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Attorney for Defendant Larry Geraci

**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF SAN DIEGO**

DARRYL COTTON,

Plaintiff,

v.

LAWRENCE (A/K/A LARRY) GERACI, an  
individual,

Defendant.

Case No. 37-2022-00000023-CU-MC-CTL

**DEFENDANT'S ANSWER TO  
PLAINTIFF'S VERIFIED COMPLAINT IN  
EQUITY TO SET ASIDE VOID  
JUDGMENT**

Judge: Hon. James A. Mangione  
Dept.: C-75

Complaint Filed: January 3, 2022  
Trial Date: Unassigned

Defendant Larry Geraci ("Defendant"), separating himself from all other defendants, answers Plaintiff's Verified Complaint in Equity to Set Aside Void Judgment (the "Verified Complaint") on file herein as follows:

**ANSWER**

1. Answering the allegations of paragraph 1 of the Verified Complaint, Defendant Geraci denies the Cotton I Judgment is void for the reasons alleged therein or for any other reason; as to the remaining allegations, Defendant denies said allegations for lack of sufficient knowledge, information, and belief.

2. Answering the allegations of paragraph 2 of the Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

1           3.       Answering the allegations of paragraph 3 of the Verified Complaint, Defendant  
2 Geraci denies the Cotton I Judgment was filed without factual or legal probable cause based on  
3 “judicially noticeable facts” or otherwise and denies all remaining allegations for lack of sufficient  
4 knowledge, information, and belief.

5           4.       Answering the allegations of paragraph 4 of the Verified Complaint, Defendant  
6 Geraci denies each and every allegation contained therein.

7           5.       Answering the allegations of paragraph 5 of the Verified Complaint, Defendant  
8 Geraci denies said allegations for lack of sufficient knowledge, information, and belief.

9           6.       Answering the allegations of paragraph 6 of the Verified Complaint, Defendant  
10 Geraci admits that the referenced document speaks for itself as to its content; except as expressly  
11 admitted herein, defendant denies the remaining allegations of said paragraph for lack of sufficient  
12 knowledge, information, and belief.

13          7.       Answering the allegations of paragraph 7 of the Verified Complaint, Defendant  
14 Geraci admits that the referenced document speaks for itself as to its content; except as expressly  
15 admitted herein, defendant denies the remaining allegations of said paragraph for lack of sufficient  
16 knowledge, information, and belief.

17          8.       Answering the allegations of paragraph 8 of the Verified Complaint, Defendant  
18 Geraci denies for lack of sufficient knowledge, information, and belief the allegations in the first  
19 sentence of said paragraph and denies each and every remaining allegation contained therein.

20          9.       Answering the allegations of paragraph 9 of the Verified Complaint, Defendant  
21 Geraci denies each and every allegation contained therein.

22          10.      Answering the allegations of paragraph 10 of the Verified Complaint, the allegations  
23 of said paragraph contain arguments and plaintiff’s conclusions of fact and law not properly  
24 included in the Verified Complaint; based thereon and answering the allegations of paragraph 10 of  
25 the Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

26          11.      Answering the allegations of paragraph 11 of the Verified Complaint, the allegations  
27 of said paragraph contain arguments and plaintiff’s conclusions of fact and law not properly  
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1 included in a complaint; based thereon and answering the allegations of paragraph 11 of the  
2 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

3 12. Answering the allegations of paragraph 12 of the Verified Complaint, Defendant  
4 Geraci denies said allegations for lack of sufficient knowledge, information, and belief.

5 13. Answering the allegations of paragraph 13 of the Verified Complaint, Defendant  
6 Geraci admits said allegations.

7 14. Answering the allegations of paragraph 14 of the Verified Complaint, Defendant  
8 Geraci admits said allegations.

9 15. Answering the allegations of paragraph 15 of the Verified Complaint, Defendant  
10 Geraci admits said allegations.

11 16. Answering the allegations of paragraph 16 of the Verified Complaint, Defendant  
12 Geraci admits he was a license real estate agent during the alleged time period; the remaining  
13 allegations of said paragraph contain arguments and plaintiff's conclusions of fact and law not  
14 properly included in a complaint and based thereon defendant denies the remaining allegations of  
15 said paragraph.

