAN DIEGO, CA
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date : August 27, 2018

Signature: \_\_\_\_\_



JEREMY S. FERREIRA



al)

☐ Mail☒ Personal Service

CASE #: D074587

**Notice: This form may be used to provide proof that a document has served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.**

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My ☐ residence ☒ business address is (*specify*):  
1455 Frazee Road, Suite 500, San Diego, CA 92108
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):  
Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Exhibits Volumes 1, 2 and 3, and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief
  - a. ☐ **Mail.** I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed:
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name:
        - (ii) Address:
      - (b) Person served:
        - (i) Name:
        - (ii) Address:
      - (c) Person served:
        - (i) Name:
        - (ii) Address:

☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).

- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Diego, California

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:

Superior Court Case Number:

37-2017-00010073-CU-BC-CTL

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

- (a) Name: Jim Bartell, an individual
- (b) Address where delivered:  
Bartell & Associates  
5333 Mission Center Road, #115  
San Diego, CA 92108
- (c) Date delivered: August 27, 2018
- (d) Time delivered: 3:10 p.m.

(2) Person served:

- (a) Name: Bartell & Associates, a California corporation by serving Jim Bartell, an individual
- (b) Address where delivered:  
Bartell & Associates  
5333 Mission Center Road, #115  
San Diego, CA 92108
- (c) Date delivered: August 27, 2018
- (d) Time delivered: 3:10 p.m.

(3) Person served:

- (a) Name:
- (b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 27, 2018

Jacob P. Austin

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

☐ Mail☒ Personal Service

CASE #: D074587

**Notice: This form may be used to provide proof that a document has served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.**

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number: TBD

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My ☐ residence ☒ business address is (*specify*):  
1455 Frazee Road, Suite 500, San Diego, CA 92108
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):  
Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Exhibits Volumes 1, 2 and 3, and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief
  - a. ☐ **Mail.** I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed:
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name:
        - (ii) Address:
      - (b) Person served:
        - (i) Name:
        - (ii) Address:
      - (c) Person served:
        - (i) Name:
        - (ii) Address:
- ☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Diego, California

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:  
TBDSuperior Court Case Number:  
37-2017-00010073-CU-BC-CTL3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Gina M. Austin, an individual

(b) Address where delivered:

Austin Legal Group

3990 Old Town Avenue, Suite A-112

San Diego, CA 92110

By serving: Gina Austin

TELEPHONE: (619) 924-9600

(c) Date delivered: August 27, 2018

(d) Time delivered: 4:37 p.m.

(2) Person served:

(a) Name: Austin Legal Group, APC, a California corporation

(b) Address where delivered:

Austin Legal Group

3990 Old Town Avenue, Suite A-112

San Diego, CA 92110

By serving: Gina Austin

TELEPHONE: (619) 924-9600

(c) Date delivered: August 27, 2018

(d) Time delivered: 4:37 p.m.

(3) Person served:

(a) Name: Gina M. Austin/Austin Legal Group, APC Attorneys for Aaron Magagna, an individual

(b) Address where delivered:

Austin Legal Group

3990 Old Town Avenue, Suite A-112

San Diego, CA 92110

By serving: Gina Austin

TELEPHONE: (619) 924-9600

(c) Date delivered: August 27, 2018

(d) Time delivered: 4:37 p.m.

☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 27, 2018

Jacob P. Austin

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

**ATTACHMENT TO APP-009, ITEM 3b(3)**

On Monday, August 27, 2018 at 4:37 p.m., I visited the office of attorney Gina Austin [SBN 246833] ("Mrs. Austin")/Austin Legal Group, APC to serve copies of the documents listed as ITEM 3 on page 1 on the individuals and entities listed in ITEM 3b(1)-(3).

When I arrived, the receptionist was not at the reception desk in the front office. Shortly thereafter, Mrs. Austin came from the back office to the reception desk to greet me. I told Mrs. Austin that I was there to serve documents – all of which were the correct copies of the Petition that had been personally served on her office the previous week.

