

ROA 165

4 P85

FILED
Clerk of the Superior Court

MAR 26 2018

By: _____, Deputy

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Attorneys for Plaintiff/Cross-Defendant LARRY GERACI and
Cross-Defendant REBECCA BERRY

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO, CENTRAL DIVISION**

LARRY GERACI, an individual,
Plaintiff,

v.

DARRYL COTTON, an individual; and
DOES 1 through 10, inclusive,
Defendants.

DARRYL COTTON, an individual,
Cross-Complainant,

v.

LARRY GERACI, an individual, REBECCA
BERRY, an individual, and DOES 1
THROUGH 10, INCLUSIVE,
Cross-Defendants.

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

Judge: Hon. Joel R. Wohlfeil
Dept.: C-73

**NOTICE OF RULING AFTER HEARING
RE MOTION BY PLAINTIFF/CROSS-
DEFENDANT LARRY GERACI FOR A
PRELIMINARY INJUNCTION OR
OTHER ORDER TO COMPEL ACCESS
TO THE SUBJECT PROPERTY FOR
SOILS TESTING**

[IMAGED FILE]

Filed: March 21, 2017
Trial Date: May 11, 2018

PLEASE TAKE NOTICE THAT on March 23, 2018, the Court heard the Motion by Plaintiff/Cross-Defendant Larry Geraci for a Preliminary Injunction or Other Order to Compel Access to the Subject Property for Soils Testing. Plaintiff/Cross-Defendant, Larry Geraci, was represented by attorney Michael R. Weinstein of the law firm Ferris & Britton, APC. Defendant/Cross-Complainant, Darryl Cotton, was represented by Darryl Cotton, pro se.

1 PLEASE TAKE FURTHER NOTICE THAT, having reviewed the written pleadings submitted
2 in connection with the motion and after hearing oral argument, the Court ruled as follows:

3 The Court confirmed its tentative ruling as the final ruling of the court, set forth in and attached
4 hereto as Exhibit A, as follows:


5 The unopposed Motion (ROA # 115) of Plaintiff/Cross-Defendant LARRY
6 GERACI ("Plaintiff" or "Geraci") for a mandatory injunction requiring Defendant/Cross-
7 Complainant DARRYL COTTON ("Defendant" or "Cotton") to Sign the Property Owner
8 Consent Form Allowing Soils Testing on the Subject Property, and to Otherwise Allow
9 SCST Engineering unhindered Access to the subject Property to Conduct Said Soils
10 Testing, is GRANTED.

11 Defendant is required to immediately sign the property owner consent form
12 allowing soils testing on the subject property, and to otherwise allow SCST Engineering
13 unhindered access to the subject property to conduct soils testing. Sufficient evidence
14 has been presented demonstrating that the County of San Diego is requiring a soils
15 sample analysis as a condition precedent to obtaining a CUP to operate a Medical
16 Marijuana Dispensary. Thus, injunctive relief is necessary to prevent irreparable injury
17 and waste. Also, there is a reasonable probability that Plaintiff will prevail on the
18 merits."

19
20 Dated: March 23, 2018

FERRIS & BRITTON,
A Professional Corporation

21
22
23 By:


Michael R. Weinstein
Scott H. Toothacre
Attorneys for Plaintiff/Cross-Defendant LARRY GERACI
and Cross-Defendant REBECCA BERRY

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COUNTY OF SAN DIEGO, CENTRAL DIVISION**

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DARRYL COTTON, an individual; and
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v.

LARRY GERACI, an individual, REBECCA
BERRY, an individual, and DOES 1
THROUGH 10, INCLUSIVE,

Cross-Defendants.

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

Judge: Hon. Joel R. Wohlfeil
Dept.: C-73

PROOF OF SERVICE BY MAIL

[IMAGED FILE]

Complaint Filed: March 21, 2017
Trial Date: May 11, 2018

1 I, Anna K. Lizano, declare that: I am over the age of 18 years and not a party to the case; I am
2 employed in, or am a resident of, the County of San Diego, California; and my business address is:
3 501 W. Broadway, Suite 1450, San Diego, California 92101.

4 On, March 23, 2018, I served the following document:

- 5 1. NOTICE OF RULING AFTER HEARING RE MOTION BY
6 PLAINTIFF/CROSS-DEFENDANT LARRY GERACI FOR A PRELIMINARY
7 INJUNCTION OR OTHER ORDER TO COMPEL ACCESS TO THE SUBJECT
8 PROPERTY FOR SOILS TESTING.

9 [X] MAIL. I placed a true copy of each document in a separate envelope addressed to each addressee,
10 respectively, and then sealed each envelope and, with postage thereon fully prepaid, I placed each for
11 deposit in the United States Postal Service, this same day, at my business address shown above,
12 following ordinary business practices:

13 Darryl Cotton
14 6176 Federal Boulevard
15 San Diego, CA 92114
16 Tel: (619) 954-4447
17 Fax: (619) 229-9387

18 *Defendant and Cross-Complainant*
19 *In Pro Per*

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

22 Dated: March 23, 2018

FERRIS & BRITTON,
A Professional Corporation

23 
24 Anna K. Lizano