16 17. Answering the allegations of paragraph 17 of the Verified Complaint, Defendant  
17 Geraci admits that the referenced documents speak for themselves as to their content; except as  
18 expressly admitted herein defendant denies the remaining allegations of said paragraph.

19 18. Answering the allegations of paragraph 18 of the Verified Complaint, Defendant  
20 Geraci admits said allegations.

21 19. Answering the allegations of paragraph 19 of the Verified Complaint, Defendant  
22 Geraci denies said allegations for lack of sufficient knowledge, information, and belief.

23 20. Answering the allegations of paragraph 20 of the Verified Complaint, Defendant  
24 Geraci admits said allegations except that he believed the Property might qualify for a CUP and  
25 denies that he believed the Property would qualify for a CUP.

26 21. Answering the allegations of paragraph 21 of the Verified Complaint, Defendant  
27 Geraci admits said allegations.

1           22.     Answering the allegations of paragraph 22 of the Verified Complaint, Defendant  
2 Geraci denies each and every allegation contained therein.

3           23.     Answering the allegations of paragraph 23 of the Verified Complaint, Defendant  
4 Geraci denies each and every allegation contained therein.

5           24.     Answering the allegations of paragraph 24 of the Verified Complaint, Defendant  
6 Geraci admits said allegations.

7           25.     Answering the allegations of paragraph 25 of the Verified Complaint, Defendant  
8 Geraci admits said allegations.

9           26.     Answering the allegations of paragraph 26 of the Verified Complaint, Defendant  
10 Geraci admits said allegations.

11          27.     Answering the allegations of paragraph 27 of the Verified Complaint, Defendant  
12 Geraci admits that the referenced document speaks for itself as to its content; except as expressly  
13 admitted herein defendant denies the remaining allegations of said paragraph.

14          28.     Answering the allegations of paragraph 28 of the Verified Complaint, Defendant  
15 Geraci admits that Geraci was not disclosed anywhere in the Berry CUP Application; except as  
16 expressly admitted herein defendant denies the remaining allegations of said paragraph.

17          29.     Answering the allegations of paragraph 29 of the Verified Complaint, Defendant  
18 Geraci denies said allegations for lack of sufficient knowledge, information, and belief.

19          30.     Answering the allegations of paragraph 30 of the Verified Complaint, Defendant  
20 Geraci denies each and every allegation contained therein.

21          31.     Answering the allegations of paragraph 31 of the Verified Complaint, Defendant  
22 Geraci denies each and every allegation contained therein.

23          32.     Answering the allegations of paragraph 32 of the Verified Complaint, Defendant  
24 Geraci denies each and every allegation contained therein.

25          33.     Answering the allegations of paragraph 33 of the Verified Complaint, Defendant  
26 Geraci denies each and every allegation contained therein.

1           34.     Answering the allegations of paragraph 34 of the Verified Complaint, Defendant  
2 Geraci denies each and every allegation contained therein.

3           35.     Answering the allegations of paragraph 35 of the Verified Complaint, Defendant  
4 Geraci admits that the referenced document speaks for itself as to its content; except as expressly  
5 admitted herein Defendant denies the remaining allegations of said paragraph.

6           36.     Answering the allegations of paragraph 36 of the Verified Complaint, Defendant  
7 Geraci admits that the referenced document speaks for itself as to its content; except as expressly  
8 admitted herein Defendant denies the remaining allegations of said paragraph.

9           37.     Answering the allegations of paragraph 37 of the Verified Complaint, Defendant  
10 Geraci denies said allegations for lack of sufficient knowledge, information, and belief.

11           38.     Answering the allegations of paragraph 38 of the Verified Complaint, Defendant  
12 Geraci admits that the referenced document speaks for itself as to its content; except as expressly  
13 admitted herein Defendant denies the remaining allegations of said paragraph.

14           39.     Answering the allegations of paragraph 39 of the Verified Complaint, Defendant  
15 Geraci denies each and every allegation contained therein.

