

1 Geraci. Mr. Geraci argues with conjecture and rhetoric however what he fails to address is the fact
2 that the Magana CUP has multiple nexus to Geraci despite the fact that he vehemently denies it. First
3 Gina Austin the attorney from Mr. Geraci's application has Mr. Magagna as a long time client.
4 Additional upon monitoring of the DSD website regarding the processing of that CUP Techne and
5 Abhay Schweitzer were listed as "point of contact" or "agent" and when confronted with this
6 information during his deposition Mr. Schweitzer had no explanation of this and admitted that if he
7 did in fact work on that project it would be a conflict of interest as he was simultaneously engaged in
8 perusing the CUP on Cottons property.

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10 **ARGUMENT**

11 **I. THE ALLEGATIONS AND INFORMATION IS RELEVANT.**

12 There has been evidence in this case of witness tampering by Mr. Magagna. So much so that
13 the witness in question has absconded despite her attorney confirming the underlying facts related in a
14 text messages and evidencing her fear of Magagna Gina Austin and others. It is Cotton's intention to
15 call Ms. Natalie Nguyen to testify, she represents the witness who has absconded, Corina Young.
16 Additionally, Mr. Hurtado can authenticate the text messages sent to him which read Cotton concedes
17 that he will not be able to testify as to hearsay the other circumstantial evidence of Mr. Magagna's
18 connection to Geraci. Additionally Cotton is still hopeful that Ms. Young will come forward and do
19 that right thing.

20 **CONCLUSION**

21 For the foregoing reasons, the Court should deny Plaintiff/Cross-defendant's motion in limine
22 to exclude evidence of allegations Geraci conspired with Mr. Magagna on a competing CUP application
23 and allegations that Magagna threatened a witness on behalf of Mr. Geraci.

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25 DATED: June 26, 2019

26 Respectfully submitted,
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Complainant

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