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Superior Court of California,
County of San Diego
06/13/2018 at 03:49:00 PM
Clerk of the Superior Court
By Lee McAlister, Deputy Clerk

Attorney for Defendant/Cross-Complainant DARRYL COTTON

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

LARRY GERACI, an individual,
Plaintiff,
vs.
DARRYL COTTON, an individual; and
DOES 1 through 10, inclusive,
Defendants.

AND RELATED CROSS-ACTION.

) Case No. 37-2017-00010073-CU-BC-CTL
) **DARRYL COTTON'S EX PARTE**
) **APPLICATION FOR APPOINTMENT OF**
) **RECEIVER AND OTHER RELIEF**
)
) Date: June 14, 2018
) Time: 8:30 a.m.
) Dept: C-73
) Judge: The Hon. Joel R. Wohlfeil

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, on June 14, 2018, at 8:30 a.m. or as soon thereafter as the matter may be heard in Department C-73 of the above-entitled Court, Defendant/Cross-Complainant DARRYL COTTON ("Defendant") will move this Court *ex parte* for Orders Appointing a Receiver to Manage the Conditional Use Permit for Defendant's Real Property; and Other Relief.

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1 Defendant brings this motion:

2 1. For appointment of a Receiver to manage the CUP on Defendant's property pursuant to
3 Code of Civil Procedure section 526(a)(2)-(3) on the ground that, based upon newly-discovered
4 evidence and testimony, injunctive relief is necessary and appropriate to protect Defendant from
5 sustaining imminent, irreversible harm if the application for a Conditional Use Permit ("CUP") for his
6 property is sabotaged and denied, and/or a pending CUP application for another property immediately
7 adjacent to Defendant's property is approved; and

8 2. For leave to amend Defendant's Cross-Complaint pursuant to Code of Civil Procedure
9 section 428.50(c) to add additional cross-defendants and incorporate additional causes of action based
10 upon newly-discovered evidence and testimony on the ground that leave to amend a cross-complaint
11 may be granted in the interest of justice at any time during the course of a pending action.

12 This motion is based upon this *Ex Parte* Application for Orders, the accompanying
13 Memorandum of Points and Authorities, Declarations of Darryl Cotton, Jacob P. Austin and Joe
14 Hurtado, and Notice of Lodgment, the pleadings and papers on file in this action, and upon such other
15 written and/or oral evidence as may be presented at the hearing of this *Ex Parte* Application.

16 DATED: June 13, 2018

17 THE LAW OFFICE OF JACOB AUSTIN

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19 By _____ /s/
20 JACOB P. AUSTIN
21 Attorney for Defendant/Cross-Complainant
22 DARRYL COTTON
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