

Nov 16 2022

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY s/ shelly DEPUTY

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF Southern District of California

Form 1. Notice of Appeal from a Judgment or Order of a
United States District Court

U.S. District Court case number: 18cv00325-JO-DEB

Notice is hereby given that the appellant(s) listed below hereby appeal(s) to
the United States Court of Appeals for the Ninth Circuit.

Date case was first filed in U.S. District Court: February 9, 2018

Date of judgment or order you are appealing: September 21, 2022

Docket entry number of judgment or order you are appealing: 118

Fee paid for appeal? (appeal fees are paid at the U.S. District Court)

☒ Yes ☐ No ☐ IFP was granted by U.S. District Court**List all Appellants** (List *each* party filing the appeal. Do not use "et al." or other abbreviations.)

Darryl Cotton, an individual

Is this a cross-appeal? ☐ Yes ☒ No

If yes, what is the first appeal case number?

Was there a previous appeal in this case? ☐ Yes ☒ No

If yes, what is the prior appeal case number?

Your mailing address (if pro se):

6176 Federal Boulevard

RECEIVED

NOV 16 2022

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

City: San Diego

State: CA

Zip Code: 92114

Prisoner Inmate or A Number (if applicable):

Signature



Date November 15, 2022

*Complete and file with the attached representation statement in the U.S. District Court**Feedback or questions about this form? Email us at forms@ca9.uscourts.gov*

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 6. Representation Statement

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>

Appellant(s) (List *each* party filing the appeal, do not use "et al." or other abbreviations.)

Name(s) of party/parties:

Darryl Cotton, an individual

Name(s) of counsel (if any):

Pro Se Litigant

Address: 6176 Federal Boulevard San Diego, CA 92114

Telephone number(s): 619.954.4447

Email(s): 151DarrylCotton@gmail.com

Is counsel registered for Electronic Filing in the 9th Circuit? ☐ Yes ☒ No

Appellee(s) (List only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.)

Name(s) of party/parties:

Gina Austin, an individual

Name(s) of counsel (if any):

Douglas A Pettit

Address: 11622 El Camino Real, Ste. 300, San Diego, CA 92130

Telephone number(s): 858.755.8500

Email(s): DPettit@PettitKohn.com

To list additional parties and/or counsel, use next page.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Continued list of parties and counsel: *(attach additional pages as necessary)*

Appellants

Name(s) of party/parties:

Jessica McElfresh, an individual

Name(s) of counsel (if any):

Laura E. Stewart

Address: 550 West C Street, Ste. 950, San Diego, CA 92101

Telephone number(s): 619.232.8486

Email(s): lstewart@wmfllp.com

Is counsel registered for Electronic Filing in the 9th Circuit? ☒ Yes ☐ No

Appellees

Name(s) of party/parties:

David Demian, an individual

Name(s) of counsel (if any):

Corinne Bertsche

Address: 550 West C Street, Ste. 1700, San Diego, CA 92101

Telephone number(s): 619.699.4905

Email(s): Corinne.Bertsche@lewisbrisbois.com

Name(s) of party/parties:

Name(s) of counsel (if any):

Address:

Telephone number(s):

Email(s):

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov



United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

Darryl Cotton, an individual

Plaintiff,

V.

Gina Austin, an individual;
Jessica McElfresh, an individual;
David Demian, an individual;
Does 1-50. inclusive

Defendant.

Civil Action No. 18cv00325-JO-DEB

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED:

The Court GRANTS Defendants' motions to dismiss [Dkts. 98, 99, 100] and DISMISSES Plaintiff's SAC without leave to amend. Plaintiff's motion for leave to electronically file documents [Dkt. 116] is DENIED as moot.

Date: 9/21/22

CLERK OF COURT
JOHN MORRILL, Clerk of Court

By: s/ L. Sotelo

L. Sotelo, Deputy