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2 pages

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**01/09/2018** at 02:12:00 PM  
Clerk of the Superior Court  
By E-Filing, Deputy Clerk

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Cross-Defendant REBECCA BERRY

8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

10 LARRY GERACI, an individual,  
11 Plaintiff,  
12 v.  
13 DARRYL COTTON, an individual; and  
14 DOES 1 through 10, inclusive,  
15 Defendants.

Case No. 37-2017-00010073-CU-BC-CTL  
Judge: Hon. Joel R. Wohlfeil  
Dept.: C-73

**NOTICE OF HEARING ON MOTION BY  
PLAINTIFF/CROSS-DEFENDANT  
LARRY GERACI AND CROSS-  
DEFENDANT REBECCA BERRY TO  
COMPEL THE DEPOSITION OF  
DARRYL COTTON**

16 DARRYL COTTON, an individual,  
17 Cross-Complainant,  
18 v.  
19 LARRY GERACI, an individual, REBECCA  
20 BERRY, an individual, and DOES 1  
THROUGH 10, INCLUSIVE,  
21 Cross-Defendants.

**[IMAGED FILE]**  
**DATE: January 25, 2018**  
**TIME: 8:30 a.m.**  
**DEPT: C-73**

Complaint Filed: March 21, 2017  
Trial Date: May 11, 2018

22 PLEASE TAKE NOTICE THAT at the January 9, 2018, hearing on the *ex parte* application by  
23 Plaintiff and Cross-Defendant, LARRY GERACI, and Cross-Defendant, REBECCA BERRY, to (1)  
24 compel the deposition of DARRYL COTTON, and (2) continue the January 25, 2018, hearing on the  
25 motion by Defendant and Cross-Complainant, DARRYL COTTON, for a preliminary injunction for a  
26 reasonable period of time to allow the deposition to take place and for sufficient time thereafter for  
27 moving parties to file their papers in opposition to the motion for a preliminary injunction, the Court  
28 ordered the following:

1 (1) That the Court will hear the noticed motion of Plaintiff/Cross-Defendant Geraci and Cross-  
2 Defendant Berry to compel the deposition of Darryl Cotton on shortened time in accordance  
3 with the following:

4 (a) Counsel for Geraci and Berry having agreed thereto, the moving papers filed by Geraci  
5 and Berry in support of their *ex parte* application to compel the deposition of Darryl  
6 Cotton will be deemed the moving papers in support of their noticed motion to compel  
7 the deposition of Darryl Cotton;

8 (b) Cotton shall serve and file any opposition papers to the motion to compel the deposition  
9 of Darryl Cotton on or before January 19, 2018;

10 (c) Geraci and Berry will not file reply papers;

11 (d) The hearing on the motion to compel the deposition of Darryl Cotton will be heard on  
12 January 25, 2018, at 8:30 a.m., in Department C-73;

13 (e) That the hearing currently set for January 25, 2018, at 8:30 a.m. on Defendant/Cross-  
14 Complainant DARRYL COTTON's motion for preliminary injunction is vacated.  
15 Following the court's hearing and ruling on the motion to compel the deposition of  
16 Darryl Cotton on January 25, 2018, the court will issue an appropriate order re-setting  
17 the hearing date for the motion for preliminary injunction; and

18 (f) Plaintiff/Cross-Defendant's counsel will prepare and serve notice of the Court's rulings  
19 and of the hearing date for the noticed motion to compel the deposition of Darryl Cotton.

20 In accordance with the foregoing, PLEASE TAKE FURTHER NOTICE THAT the hearing on  
21 the noticed motion of Plaintiff/Cross-Defendant Larry Geraci and Cross-Defendant Rebecca Berry to  
22 compel the deposition of Darryl Cotton will be heard on January 25, 2018, at 8:30 a.m., or as soon  
23 thereafter as the matter may be heard, in Department C-73 of the above-titled court.

24 Dated: January 9, 2018

FERRIS & BRITTON, APC

25 By: Michael R. Weinstein

26 Michael R. Weinstein

27 Scott H. Toothacre

28 Attorneys for Plaintiff and Cross-Defendant LARRY  
GERACI and Cross-Defendant REBECCA BERRY