

**IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION ONE**

Darryl Cotton,
Appellant,
v.
Lawrence Geraci
Respondent.

Court of Appeal No. D084992
San Diego Superior Court
Case No. 37-2022-00000023-
CU-MC-CTL

Appeal From an Order
Of The Superior Court, County of San Diego,
Honorable Judge James Mangione

**RESPONDENT'S SUPPLEMENTAL
BRIEF**

James D. Crosby (SBN 110383)
Tereza L. Callender (SBN 351838)
Law Offices of James D. Crosby
402 West Broadway Street, Suite
1815
San Diego, CA 92101
(619) 450-4149
Attorneys for Respondent
Lawrence Geraci

I. Question One:

Respondent confirms that no document labeled a “final judgment” has been filed and entered in this case.

I. Question Two:

In May 2022, appellant attempted to appeal from a February 25, 2022 minute order denying his motion to set aside a 2019 judgment in a separate case, No. 37-2017-00010073-CU-BC-CTL (D080460). This Court dismissed that appeal “on the ground that it is taken from a nonappealable order” stating that, “there is no appealable order or judgment in the instant case [], which appellant initiated to collaterally attack the judgment in the prior case (*Geraci v. Cotton*, Case No. 37-2017-00010073).”

In the present appeal, appellant seeks to appeal from the superior court minute order dated July 12, 2024, which also denied appellant’s subsequent motion to set aside the same 2019 judgment in 37-2017-00010073-CU-BC-CTL. Much like appellant’s prior appeal (D080460), appellant claims that the 2019 judgment is “void”, and therefore the denial of his motion to set aside the “void” judgment is appealable. However, as the Court recognized in D080460, in the cases on which appellant relied, and herein relies, the party seeking to vacate the judgment on the grounds that is “void”, filed her motion in the same action in which the judgment was entered. *Doe v. Regents of University of California* (2022) 80 Cal.App.5th 282, 289. Respondent’s brief does not provide any authority to support the proposition that an order denying a motion to set aside a judgment is appealable where the motion was filed in a collateral action.

Respondent’s present appeal should be dismissed on the grounds that it is taken from a nonappealable order.

II. Question Three:

The July 12, 2024 order is not appealable as a final judgment under *Griset v. Fair Political Practices Com’n* (2001) 25 Cal.4th 688. “A judgment is the final determination of the rights of the parties.” *Id.* at 697, citing Cal. Civ. Proc. §577. In *Griset*, “plaintiffs ‘renewed’ in the superior court their 1991 motions for

summary adjudication and for summary judgment” as to specific causes of action after an “intervening change in controlling law”. *Id.* at 695. The trial court in *Griset* “described its order as a final determination of plaintiffs’ first cause of action for administrative mandate.” *Id.* at 697.

The superior court’s July 12, 2024 order denying appellant’s motion to set aside the 2019 judgment does not state that it is a final determination of the parties’ substantive rights or that it disposes of plaintiffs’ cause of action in equity. Additionally, a motion to set aside a judgment is procedurally distinct from a motion for summary adjudication or summary judgment in that it does not adjudicate a cause of action.

Furthermore, the superior court’s July 12, 2024 order does not determine the substantive rights of respondent and appellant in this matter. The substantive rights of respondent and appellant were determined by the 2019 judgment and the subsequent appeal therefrom¹. The July 12, 2024 order merely denied a motion, refusing to reopen an already-final judgment.

If the superior court’s July 12, 2024, order were determined by this Court to be a final appealable judgment, under *Griset*, litigants could bypass the applicable statutes of limitations to challenge final judgments by filing a collateral complaint, then filing motions to vacate, and continuing to appeal each denial indefinitely. Such a result would be inequitable and would undermine finality.

Respectfully submitted,

Dated: February 17, 2026

By:


James D. Crosby

Attorney for Respondent

LARRY GERACI

¹ See Appeal No D077081, which was dismissed for appellant Cotton’s failure to timely designate the record and deposit costs.

PROOF OF SERVICE

I am over the age of 18 years. I am employed in the County of San Diego, State of California. I am not a party to the above-referenced action. I am not a party to the above-referenced action. My business address is James D. Crosby, Attorney at Law, 402 West Broadway, Suite 1815, San Diego, CA 92101.

On February 17, 2026, I served the following documents:

RESPONDENT'S SUPPLEMENTAL BRIEF

on the following parties in this action as follows:

Darryl Cotton, *In Pro Per*

Email: 151darrylcotton@gmail.com

Electronic Service by Email

[X] by sending a copy or copies thereof via email transmission to each of the persons or entities at each of the email addresses designated above.

Electronic Service by Fourth District Court of Appeal approved e-Filing Service Provider

[X] by causing a copy or copies hereof to be electronically served in the above-entitled case upon each of the persons or entities at each of the email addresses designated above via True File, a Fourth District Court of Appeal approved e-Filing service provider.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this proof of service was executed at San Diego, California, on February 17, 2026.



Tereza L. Callender