16           40.     Answering the allegations of paragraph 40 of the Verified Complaint, Defendant  
17 Geraci denies each and every allegation contained therein.

18           41.     Answering the allegations of paragraph 41 of the Verified Complaint, Defendant  
19 Geraci denies each and every allegation contained therein.

20           42.     Answering the allegations of paragraph 42 of the Verified Complaint, Defendant  
21 Geraci denies each and every allegation contained therein.

22           43.     Answering the allegations of paragraph 43 of the Verified Complaint, Defendant  
23 Geraci admits that the referenced complaint speaks for itself as to its content and allegations; except  
24 as expressly admitted herein Defendant denies the remaining allegations of said paragraph.

25           44.     Answering the allegations of paragraph 44 of the Verified Complaint, Defendant  
26 Geraci admits plaintiff was served with the referenced complaint and the referenced lis pendens was  
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1 recorded; except as expressly admitted herein Defendant denies the remaining allegations of said  
2 paragraph for lack of sufficient knowledge, information, and belief.

3 45. Answering the allegations of paragraph 45 of the Verified Complaint the allegations  
4 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
5 included in a complaint; based thereon and answering the allegations of paragraph 45 of the  
6 Verified Complaint, Defendant Geraci denies each and every allegation contained therein and  
7 specifically denies the Cotton I action was filed without factual or legal probable cause.

8 46. Answering the allegations of paragraph 46 of the Verified Complaint, the allegations  
9 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
10 included in a complaint; based thereon and answering the allegations of paragraph 46 of the  
11 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
12 of sufficient knowledge, information, and belief.

13 47. Answering the allegations of paragraph 47 of the Verified Complaint, the allegations  
14 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
15 included in a complaint; based thereon and answering the allegations of paragraph 47 of the  
16 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
17 of sufficient knowledge, information, and belief.

18 48. Answering the allegations of paragraph 48 of the Verified Complaint, the allegations  
19 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
20 included in a complaint; based thereon and answering the allegations of paragraph 48 of the  
21 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
22 of sufficient knowledge, information, and belief

23 49. Answering the allegations of paragraph 49 of the Verified Complaint, Defendant  
24 Geraci admits that the referenced judgment speaks for itself as to its term and content; except as  
25 expressly admitted herein Defendant denies the remaining allegations of said paragraph.

26 50. Answering the allegations of paragraph 50 of the Verified Complaint, Defendant  
27 Geraci denies each and every allegation contained therein.

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1           51.     Answering the allegations of paragraph 51 of the Verified Complaint, Defendant  
2 Geraci denies said allegations for lack of sufficient knowledge, information, and belief.

3           52.     Answering the allegations of paragraph 52 of the Verified Complaint, the allegations  
4 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
5 included in a complaint; based thereon and answering the allegations of paragraph 52 of the  
6 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
7 of sufficient knowledge, information, and belief.

8           53.     Answering the allegations of paragraph 53 of the Verified Complaint, the allegations  
9 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
10 included in a complaint; based thereon and answering the allegations of paragraph 53 of the  
11 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
12 of sufficient knowledge, information, and belief.

13          54.     Answering the allegations of paragraph 54 of the Verified Complaint, the allegations  
14 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
15 included in a complaint; based thereon and answering the allegations of paragraph 54 of the  
16 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
17 of sufficient knowledge, information, and belief.

18          55.     Answering the allegations of paragraph 55 of the Verified Complaint, the allegations  
19 of the first sentence of said paragraph contain arguments and plaintiff's conclusions of fact and law  
20 not properly included in a complaint and based thereon, Defendant Geraci denies said allegations  
21 for lack of sufficient knowledge, information, and belief; answering the remaining allegations of  
22 said paragraph, Geraci denies said allegations.

