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Superior Court of California,
County of San Diego
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Clerk of the Superior Court
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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.

Case No. 37-2017-00010073-CU-BC-CTL
**NOTICE OF MOTION BY DEFENDANT/CROSS-
COMPLAINANT DARRYL COTTON FOR
ORDER THAT INITIAL ANSWERS TO
INTERROGATORIES BE DEEMED BINDING
AND FOR SANCTIONS**

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

AND RELATED CROSS-ACTION.

Complaint Filed: March 21, 2016
Trial Date: May 31, 2019

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, 2019, 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 that Initial
Answers to Interrogatories be Deemed Binding and for Sanctions.

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1 This Motion is based upon California Code of Civil Procedure ("CCP") § 2030.310, which
2 expressly permits the recipient of any amended interrogatory to move for a court order binding the
3 responding party to the original answer.

4 This Motion will be made on the ground that if Geraci is not bound by his First Discovery
5 Responses, then Cotton will be severely prejudiced in defending against a sham cause of action and
6 affirmative defense based on factual allegations that are clearly contradicted by Geraci's previous
7 judicial and evidentiary admissions made without substantial justification, and cannot be cured either
8 by a continuance to permit further discovery or by the use of the initial answer under Section 2030.410.

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

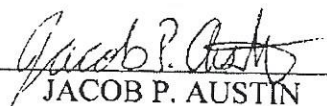
11 NOTICE IS ALSO HEREBY GIVEN that Defendant/Cross-Complainant will also seek
12 sanctions for Plaintiff/Cross-Defendant's actions pursuant to CCP § 2030.310(d), for misuse of the
13 discovery process, necessitating this Motion That Initial Answers to Interrogatories Be Deemed Binding

14 This motion will be based on this Notice, the Memorandum of Points and Authorities, the
15 Declaration of Jacob P. Austin and the Exhibits thereto as filed with the Court, the Request for Judicial
16 Notice and the Exhibits thereto as filed with the Court, the complete files and records in this action
17 and upon such other documentary or oral evidence which may be presented at the hearing of this
18 motion.

19
20 DATED: January 9, 201

THE LAW OFFICE OF JACOB AUSTIN

21
22 By _____


JACOB P. AUSTIN
Attorney for Defendant/Cross-Complainant
DARRYL COTTON