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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

**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

**DECLARATION OF JACOB P. AUSTIN IN  
SUPPORT OF DEFENDANT/CROSS-  
COMPLAINANT DARRYL COTTON'S  
MOTION FOR SUMMARY ADJUDICATION  
AND/OR SUMMARY JUDGMENT**

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

AND RELATED CROSS-ACTION.

Complaint filed: March 21, 2017  
Trial Date: May 31, 2019

I, DARRYL COTTON, declare:

1. I am an attorney duly licensed to practice law before all the courts of the State of California and am attorney of record for Defendant/Cross-complainant Darryl Cotton ("Cotton"). I am personally familiar with this file and can testify based upon personal knowledge of the facts stated within.

- 1 2. I hereby incorporate by reference the facts stated in the foregoing to which this declaration is  
2 attached. I have personal knowledge of each of those facts.
- 3 3. A true and correct copy of the Real Party In Interest Larry Graci's Verified Answer to Petition For  
4 Writ of Mandate, is lodged as Exhibit 1.
- 5 4. A true and correct copy of Copies of all email communications between Cotton and Larry Geraci is  
6 lodged as Exhibit 2.
- 7 5. A true and correct copy of Copies of all text communications between Cotton and Larry Geraci is  
8 lodged as Exhibit 3.
- 9 6. A true and correct copy of Plaintiff Larry Geraci's Complaint filed March 21, 2017 is lodged as  
10 Exhibit 4.
- 11 7. A true and correct copy of Cotton's Verified Petition for Alternative Writ of Mandate is lodged as  
12 Exhibit 5
- 13 8. A true and correct copy of Cotton's Cross-Complaint is lodged as Exhibit 6
- 14 9. A true and correct copy of Plaintiff Larry Geraci's Answer to Cotton's Cross-Complaint is lodged  
15 as Exhibit 7.
- 16 10. A true and correct copy of Plaintiff Larry Geraci's Responses to Form Interrogatories, Set One is  
17 lodged as Exhibit 8.
- 18 11. A true and correct copy of Email from Michael Weinstein is lodged as Exhibit 9.
- 19 12. A true and correct copy of Demurrer By Cross-Defendant Larry Geraci to Second Amended Cross-  
20 Complaint by Darryl Cotton is lodged as Exhibit 10.
- 21 13. A true and correct copy of Cotton's Opposition to Larry Geraci's Demurrer to the Second  
22 Amended Cross-Complaint is lodged as Exhibit 11.
- 23 14. A true and correct copy of Reply Memorandum of Points and Authorities in Support of Cross-  
24 Defendant Larry Geraci's Demurrer to Second Amended Cross-Complaint By Darryl Cotton is  
25 lodged as Exhibit 12.
- 26 15. A true and correct copy of Declaration of Larry Geraci in Support of Motion by Plaintiff/Cross-  
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1 Defendant Larry Geraci for a Preliminary Injunction or Other Order to Compel Access to the  
2 Subject Property For Soil Testing is lodged as Exhibit 13.

3 16. A true and correct copy of Declaration of Larry Geraci in Opposition to Defendant Darryl Cotton's  
4 Motion to Expunge Lis Pendens is lodged as Exhibit 14.

5 17. A true and correct copy of Plaintiff Larry Geraci's Response to Request for Admissions, Set One  
6 is lodged as Exhibit 15.

7 18. A true and correct copy of Meet and Confer Email to Opposing Counsel dated January 9, 2019 is  
8 lodged as Exhibit 16.

9 19. A true and correct copy of Response to Meet and Confer Email from Mr. Scott Toothacre is lodged  
10 as Exhibit 17.

11  
12 DATED: March 8, 2019

THE LAW OFFICE OF JACOB AUSTIN

13  
14 By Jacob P. Austin

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