

ROA 359

2 pages

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County of San Diego

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Clerk of the Superior Court
By Richard Day, Deputy Clerk

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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

**NOTICE OF MOTION OF
DEFENDANT/CROSS-COMPLAINANT
DARRYL COTTON TO COMPEL FURTHER
RESPONSES OF PLAINTIFF/CROSS-
DEFENDANT LARRY GERACI TO REQUEST
FOR ADMISSIONS SET ONE;**

Date: February 1, 2019
Time: 9:00 a.m.
Dept: C-73
Judge: The Hon. Joel R. Wohlfeil

TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY IN
THIS ACTION:

YOU ARE HEREBY NOTIFIED THAT at 9:00 a.m. on February 1, 2109, or as soon thereafter as the
matter may be heard, in Department 73 of this Court, located at 330 West Broadway, San Diego,
California, Defendant/Cross-complainant Darryl Cotton will move this Court for an order compelling
Plaintiff/Cross-defendant Larry Geraci to furnish further responses to the Requests for Admissions (Set

1 One) shown on the Separate Statement of questions and responses in dispute, filed herewith. This
2 motion will be made on the ground that these requests are relevant to the subject matter of this action
3 and do not relate to privileged matters. Plaintiff/Cross-Defendant's refusal to answer properly to same
4 is without substantial justification constitutes misuse of the discovery process.

5 Defendant/Cross-Complainant has made reasonable and good faith efforts to resolve this matter in
6 writing.

7 NOTICE IS ALSO HEREBY GIVEN that Defendant/Cross-Complainant will also seek sanctions
8 for Plaintiff/Cross-Defendant's willful refusal to provide complete and proper responses and for misuse
9 of the discovery process, necessitating this Motion to Compel.

10 This motion will be based on this Notice, the Memorandum of Points and Authorities, the
11 Declaration of Attorney Jacob P. Austin, and the exhibits thereto as filed with the Court, the complete
12 files and records in this action and upon such other documentary or oral evidence which may be
13 presented at the hearing of this motion.

14 DATED: January 9, 2019

THE LAW OFFICE OF JACOB AUSTIN

15
16 By  _____

JACOB P. AUSTIN

Attorney for Defendant/Cross-Complainant
DARRYL COTTON