23          56.     Answering the allegations of paragraph 56 of the Verified Complaint, the allegations  
24 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
25 included in a complaint; based thereon and answering the allegations of paragraph 56 of the  
26 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

1           57.     Answering the allegations of paragraph 57 of the Verified Complaint, the allegations  
2 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
3 included in a complaint; based thereon and answering the allegations of paragraph 57 of the  
4 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

5           58.     Answering the allegations of paragraph 58 of the Verified Complaint, Geraci admits  
6 the plaintiff moved for a directed verdict at the conclusion of the Cotton I trial, and that said motion  
7 speaks for itself as to its basis; except as expressly admitted herein Defendant Geraci denies each  
8 and every allegation contained therein.

9           59.     Answering the allegations of paragraph 59 of the Verified Complaint, Defendant  
10 Geraci admits that the referenced judgment speaks for itself as to its content; except as expressly  
11 admitted herein, Defendant denies the remaining allegations of said paragraph.

12          60.     Answering the allegations of paragraph 60 of the Verified Complaint, Defendant  
13 Geraci admits said allegations.

14          61.     Answering the allegations of paragraph 61 of the Verified Complaint, Geraci admits  
15 the plaintiff moved for a new trial after the Cotton I trial and said motion speaks for itself as to its  
16 basis; except as expressly admitted herein Defendant Geraci denies each and every allegation  
17 contained therein.

18          62.     Answering the allegations of paragraph 62 of the Verified Complaint, Geraci admits  
19 Geraci opposed plaintiff's motion for a new trial after the Cotton I trial, and that said opposition  
20 speaks for itself as to its basis; except as expressly admitted herein Defendant Geraci denies each  
21 and every allegation contained therein.

22          63.     Answering the allegations of paragraph 63 of the Verified Complaint, Defendant  
23 Geraci denies each and every allegation contained therein.

24          64.     Answering the allegations of paragraph 64 of the Verified Complaint, Geraci admits  
25 the court denied plaintiff's motion for a new trial after the Cotton I trial and the court record speaks  
26 for itself as to the basis for said denial; except as expressly admitted herein Defendant Geraci denies  
27 each and every allegation contained therein.

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1           65.     Answering the allegations of paragraph 65 of the Verified Complaint, the allegations  
2 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
3 included in a complaint; based thereon and answering the allegations of paragraph 65 of the  
4 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
5 of sufficient knowledge, information, and belief.

6           66.     Answering the allegations of paragraph 66 of the Verified Complaint, the allegations  
7 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
8 included in a complaint; based thereon and answering the allegations of paragraph 66 of the  
9 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
10 of sufficient knowledge, information, and belief.

11          67.     Answering the allegations of paragraph 67 of the Verified Complaint, the allegations  
12 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
13 included in a complaint; based thereon and answering the allegations of paragraph 67 of the  
14 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
15 of sufficient knowledge, information, and belief.

16          68.     Answering the allegations of paragraph 68 of the Verified Complaint, the allegations  
17 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
18 included in a complaint; based thereon and answering the allegations of paragraph 68 of the  
19 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

20          69.     Answering the allegations of paragraph 69 of the Verified Complaint, the allegations  
21 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
22 included in a complaint; based thereon and answering the allegations of paragraph 69 of the  
23 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

24          70.     Answering the allegations of paragraph 70 of the Verified Complaint, the allegations  
25 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
26 included in a complaint; based thereon and answering the allegations of paragraph 70 of the  
27 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

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1           71.     Answering the allegations of paragraph 71 of the Verified Complaint, the allegations  
2 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
3 included in a complaint; based thereon and answering the allegations of paragraph 71 of the  
4 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

5           72.     Answering the allegations of paragraph 72 of the Verified Complaint, the allegations  
6 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
7 included in a complaint; based thereon and answering the allegations of paragraph 72 of the  
8 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
9 of sufficient knowledge, information, and belief.

10          73.     Answering the allegations of paragraph 73 of the Verified Complaint, Defendant  
11 Geraci denies each and every allegation contained therein.

12          74.     Answering the allegations of paragraph 74 of the Verified Complaint, Defendant  
13 Geraci denies each and every allegation contained therein.

14          75.     Answering the allegations of paragraph 75 of the Verified Complaint, Defendant  
15 Geraci denies each and every allegation contained therein.

