

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

ROA 511
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MINUTE ORDER

DATE: 04/29/2019

TIME: 03:00:00 PM

DEPT: C-73

JUDICIAL OFFICER PRESIDING: Joel R. Wohlfeil

CLERK: Andrea Taylor

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **37-2017-00010073-CU-BC-CTL** CASE INIT.DATE: 03/21/2017

CASE TITLE: **Larry Geraci vs Darryl Cotton [Imaged]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Breach of Contract/Warranty

APPEARANCES

The Court, having taken the above-entitled matter under submission on and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

The Court confirms, as modified, the ruling to DENY the Motion (ROA # 491) of Defendant / Cross-Complainant Darryl Cotton ("Defendant" or "Cotton") for an Order that the Initial Answers of Plaintiff / Cross-Defendant Larry Geraci ("Plaintiff" or "Geraci") to Defendant's Interrogatories be Deemed Binding.

As modified, the Court GRANTS Plaintiff's request for sanctions. Given the plain language of CCP 2030.310, and the arguments of counsel, the Court finds that Defendant's Motion was filed without substantial justification. Attorney Toothacre's \$375 hourly rate is reasonable. Defendant only is directed to pay total sanctions of \$1,500.

Joel R. Wohlfeil

Judge Joel R. Wohlfeil