

IN THE COURT OF

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

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:
- | | <u>Volumes (#)</u> | <u>Pages (#)</u> | <u>Date filed</u> |
|------------------------------|--------------------|------------------|-------------------|
| 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**

COURT OF APPEAL CASE NUMBER:

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): September 19, 2022

☐ Denied

Date: 08/17/2022

MCCONNELL, P.J.

(SIGNATURE OF PRESIDING JUSTICE)

PROOF OF SERVICE (Court of Appeal) <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Personal Service	
Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read <i>Information Sheet for Proof of Service (Court of Appeal)</i> (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.	
Case Name: Darryl Cotton vs. Lawrence Geraci Court of Appeal Case Number: D080460 Superior Court Case Number: 37-2022-00000023-CU-MC-CTL	

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My ☐ residence ☒ business address is (*specify*): 550 West C Street, Suite 620, San Diego, CA, 92101
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*): Application for Extension of Time to File Brief

a. ☒ **Mail.** I mailed a copy of the document identified above as follows:

(1) I enclosed a copy of the document identified above in an envelope or envelopes **and**

(a) ☒ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.

(b) ☐ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.

(2) Date mailed: August 17, 2022

(3) The envelope was or envelopes were addressed as follows:

(a) Person served:

(i) Name: Darryl Cotton

(ii) Address: 6178 Federal Boulevard, San Diego, 92114

(b) Person served:

(i) Name:

(ii) Address:

(c) Person served:

(i) Name:

(ii) Address:

☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).

(4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): SAN DIEGO, CA

Case Name: Darryl Cotton vs. Lawrence Geraci	Court of Appeal Case Number: D080460
	Superior Court Case Number: 37-2022-00000023-CU-MC-CTL

3. b. ☐ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

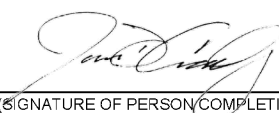
☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

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

Date:

James D. Crosby

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)


(SIGNATURE OF PERSON COMPLETING THIS FORM)