16          76.     Answering the allegations of paragraph 76 of the Verified Complaint, Geraci admits  
17 that plaintiff's pleadings and filings in the Cotton I action speak for themselves as to their content;  
18 except as expressly admitted herein Defendant Geraci denies each and every allegation contained  
19 therein.

20          77.     Answering the allegations of paragraph 77 of the Verified Complaint, Geraci admits  
21 that plaintiffs referenced demurrer speaks for itself as to its content; except as expressly admitted  
22 herein Defendant Geraci denies each and every allegation contained therein.

23          78.     Answering the allegations of paragraph 78 of the Verified Complaint, Geraci admits  
24 that plaintiff filed a motion to expunge lis pendens and that the referenced motion speaks for  
25 themselves as to its content; except as expressly admitted herein Defendant Geraci denies each and  
26 every allegation contained therein.

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1           79.     Answering the allegations of paragraph 79 of the Verified Complaint, Geraci admits  
2 that plaintiff filed a motion to expunge lis pendens and that the referenced motion speaks for  
3 themselves as to its content; except as expressly admitted herein Defendant Geraci denies each and  
4 every allegation contained therein.

5           80.     Answering the allegations of paragraph 80 of the Verified Complaint, Defendant  
6 Geraci admits said allegations.

7           81.     Answering the allegations of paragraph 81 of the Verified Complaint, Geraci admits  
8 that the referenced declaration speaks for itself as to its content; except as expressly admitted herein  
9 Defendant Geraci denies each and every allegation contained therein.

10          82.     Answering the allegations of paragraph 82 of the Verified Complaint, Geraci admits  
11 that the referenced email speaks for itself as to its content; except as expressly admitted herein  
12 Defendant Geraci denies each and every allegation contained therein.

13          83.     Answering the allegations of paragraph 83 of the Verified Complaint, Defendant  
14 Geraci denies each and every allegation contained therein.

15          84.     Answering the allegations of paragraph 84 of the Verified Complaint, the allegations  
16 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
17 included in a complaint; based thereon and answering the allegations of paragraph 84 of the  
18 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

19          85.     Answering the allegations of paragraph 85 of the Verified Complaint, the allegations  
20 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
21 included in a complaint; based thereon and answering the allegations of paragraph 85 of the  
22 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

23          86.     Answering the allegations of paragraph 86 of the Verified Complaint, the allegations  
24 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
25 included in a complaint; based thereon and answering the allegations of paragraph 86 of the  
26 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

1           87.     Answering the allegations of paragraph 87 of the Verified Complaint, the allegations  
2 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
3 included in a complaint; based thereon and answering the allegations of paragraph 87 of the  
4 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

5           88.     Answering the allegations of paragraph 88 of the Verified Complaint, the allegations  
6 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
7 included in a complaint; based thereon and answering the allegations of paragraph 88 of the  
8 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

9           89.     Answering the allegations of paragraph 89 of the Verified Complaint, the allegations  
10 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
11 included in a complaint; based thereon and answering the allegations of paragraph 89 of the  
12 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
13 of sufficient knowledge, information, and belief.

14          90.     Answering the allegations of paragraph 90 of the Verified Complaint, the allegations  
15 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
16 included in a complaint; based thereon and answering the allegations of paragraph 90 of the  
17 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
18 of sufficient knowledge, information, and belief.

19          91.     Answering the allegations of paragraph 91 of the Verified Complaint, the allegations  
20 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
21 included in a complaint; based thereon and answering the allegations of paragraph 91 of the  
22 Verified Complaint, Defendant Geraci denies each and every allegation contained therein for lack  
23 of sufficient knowledge, information, and belief.

24          92.     Answering the allegations of paragraph 92 of the Verified Complaint, the allegations  
25 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
26 included in a complaint; based thereon and answering the allegations of paragraph 92 of the  
27 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.  
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1           93.     Answering the allegations of paragraph 93 of the Verified Complaint, the allegations  
2 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
3 included in a complaint; based thereon and answering the allegations of paragraph 93 of the  
4 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

5           94.     Answering the allegations of paragraph 94 of the Verified Complaint, the allegations  
6 of said paragraph contain arguments and plaintiff's conclusions of fact and law not properly  
7 included in a complaint; based thereon and answering the allegations of paragraph 94 of the  
8 Verified Complaint, Defendant Geraci denies each and every allegation contained therein.

