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Cross-Defendant REBECCA BERRY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO, CENTRAL DIVISION

LARRY GERACI, an individual,

Plaintiff,

v.

DARRYL COTTON, an individual; and
DOES 1 through 10, inclusive,

Defendants.

AND RELATED CROSS-ACTION

Case No. 37-2017-00010073-CU-BC-CTL

Judge: Hon. Joel R. Wohlfeil

**PLAINTIFF/CROSS-DEFENDANT
LARRY GERACI'S EVIDENTIARY
OBJECTIONS IN OPPOSITION TO
DEFENDANT/CROSS-COMPLAINANT
DARRYL COTTON'S MOTION FOR
ORDER THAT INITIAL ANSWERS TO
INTERROGATORIES BE DEEMED
BINDING AND FOR SANCTIONS**

[IMAGED FILE]

DATE: April 26, 2019
TIME: 9:00 a.m.
DEPT: C-73

Filed: March 21, 2017
Trial Date: June 28, 2019

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1 Plaintiff/Cross-Defendant Larry Geraci submits these evidentiary objections to the evidence
2 submitted by Defendant/Cross-Complainant Darryl Cotton in support of his Motion for Order that
3 Initial Answers to Interrogatories be Deemed Binding and for Sanctions.

4 **PLAINTIFF/CROSS-DEFENDANT'S EVIDENTIARY OBJECTIONS**

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTIONS
Declaration of Jacob P. Austin in Support of Defendant/Cross-Complainant Darryl Cotton's Motion for Order That Initial Answers to Interrogatories be Deemed Binding and for Sanctions	Objections:
Paragraph 14 Declaration of Jacob P. Austin – "A true and correct copy of pertinent email correspondence dated November 2, 2016 between Cotton and Geraci is attached hereto as EXHIBIT 11.	Insufficient Foundation- Evid. Code § 403; Lack of Personal Knowledge- Evid. Code § 702(a); Lack of Authentication of writing-Evid. Code § 1400. Jacob P. Austin has no personal knowledge regarding this email between Mr. Cotton and Mr. Geraci. There has been no affirmative showing that Jacob P. Austin is competent to testify that the exhibit is a true and correct copy of all email communications between Cotton and Larry Geraci.
EXHIBIT 11 – email correspondence dated November 2, 2106 (sic) between Cotton and Geraci.	Insufficient Foundation- Evid. Code § 403; Lack of Personal Knowledge- Evid. Code § 702(a); Lack of Authentication of writing-Evid. Code § 1400. Jacob P. Austin has no personal knowledge regarding this email between Mr. Cotton and Mr. Geraci. There has been no affirmative showing that Jacob P. Austin is competent to testify that the exhibit is a true and correct copy of all email communications between Cotton and Larry Geraci.
Paragraph 15 Declaration of Jacob P. Austin – "A true and correct copy of Cotton's telephone	Insufficient Foundation- Evid. Code § 403; Lack of Personal Knowledge- Evid. Code § 702(a);

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTIONS
<p>records of November 2016 between Cotton and Geraci is attached hereto as Exhibit 12."</p>	<p>Lack of Authentication of writing-Evid. Code § 1400.</p> <p>Jacob P. Austin has no personal knowledge regarding Mr. Cotton's telephone records. There has been no affirmative showing that Jacob P. Austin is competent to testify that the exhibit is a true and correct copy of Cotton's telephone records of November 2016 between Cotton and Geraci.</p>
<p>Exhibit 12 – Cotton's telephone records of November 2016 between Cotton and Geraci.</p>	<p>Insufficient Foundation- Evid. Code § 403; Lack of Personal Knowledge- Evid. Code § 702(a); Lack of Authentication of writing-Evid. Code § 1400.</p> <p>Jacob P. Austin has no personal knowledge regarding Mr. Cotton's telephone records. There has been no affirmative showing that Jacob P. Austin is competent to testify that the exhibit is a true and correct copy of Cotton's telephone records of November 2016 between Cotton and Geraci.</p>
<p>Paragraph 16 Declaration of Jacob P. Austin – "A true and correct copy of pertinent email correspondence dated November 3, 2106 (sic), between Cotton and Geraci is attached hereto as EXHIBIT 13."</p>	<p>Insufficient Foundation- Evid. Code § 403; Lack of Personal Knowledge- Evid. Code § 702(a); Lack of Authentication of writing-Evid. Code § 1400.</p> <p>Jacob P. Austin has no personal knowledge regarding this email between Mr. Cotton and Mr. Geraci. There has been no affirmative showing that Jacob P. Austin is competent to testify that the exhibit is a true and correct copy of pertinent email correspondence dated November 3, 2106 (sic) between Cotton and Geraci.</p>
<p>Exhibit 13- Pertinent email correspondence dated November 2, 2106 (sic), between Cotton and Geraci.</p>	<p>Insufficient Foundation- Evid. Code § 403; Lack of Personal Knowledge- Evid. Code § 702(a); Lack of Authentication of writing-Evid. Code § 1400.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTIONS
	Jacob P. Austin has no personal knowledge regarding this email between Mr. Cotton and Mr. Geraci. There has been no affirmative showing that Jacob P. Austin is competent to testify that the exhibit is a true and correct copy of pertinent email correspondence dated November 3, 2106 (sic) between Cotton and Geraci.
Paragraph 17 Declaration of Jacob P. Austin – “I have reviewed the transcript of the videotaped deposition of Defendant/Cross-Complainant Cotton and, nowhere within, in any way, shape or form, was there any mention or discussion of the November 3, 2016 Disavowment Allegation as defined in discovery and pleadings.	Irrelevant- Evid. Code §§ 210, 350, and 351. Inadmissible Hearsay – Evid. Code § 1200 The argument of counsel is neither a declaration nor admissible as evidence in Court. <i>Saldana v. Globe-Weis Systems Co.</i> (1991) 233 Cal.App.3d 1505, 1518.

Dated: April 15, 2019

FERRIS & BRITTON,
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