

ROA 480.2  
3 pages

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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**03/08/2019** at 07:15:00 PM  
Clerk of the Superior Court  
By Vanessa Bahena, Deputy Clerk

Attorney for Defendant/Cross-Complainant DARRYL COTTON

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO – CENTRAL DIVISION**

LARRY GERACI, an individual,  
Plaintiff,

vs.

DARRYL COTTON, an individual; and  
DOES 1-10, Inclusive,  
Defendants.

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

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION FOR SUMMARY  
JUDGMENT OR IN THE ALTERNATIVE,  
SUMMARY ADJUDICATION BY  
DEFENDANT/CROSS-COMPLAINANT  
DARRYL COTTON  
[CCP §437c]**

DARRYL COTTON, an individual,  
Cross-Complainant,

vs.

LARRY GERACI, and individual, REBECCA  
BERRY, an individual; and DOES 1 through 10,  
Inclusive,

Cross-Defendants.

**Hearing Date: May 23, 2019  
Hearing Time: 9:00 a.m.  
Department: C-73  
Judge: The Hon. Joel R. Wohlfeil**

Defendant and Cross-Complainant Darryl Cotton (“Defendant” or “Cotton”) requests that this Court take judicial notice of the documents set forth below served and filed submitted herewith in support of his Motion for Summary Judgment.

1 The documents listed as RJN Nos. 1 through 11 are conformed copies of documents filed in  
2 proceedings adjudicated by the San Diego County Superior Court which (1) may be judicially noticed  
3 pursuant to Evidence Code section 452(d), and (2) are relevant to the law, matters and facts set forth in  
4 Petition.

5 RJN No. 1 is Defendant Darryl Cotton's Verified Petition for Alternative Writ of Mandate filed  
6 on October 6, 2017 against the City of San Diego, of which Plaintiff Larry Geraci is a Real Party in  
7 Interest.

8 RJN No. 2 is the Verified Answer to RJN No.1 filed by Plaintiff/Real Party in Interest Larry  
9 Geraci ("Geraci") which Defendant requests this Court take judicial notice pursuant to Evidence Code  
10 section 459.

11 RJN No. 3 is Plaintiff Larry Geraci's Complaint filed March 21, 2017 which Defendant requests  
12 this Court take judicial notice pursuant to Evidence Code section 459.

13 RJN No. 4 is Cotton's Cross-Complaint which Defendant requests this Court take judicial notice  
14 pursuant to Evidence Code section 459.

15 RJN No. 5 is Plaintiff Larry Geraci's Answer to Cotton's Cross-Complaint which Defendant  
16 requests this Court take judicial notice pursuant to Evidence Code section 459.

17 RJN No. 6 is the Demurrer By Cross-Defendant Larry Geraci to Second Amended Cross-  
18 Complaint by Darryl Cotton which Defendant requests this Court take judicial notice pursuant to  
19 Evidence Code section 459.

20 RJN No. 7 is Cotton's Opposition to Larry Geraci's Demurrer to the Second Amended Cross-  
21 Complaint which Defendant requests this Court take judicial notice pursuant to Evidence Code section  
22 459.

23 RJN No. 8 is the Reply Memorandum of Points and Authorities in Support of Cross-Defendant  
24 Larry Geraci's Demurrer to Second Amended Cross-Complaint By Darryl Cotton which Defendant  
25 requests this Court take judicial notice pursuant to Evidence Code section 459.

26 RJN No. 9 is the Declaration of Larry Geraci in Support of Motion by Plaintiff/Cross-Defendant  
27 Larry Geraci for a Preliminary Injunction or Other Order to Compel Access to the Subject Property For  
28 Soil Testing which Defendant requests this Court take judicial notice pursuant to Evidence Code section

459.

RJN No. 10 is the Declaration of Larry Geraci in Opposition to Defendant Darryl Cotton's Motion to Expunge Lis Pendens which Defendant requests this Court take judicial notice pursuant to Evidence Code section 459.

RJN No. 11 is the Motion to Compel minute order dated 2.8.2019 which Defendant requests this Court take judicial notice pursuant to Evidence Code section 459.

RJN NO.	DOCUMENT TITLE/DESCRIPTION
1.	Verified Petition for Alternative Writ of Mandate
2.	Real Party In Interest Larry Graci's Verified Answer to Petition For Writ of Mandate
3.	Plaintiff Larry Geraci's Complaint filed March 21, 2017
4.	Cotton's Cross-Complaint
5.	Plaintiff Larry Geraci's Answer to Cotton's Cross-Complaint
6.	Demurrer By Cross-Defendant Larry Geraci to Second Amended Cross-Complaint by Darryl Cotton
7.	Cotton's Opposition to Larry Geraci's Demurrer to the Second Amended Cross-Complaint
8.	Reply Memorandum of Points and Authorities in Support of Cross-Defendant Larry Geraci's Demurrer to Second Amended Cross-Complaint By Darryl Cotton
9.	Declaration of Larry Geraci in Support of Motion by Plaintiff/Cross-Defendant Larry Geraci for a Preliminary Injunction or Other Order to Compel Access to the Subject Property For Soil Testing
10.	Declaration of Larry Geraci in Opposition to Defendant Darryl Cotton's Motion to Expunge Lis Pendens
11.	Motion to Compel minute order dated 2.8.2019

Respectfully submitted,

Dated: March 8, 2019

THE LAW OFFICE OF JACOB AUSTIN

By Jacob P. Austin

JACOB P. AUSTIN

Attorney for Defendant/Cross-Complainant  
DARRYL COTTON