9           95.     Answering the allegations of paragraph 95 of the Verified Complaint, Defendant  
10 Geraci denies said allegations for lack of sufficient knowledge, information, and belief.

11           96.     Answering the allegations of paragraph 96 of the Verified Complaint, Geraci admits  
12 that plaintiff filed and thereafter amended the referenced action in federal court and that the  
13 pleadings in said action speak for themselves as to their content; except as expressly admitted herein  
14 Defendant Geraci denies each and every allegation contained therein.

15           97.     Answering the allegations of paragraph 97 of the Verified Complaint, Geraci admits  
16 that the court dismissed the federal action and that the court's order in that regard speaks for itself  
17 as to its rulings and content; except as expressly admitted herein Defendant Geraci denies each and  
18 every allegation contained therein.

19           98.     Answering the allegations of paragraph 98 of the Verified Complaint, Defendant  
20 Geraci denies each and every allegation contained therein.

21                               **AFFIRMATIVE DEFENSES**

22           99.     Defendant Geraci has not completed discovery as to the pertinent facts and  
23 occurrences pertaining to the Verified Complaint. Defendant Geraci presently has insufficient  
24 knowledge and information upon which to form a belief as to whether it may have additional, as yet  
25 unstated, affirmative defenses. In addition to the affirmative defenses asserted below, Defendant  
26 Geraci reserves the right to assert further affirmative defenses in the event discovery indicates such  
27 affirmative defenses are available.

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**SECOND AFFIRMATIVE DEFENSE**

101. The Verified Complaint is not timely under Code of Civil Procedure Section 473473 and therefore is barred.

**THIRD AFFIRMATIVE DEFENSE**

102. The Cotton I Judgment is not void on its face and therefore plaintiff is barred from seeking to vacate said judgment by way of this action.

**FOURTH AFFIRMATIVE DEFENSE**

103. The Verified Complaint is barred by the doctrines of re judicata and/or collateral estoppel.

**FIFTH AFFIRMATIVE DEFENSE**

104. Plaintiff's Verified Complaint is barred by the doctrine of unclean hands.

**SIXTH AFFIRMATIVE DEFENSE**

105. Plaintiff's Verified Complaint is barred by the doctrine of laches.

105. Plaintiff's Verified Complaint is barred by the doctrine of laches.

**SEVENTH AFFIRMATIVE DEFENSE**

106. Plaintiff's Verified Complaint is barred by the doctrine of estoppel.

107. Plaintiff's Verified Complaint is barred by the doctrine of waiver.

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WHEREFORE, this Defendant prays for judgment as follows:

1. For denial of Plaintiff’s request to vacate the Cotton I judgment and dismissal of the Verified Complaint on file herein;
2. For costs of suit incurred herein; and,
3. For such other relief as the Court deems just and proper.

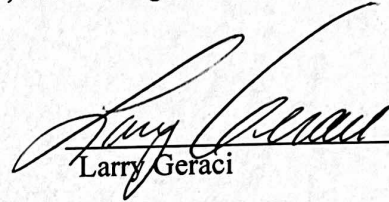
Dated: February 8, 2022

Respectfully submitted,  
  
/s/ James D. Crosby  
James D. Crosby  
Attorney for Larry Geraci

**VERIFICATION**

I am a Defendant in this action. I have read the foregoing DEFENDANT'S ANSWER TO PLAINTIFF'S VERIFIED COMPLAINT IN EQUITY TO SET ASIDE VOID JUDGMENT and know the contents thereof. The matters stated therein are true to my knowledge except as to those matters which are stated on information and belief, and, as to those matters, I believe them to be true.

I declare under the penalty of perjury under the laws of the States of California that the foregoing is true and correct. Executed on February 9, 2022, in San Diego, California.

  
Larry Geraci