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**SUPERIOR COURT OF CALIFORNIA,**

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - April 24, 2018

EVENT DATE: 04/27/2018

EVENT TIME: 10:45:00 AM

DEPT.: C-73

JUDICIAL OFFICER: Joel R. Wohlfeil

CASE NO.: 37-2017-00010073-CU-BC-CTL

CASE TITLE: LARRY GERACI VS DARRYL COTTON [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED: Motion - Other, 04/09/2018

The Motion (ROA # 169, 177, 194) of Plaintiff / Cross - Defendant LARRY GERACI ("Plaintiff" or "Geraci") and Cross - Defendant REBECCA BERRY ("Berry") for orders 1. Imposing monetary sanctions against Defendant and Cross - Complainant DARRYL COTTON ("Cotton") to compensate for the attorneys' fees and costs associated with Cotton's non-appearance at his April 5, 2018, deposition, and with the preparation and hearing of this Motion for sanctions; and 2. Imposing escalating / terminating sanctions (a) for an order striking Cotton's Answer to the Complaint; and (b) for an order striking Cotton's operative Second Amended Cross-Complaint; or 3. Alternatively, as a possible lesser but escalating sanctions, for an order continuing the Trial date for 60 days to permit Cotton one final chance to provide the written discovery responses and make himself available for deposition on a date certain within 10 days, and at the same time extending the discovery cutoff by 60 days for Plaintiff and Berry so that Plaintiff and Berry are given opportunity to conduct follow up discovery, including depositions that they deem necessary in light of the information provided in those responses and deposition testimony, is GRANTED IN PART and will be HEARD IN PART.

The Motion to continue the May 11, 2018 trial and related dates is GRANTED. The trial is continued to July 13, 2018 at 8:30 am. The balance of the dates will be assigned at the hearing of this Motion.

The Court will HEAR why Cotton's Answer and Second Amended Cross-Complaint should not be stricken for Cotton's non-compliance with the Court's order to submit to a deposition.