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Specially appearing attorney for Plaintiff Darryl Cotton

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DARRYL COTTON, an individual,
Plaintiff,

vs.

CYNTHIA BASHANT, an individual;
JOEL WOHLFEIL, an individual; LARRY
GERACI, an individual; REBECCA
BERRY, an individual; GINA AUSTIN, an
individual; MICHAEL WEINSTEIN, an
individual; JESSICA MCELFRISH, an
individual, and DAVID DEMIAN, an
individual
Defendants.

CASE NO. 3:18-cv-00325-TWR
(DEB)

**DECLARATION OF JACOB
AUSTIN IN SUPPORT OF
DARRYL COTTON'S EX PARTE
APPLICATION FOR
APPOINTMENT OF COUNSEL
PURSUANT TO 28 U.S.C. §
1915(e)(1)**

Hearing Date: N/A

Hearing Time: N/A

Judge: Hon. Todd W. Robinson

Courtroom: 3A

I, Jacob Austin, (CA BAR No. 290303) declare as follows:

1. I make this declaration in support of Darryl Cotton's ex parte application for court appointed counsel.

2. All facts stated in this declaration are made on the basis of personal knowledge, and if called as a witness, I could and would testify to them.

1 3. I have agreed to represent Mr. Cotton, in a limited scope special
2 appearance, for the purposes of the instant *ex parte* application requesting counsel for
3 Mr. Cotton on a *pro bono* basis.
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5 4. I represented Mr. Cotton in *Geraci v. Cotton Superior Court*, Case No. 37-
6 2017-00010073-CU-BC-CTL ("*Cotton I*").
7

8 5. I know the judgment issued against Mr. Cotton in *Cotton I* is void for, *inter*
9 *alia*, enforcing an illegal contract.
10

11 6. However, I cannot represent Mr. Cotton in this matter as I am almost
12 exclusively a criminal defense attorney and do not have the experience to represent Mr.
13 Cotton with the complicated causes of actions he has against numerous attorney
14 defendants and because it is financially impossible for me to do so.
15

16
17 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
18 STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

19 Dated: 8/28/2021

20 *S/ Jacob P. Austin, Esq.*

21 _____
22 Jacob Austin
23 Specially appearing attorney for Plaintiff
24 Darryl Cotton
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