Mrs. Austin responded that she wanted to look at copies of the Proofs of Service, and I told her that I was leaving copies for her and the Proofs of Service stated that I was serving her with three sets of the documents: one set on her as an individual, one set on her on behalf of her law firm Austin Legal Group, APC, and one set on her on behalf of her client Aaron Magagna.

Mrs. Austin then took two sets of the documents, told me she did not "want" the third set of documents, and then shoved me out the door. After standing outside and thinking about the situation, I walked back into the office at 4:39 p.m. and told Mrs. Austin that, since I was there, I was going to leave the third set of documents with her anyway. She responded very emphatically, "I don't want this!" I shrugged and said that I was leaving the documents with her.

Mrs. Austin became very angry and approached me quickly as though she was going to physically shove me out the door and said, "You're not welcome here!" Barely restraining herself from physically shoving me, as she got within inches of me she forcefully opened the door into the hallway, she then snatched the third set of documents and threw them into the hallway repeating in a loud, angry tone, "I told you, I DO NOT WANT THIS!!!"

I did not argue or resist leaving, I left at that point. I was wildly surprised by the unexpected reaction, the anger exhibited towards me, and how my personal space was violated. As an attorney I was disappointed in her decorum and unprofessional demeanor.



☐ Mail☒ Personal Service

CASE #: D074587

**Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read *Informal Service Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.**

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My ☐ residence ☒ business address is (*specify*):  
1455 Frazee Road, Suite 500, San Diego, CA 92108
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):  
Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Exhibits Volumes 1, 2 and 3 and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief

a. ☐ **Mail.** I mailed a copy of the document identified above as follows:

(1) I enclosed a copy of the document identified above in an envelope or envelopes **and**

(a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.

(b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.

(2) Date mailed:

(3) The envelope was or envelopes were addressed as follows:

(a) Person served:

(i) Name:

(ii) Address:

(b) Person served:

(i) Name:

(ii) Address:

(c) Person served:

(i) Name:

(ii) Address:

☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).

- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Diego, California

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:

Superior Court Case Number:  
37-2017-00010073-CU-BC-CTL3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Abhay Schweitzer, an individual

(b) Address where delivered:

TECHNE

3956 30th Street

San Diego, CA 92104

By serving: Ben Peterson

(c) Date delivered: August 27, 2018

(d) Time delivered: 4:10 p.m.

(2) Person served:

(a) Name: Abhay Schweitzer dba TECHNE

(b) Address where delivered:

TECHNE

3956 30th Street

San Diego, CA 92104

By serving: Ben Peterson

(c) Date delivered: August 27, 2018

(d) Time delivered: 4:10 p.m.

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 27, 2018

Zoë Gayle Villaroman

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)



**PROOF OF SERVICE (Court of Appeal)**

CASE #: D074587

☐ Mail ☒ Personal Service

**Notice: This form may be used to provide proof that a document has served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.**

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number: TBD

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My ☐ residence ☒ business address is (specify):  
1455 Frazee Road, Suite 500, San Diego, CA 92108
3. I mailed or personally delivered a copy of the following document as indicated below (fill in the name of the document you mailed or delivered and complete either a or b):  
Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; and electronic copies of Exhibits Vols. 1, 2 and 3 on DVD

a. ☐ **Mail.** I mailed a copy of the document identified above as follows:

(1) I enclosed a copy of the document identified above in an envelope or envelopes **and**

(a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.

(b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.

(2) Date mailed:

(3) The envelope was or envelopes were addressed as follows:

(a) Person served:

(i) Name:

(ii) Address:

(b) Person served:

(i) Name:

(ii) Address:

(c) Person served:

(i) Name:

(ii) Address:

☐ Additional persons served are listed on the attached page (write "APP-009, Item 3a" at the top of the page).

- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Diego, California

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number:

TBD

Superior Court Case Number:

37-2017-00010073-CU-BC-CTL

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: The Honorable Joel R. Wohlfel

(b) Address where delivered:

San Diego County Superior Court  
330 West Broadway  
San Diego, CA 92101By time-stamping each of the documents set forth at page 1, #3 and a  
copy of the Proof of Service, and placing it into the Court's drop box  
with written instructions to place the packet into Judge Wohlfel's box

(c) Date delivered: August 20, 2018

(d) Time delivered: 4:54 p.m.

