

<b>COURT OF APPEAL</b> <b>4TH APPELLATE DISTRICT, DIVISION 1</b>	COURT OF APPEAL CASE NUMBER: <b>D080460</b>
ATTORNEY OR PARTY WITHOUT ATTORNEY:                      STATE BAR NO.: <b>110383</b> NAME: <b>James D. Crosby</b> FIRM NAME: <b>James D. Crosby, Attorney at Law</b> STREET ADDRESS: <b>550 West C Street, Suite 620</b> CITY: <b>SAN DIEGO</b> STATE: <b>CA</b> ZIP CODE: <b>92101</b> TELEPHONE NO.: <b>619 450-4149</b> FAX NO.: E-MAIL ADDRESS: <b>crosby@crosbyattorney.com</b> ATTORNEY FOR (name): <b>Lawrence Geraci</b>	SUPERIOR COURT CASE NUMBER: <b>37-2022-00000023-CU-MC-CTL</b>
APPELLANT: <b>Darryl Cotton</b>  RESPONDENT: <b>Lawrence Geraci</b>	
<b>APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CIVIL CASE)</b>	
<b>Notice: Please read Judicial Council form APP-001 before completing this form.</b>	

1. I (name): **Lawrence Geraci** request that the time to file (check one):  
☐ appellant's opening brief (AOB)  
☒ respondent's brief (RB)  
☐ combined respondent's brief (RB) and appellant's opening brief (AOB) (see rule 8.216)  
☐ combined appellant's reply brief (ARB) and respondent's brief (RB) (see rule 8.216)  
☐ appellant's reply brief (ARB)  
 now due on (date): **August 22, 2022** be extended to (date): **September 19, 2022**

2. I ☐ have ☒ have not received a rule 8.220 notice.

3. I have received:  
☒ no previous extensions to file this brief.  
☐ the following previous extensions:  
     (number of extensions): extensions by stipulation totaling (total number of days):  
     (number of extensions): extensions from the court totaling (total number of days):  
 Did the court mark any previous extension "no further?" ☐ Yes ☐ No

4. I am unable to file a stipulation to an extension because  
☒ the other party is unwilling to stipulate to an extension.  
☐ other reason (please specify):

5. The last brief filed by any party was: ☒ AOB ☐ RB ☐ RB and AOB ☐ ARB and RB  
 filed on (date): **07/21/2022**

6. The record in this case is:

	Volumes (#)	Pages (#)	Date filed
Appendix/Clerk's Transcript:			
Reporter's Transcript:			
Augmentation/Other:	4	1, 110	

7. ☐ The trial court has ordered the proceedings in this case stayed until this appeal is decided.

APPELLANT: **Darryl Cotton**  
 RESPONDENT: **Lawrence Geraci**

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**D080460**

8. The reasons that I need an extension to file this brief are stated

☒ below

☐ on a separate declaration. You may use *Attached Declaration (Court of Appeal)* (form APP-031) for this purpose.

(Please specify; see Cal. Rules of Court, rule 8.63, for factors used in determining whether to grant extensions):

Appellants opening brief and the record are voluminous for review of law and motion ruling and order. The appealability of the underlying order was in dispute per the court's notices and, as such, respondent's counsel held off working on a responding brief pending resolution of that issue. Finally, respondent's counsel was in trial throughout the month of July 2022 in the matter of Marruenda v. Marruenda (San Diego Superior Court No.: 37-2019-00039907-CU-PO-CTL) and largely unable to work on a responding brief. Respondent does not anticipate that additional time will be needed to complete and file a responding brief beyond this requested extension.

9. For attorneys filing application on behalf of client, I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule 8.60).

10. A proof of service of this application on all other parties is attached (see Cal. Rules of Court, rule 8.50). You may use *Proof of Service (Court of Appeal)* (form APP-009) or *Proof of Electronic Service (Court of Appeal)* (form APP-009E) for this purpose.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: **August 16, 2022**

**James D. Crosby**

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

Order on Application is ☐ below ☐ on a separate document

## ORDER

EXTENSION OF TIME IS:

☐ Granted to (date): \_\_\_\_\_

☐ Denied

Date: \_\_\_\_\_

(SIGNATURE OF PRESIDING JUSTICE)