

ROA 596
3P280

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 07/01/2019

TIME: 01:30:00 PM

DEPT: C-73

JUDICIAL OFFICER PRESIDING: Joel R. Wohlfeil

CLERK: Andrea Taylor

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: R. Camberos

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

EVENT TYPE: Civil Jury Trial

APPEARANCES

Michael R Weinstein, counsel, present for Respondent on Appeal, Cross - Defendant, Cross - Complainant, Plaintiff(s).

Scott H Toothacre, counsel, present for Respondent on Appeal, Cross - Defendant, Cross - Complainant, Plaintiff(s).

Jacob Austin, counsel, present for Defendant, Cross - Complainant, Appellant(s).

Darryl Cotton, Defendant is present.

Larry Geraci, Plaintiff is present.

1:31 p.m. This being the time set for Jury Trial in the above-entitled cause, having been trailed in this department, all parties and counsel appear as noted above and trial commences.

The Court hears argument by counsel on the filed Motions in Limine.

Defendant DARRYL COTTON's Motion:

No. 1 (# 551) – To exclude Plaintiff from offering in evidence, examination, argument or other reference to an alleged phone call in which Defendant disavows his alleged 10% equity interest in the marijuana business "Geraci's November 3rd Factual Allegations" – **DENIED.**

Plaintiff LARRY GERACI's Motions:

No. 1 (# 555) – To exclude Defendant's lawsuit filed in the USDC Case No. 3:18-cv-00325-GPC-MDD, and Defendant and Joe Hurtado's lawsuit filed in the USDC Case No. 3:18-cv-02751-GPC-MDD – **GRANTED.**

No. 2 (# 556) – To preclude any evidence, examination or reference to Darryl Cotton, Jacob Austin, or Joe Hurtado's personal attacks against Michael R. Weinstein, Scott H. Toothacre and Attorney Gina

Austin – **DENIED.**

No. 3 (# 557) – To preclude any evidence, examination argument or any other reference to Cotton's and Hurtado's allegations that the Court is biased – **GRANTED.**

No. 4 (# 558) – To preclude any evidence, examination, argument or other reference to Cotton's, Hurtado's and Attorney Jacob Austin's allegations that Mr. Geraci's case is frivolous and / or a malicious prosecution case, or was otherwise filed pursuant to a fraudulent scheme to acquire an MMCC business – **DENIED.**

No. 5 (# 559) – To preclude any evidence or reference to Corina Young's alleged conversation with Jim Bartell and any reference to Corina Young allegedly relaying the context of that conversation to Daryl Cotton, Jacob Austin, or Joe Hurtado and / or any evidence or argument concerning Mr. Cotton 's conspiracy theory – **DENIED.** Counsel directed to stay away from the word conspiracy.

No. 6 (# 560) – To exclude any and all evidence, examination, argument or other reference to allegations that Mr. Geraci was somehow behind a burglary of his 151 farms on June 10, 2017 – **GRANTED.**

No. 7 (# 561) – To preclude any evidence, examination, argument or other reference to Mr. Cotton and Mr. Hurtado's allegations that Mr. Geraci is somehow connected to Sean Miller, Logan Stulmacher and an individual known only as Duane, individuals whom they allege threatened Mr. Cotton and Mr. Hurtado to force a settlement of the instant action – **GRANTED.**

No. 8 (# 562) – To preclude any evidence, examination, argument or other reference to Mr. Cotton and Mr. Hurtado's allegations that Mr. Geraci "screwed some other guy, and the guy committed suicide and shot himself because he lost his life savings and everything" – **GRANTED.**

No. 9 (# 563) – To exclude any evidence, examination, argument or other reference to Mr. Cotton and Mr. Hurtado's allegations that Mr. Geraci's prior settlement agreements bar him from obtaining a CUP or owning a business operating a dispensary pursuant to a CUP – **DEFERRED.** Counsel to stay away from prior settlement agreements. Defendant to lodge with Court any settlement agreement with the City by tomorrow.

No. 10 (# 564) – To preclude any evidence, examination, argument or other reference to Mr. Cotton and Mr. Hurtado's allegations that Mr. Bartell sexually harassed his former employee Bianca Martinez – **GRANTED.**

No. 11 (# 565) – To preclude any evidence, examination or reference to Cotton's and Hurtado's financial conditions allegedly resulting from this litigation – **GRANTED.**

No. 12 (# 566) – To preclude any evidence, examination, argument or other reference to an alleged Venture Agreement or JVA between Geraci and Cotton – **DENIED.**

No. 13 (# 567) – To preclude any evidence, examination or reference to Mr. Cotton's alleged heart attack and / or TIA and / or Mr. Cotton's alleged ongoing physical, mental and psychological damage which he attributes to the litigation – **GRANTED.**

No. 14 (# 568) – To preclude any evidence, examination, argument or other reference to Mr. Cotton and

Mr. Hurtado's lay opinions regarding the CUP process – **DENIED**. Lay opinion may be admissible. CACI 223.

No. 15 (# 569) – To preclude any evidence, examination or reference to Mr. Cotton's allegations that Mr. Geraci and Mr. Magagna conspired to have a competing CUP application approved and the allegation that Mr. Magagna threatened a witness on Mr. Geraci's behalf such that she refuses to testify in this matter – **DEFERRED**.

Defense counsel makes a motion to amend answer to add Anti-Trust Enterprise defense for conspiracy. Court hears oral argument. The motion to amend answer is denied.

Defense counsel makes a motion that the Court issue an order against Natalie Nguyen and Corina Young. The motion is denied.

3:00 p.m. Court is in recess.

3:15 p.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above.

The Court intends to pre-instruct on the following CACI jury instructions: 100, 101, 102, 106, 107, 111, 113, 114, 116, 200, 303, Special #1, 325, 335, 336, 1900, 1902 and 1903.

The Court explains departmental procedure with counsel.

Counsel will give mini opening statements.

Plaintiff makes a motion to exclude witnesses Natalie Nguyen and Bianca Martinez. The Court hears argument. The motion to exclude Natalie Nguyen as a lawyer is granted. The motion to exclude Bianca Martinez is denied.

Court will have the clerk email the jury instructions to counsel to review this evening.

3:55 p.m. Court is adjourned until 07/02/2019 at 09:00AM in Department 73.