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

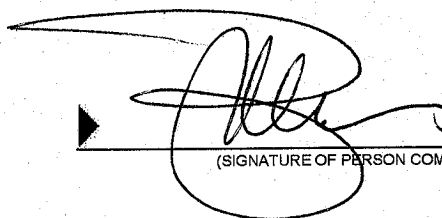
☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 20, 2018

Zoë Gayle Villaroman

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

THE LAW OFFICE OF JACOB AUSTIN

1455 FRAZEE ROAD, SUITE 500

SAN DIEGO, CA 92108

619-357-6850

Attorney for: THE SUPERIOR COURT OF CALIFORNIA

Atty. File No.: 37-2017-00010073

CASE #: D074587

COURT OF APPEALS FOURTH APPELLATE DISTRICT

PLAINTIFF : DARRYL COTTON

DEFENDANT : THE SUPERIOR COURT OF CALIFORNIA

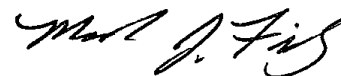
Case No. :

**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the PETITION FOR WRIT OF MANDATE, SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF; DECLARATION OF JACOB P. AUSTIN REGARDING SERVICE OF CORRECT COPY OF PETITION FOR WRIT OF MANDATE, SUPERSEDEAS AND/OR OTHER APPROPRIATE RELIEF ON RESPONDENT AND REAL PARTIES IN INTEREST
3.
  - a. Party Served : FIROUZEH TIRANDAZI, DEPT. OF DEVELOPMENT SERVICES ('DSD')
  - b. Person Served : DANA MYERS, CITY CLERK  
(BLK/F/40YO/5FT6IN/120LBS/BLK/BRN)
4. Address where the party was served: 202 C STREET 2ND FLOOR  
SAN DIEGO, CA 92101 (Business)
5. I served the party
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on August 29, 2018 (2) at: 03:55 PM
6. Witness fees were not demanded and were not paid.
7. **Person who served papers**
  - a. MARK FINK
  - b. KNOX ATTORNEY SERVICE  
2250 FOURTH AVENUE  
SAN DIEGO, CA 92101
  - c. 619-233-9700
  - d. Fee For Service : \$ 174.15
  - e. I am
    - (3) a registered California process server
    - (i) an employee
    - (ii) Registration No.: 1973
    - (iii) County: SAN DIEGO, CA
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date : August 30, 2018

Signature: \_\_\_\_\_



MARK FINK

**PROOF OF SERVICE (Court of Appeal)**

☐ Mail ☒ Personal Service

**Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.**

Case Name: Larry Geraci v. Darryl Cotton, et al.

Court of Appeal Case Number: TBD

Superior Court Case Number: 37-2017-00010073-CU-BC-CTL

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My ☐ residence ☒ business address is (specify):  
270 E. Douglas Ave El Cajon Ca 92020
3. I mailed or personally delivered a copy of the following document as indicated below (fill in the name of the document you mailed or delivered and complete either a or b):  
**Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief; Exhibits Volumes 1, 2 and 3 and Request for Judicial Notice in Support of Petition for Writ of Mandate/Supersedeas and/or Other Appropriate Relief**
  - a. ☐ Mail. I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed:
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name:
        - (ii) Address:
      - (b) Person served:
        - (i) Name:
        - (ii) Address:
      - (c) Person served:
        - (i) Name:
        - (ii) Address:
  - ☐ Additional persons served are listed on the attached page (write "APP-009, Item 3a" at the top of the page).
  - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state):

Case Name:	Court of Appeal Case Number:
	Superior Court Case Number:

3. b. ☒ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Cherlyn Cac c/o Sammi Ma

(b) Address where delivered:

1221 First Ave 3rd Floor San Diego Ca 92101

(c) Date delivered: 08-21-18

(d) Time delivered: 3:37pm

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (write "APP-009, Item 3b" at the top of the page).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08-21-18

Bj Cavins

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)