

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

01/09/2018 at 02:03:00 PM

Clerk of the Superior Court
By E- Filing, Deputy Clerk

1 FERRIS & BRITTON
A Professional Corporation
2 Michael R. Weinstein (SBN 106464)
Scott H. Toothacre (SBN 146530)
3 501 West Broadway, Suite 1450
San Diego, California 92101
4 Telephone: (619) 233-3131
Fax: (619) 232-9316
5 mweinstein@ferrisbritton.com
stoothacre@ferrisbritton.com
6

7 AUSTIN LEGAL GROUP, APC
3990 Old Town Ave., Ste. A112
San Diego, CA 92110
8 Telephone: (619) 924-9600
Fax: (619) 881-0045
9 gaustin@austinlegalgroup.com

10 Attorneys for Real Parties in Interest
LARRY GERACI and REBECCA BERRY
11

12 **SUPERIOR COURT OF CALIFORNIA**
13 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

14 DARRYL COTTON, an individual,
15 Petitioner/Plaintiff,

16 v.

17 CITY OF SAN DIEGO, a public entity; and
18 DOES 1 through 25,

19 Respondents/Defendants.

20 REBECCA BERRY, an individual; LARRY
21 GERACE, an individual, and ROES 1 through
25,

22 Real Parties in Interest.
23

Case No. 37-2017-00037675-CU-WM-CTL

Judge: Hon. Joel R. Wohlfeil
Dept.: C-73

**NOTICE OF HEARING ON MOTION BY
REAL PARTIES IN INTEREST, LARRY
GERACI AND REBECCA BERRY, TO
COMPEL THE DEPOSITION OF
DARRYL COTTON**

[IMAGED FILE]

DATE: January 25, 2018
TIME: 8:30 a.m.
DEPT: C-73

Petition Filed: October 6, 2017

24 PLEASE TAKE NOTICE THAT at the January 9, 2018, hearing on the *ex parte* application by
25 Real Parties in Interest, LARRY GERACI and REBECCA BERRY, to (1) compel the deposition of
26 DARRYL COTTON, and (2) continue the January 25, 2018, hearing on the motion by
27 Petitioner/Plaintiff, DARRYL COTTON, for issuance of a peremptory writ of mandate for a reasonable
28 period of time to allow the deposition to take place and for sufficient time thereafter for moving parties

1 to file their papers in opposition to the motion for issuance of a peremptory writ of mandate, the Court
2 ordered the following:

3 (1) That the Court will hear the noticed motion of Real Parties in Interest Geraci and Berry to
4 compel the deposition of Darryl Cotton on shortened time in accordance with the following:

5 (a) Counsel for Geraci and Berry having agreed thereto, the moving papers filed by Geraci
6 and Berry in support of their *ex parte* application to compel the deposition of Darryl
7 Cotton will be deemed the moving papers in support of their noticed motion to compel
8 the deposition of Darryl Cotton;

9 (b) Cotton shall serve and file any opposition papers to the motion to compel the deposition
10 of Darryl Cotton on or before January 19, 2018;

11 (c) Geraci and Berry will not file reply papers;

12 (d) The hearing on the motion to compel the deposition of Darryl Cotton will be heard on
13 January 25, 2018, at 8:30 a.m., in Department C-73;

14 (e) That the hearing currently set for January 25, 2018, at 8:30 a.m. on Petitioner/Plaintiff
15 DARRYL COTTON's motion for issuance of a peremptory writ of mandate is vacated.
16 Following the court's hearing and ruling on the motion to compel the deposition of
17 Darryl Cotton on January 25, 2018, the court will issue an appropriate order re-setting
18 the hearing date for the motion for issuance of a peremptory writ of mandate; and

19 (f) Real Parties in Interest's counsel will prepare and serve notice of the Court's rulings and
20 of the hearing date for the noticed motion to compel the deposition of Darryl Cotton.

21 In accordance with the foregoing, PLEASE TAKE FURTHER NOTICE THAT the hearing on
22 the noticed motion of Real Parties in Interest, Larry Geraci and Rebecca Berry, to compel the
23 deposition of Darryl Cotton will be heard on January 25, 2018, at 8:30 a.m., or as soon thereafter as the
24 matter may be heard, in Department C-73 of the above-titled court.

25 Dated: January 9, 2018

FERRIS & BRITTON, APC

26 By: 
27 Michael R. Weinstein

28 Attorneys for Real Parties in Interest
LARRY GERACI and REBECCA BERRY