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Superior Court of California,
County of San Diego

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1 FERRIS & BRITTON
A Professional Corporation
2 Michael R. Weinstein (SBN 106464)
Scott H. Toothacre (SBN 146530)
3 501 West Broadway, Suite 1450
San Diego, California 92101
4 Telephone: (619) 233-3131
Fax: (619) 232-9316
5 mweinstein@ferrisbritton.com
stoothacre@ferrisbritton.com

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

8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

10 LARRY GERACI, an individual,

11 Plaintiff,

12 v.

13 DARRYL COTTON, an individual; and
14 DOES 1 through 10, inclusive,

15 Defendants.

16 DARRYL COTTON, an individual,

17 Cross-Complainant,

18 v.

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

21 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 AND
CROSS-DEFENDANT, LARRY GERACI,
AND CROSS-DEFENDANT, REBECCA
BERRY, FOR MONETARY AND
ESCALATING/TERMINATING
SANCTIONS AGAINST DEFENDANT
AND CROSS-COMPLAINANT, DARRYL
COTTON**

[IMAGED FILE]

Hearing Date: April 27, 2018
Hearing Time: 10:45 a.m.

Filed: March 21, 2017
Trial Date: August 17, 2018

22 On April 27, 2018, at 10:45 a.m. in Department C-73 of the above-titled court, the Court heard
23 the Motion by Plaintiff/Cross-Defendant, Larry Geraci, and Cross-Defendant, Rebecca Berry, for
24 Monetary and Escalating/Terminating Sanctions against Defendant/Cross-Complainant, Darryl Cotton.
25 Plaintiff/Cross-Defendant, Larry Geraci, and Cross-Defendant, Rebecca Berry, were represented by
26 attorney Michael R. Weinstein of the law firm Ferris & Britton, APC. Defendant/Cross-Complainant,
27 Darryl Cotton, was represented by attorney Jacob Austin, whom the court granted leave to appear and
28 argue based on his representation that he would be filing a Substitution of Attorney to substitute in as

1 attorney in place and stead of Darryl Cotton, pro se.

2 PLEASE TAKE NOTICE THAT, having reviewed the written pleadings and evidence
3 submitted in connection with the motion and after hearing oral argument, the Court GRANTED IN
4 PART the motion as follows:

5 The Answer by Defendant, Darryl Cotton, to the Plaintiff's Complaint shall be stricken, and the
6 operative Second Amended Cross-Complaint by Cross-Complainant, Darryl Cotton, shall be dismissed,
7 unless each of the following three conditions are satisfied: 1) within 10 days, Darryl Cotton serves full
8 discovery responses to the written discovery propounded to him and served by mail on November 8,
9 2017, namely, Form Interrogatories-General (Set One), Special Interrogatories (Set One), and Requests
10 for Admissions (Set One); 2) within 15 days, Darryl Cotton submits to his deposition; and 3) within 15
11 days, Darryl Cotton allows plaintiff/cross-defendants' geotechnical engineer peaceable access to the
12 subject property to conduct soils testing.

13 PLEASE TAKE FURTHER NOTICE THAT the Court set the following new dates and
14 deadlines governing the case:

15	July 20, 2018-	Discovery Cutoff, including completion of expert witness discovery
16	August 3, 2018-	Trial Readiness Conference in Dept. C-73 @ 10:45 a.m.
17	August 17, 2018-	Trial in Dept. C-73 @ 8:30 a.m.

18
19 Dated: April 27, 2018

FERRIS & BRITTON,
A Professional Corporation

20
21 By: Michael R. Weinstein

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