

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Douglas A. Pettit, Esq., SBN 160371 Kayla R. Sealey, Esq., SBN 341956 PETTIT KOHN INGRASSIA LUTZ & DOLIN PC 11622 El Camino Real, Suite 300 San Diego, CA 92130 TELEPHONE NO.: (858) 755-8500 FAX NO. (Optional): (858) 755-8504 E-MAIL ADDRESS: dpettitkohn@pettitkohn.com; ksealey@pettitkohn.com ATTORNEY FOR (Name): Defendants GINA M. AUSTIN & AUSTIN LEGAL GROUP	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Diego 05/26/2022 at 04:27:00 PM Clerk of the Superior Court By Adriana Ive Anzalone, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice	
PLAINTIFF/PETITIONER: AMY SHERLOCK, et al. DEFENDANT/RESPONDENT: GINA M. AUSTIN, et al.	
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000)	<input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)
CASE NUMBER: 37-2021-00050889-CU-AT-CTL	
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: June 10, 2022 Time: 10:30 a.m. Dept.:C-75 Div.: Room: Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Kayla R. Sealey, Esq.	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
 - a. This statement is submitted by party (name): GINA M. AUSTIN & AUSTIN LEGAL GROUP
 - b. This statement is submitted jointly by parties (names):
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date):
 - b. The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served (specify names and explain why not):
 - (2) have been served but have not appeared and have not been dismissed (specify names):
 - (3) have had a default entered against them (specify names):
 - c. The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
4. **Description of case**
 - a. Type of case in complaint cross-complaint (Describe, including causes of action):
 Plaintiffs assert seven causes of action: (1) conspiracy to monopolize; (2) conversion; (3) civil conspiracy (4) declaratory relief; (5) unfair competition and unlawful business practices; (6) declaratory relief; and (7) civil conspiracy

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4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

Plaintiffs claim damages resulting from alleged unlawful acts in acquiring condition use permits. Gina M. Austin and Austin Legal Group deny all allegations.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a. The trial has been set for *(date)*:

b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

2022: 4/8-4/22; 5/6-5/13; 5/31-6/24; 7/22-7/29; 8/19-9/1; 9/6-9/13; 9/26-9/30; 10/7-10/17; 10/21-11/2; 11/23-12/5;
2023: 1/27-2/3; 2/17-2/24; 3/3-3/10

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

a. days *(specify number)*: 5-7

b. hours (short causes) *(specify)*:

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 of the California Rules of Court for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:

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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete mediation by <i>(date)</i> : <input type="checkbox"/> Mediation completed on <i>(date)</i> :
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete settlement conference by <i>(date)</i> : <input type="checkbox"/> Settlement conference completed on <i>(date)</i> :
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete neutral evaluation by <i>(date)</i> : <input type="checkbox"/> Neutral evaluation completed on <i>(date)</i> :
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete judicial arbitration by <i>(date)</i> : <input type="checkbox"/> Judicial arbitration completed on <i>(date)</i> :
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete private arbitration by <i>(date)</i> : <input type="checkbox"/> Private arbitration completed on <i>(date)</i> :
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete ADR session by <i>(date)</i> : <input type="checkbox"/> ADR completed on <i>(date)</i> :

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11. Insurance

- a. Insurance carrier, if any, for party filing this statement (*name*): Arch Insurance Company
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

Bankruptcy Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
- (1) Name of case: Geraci v. Cotton
- (2) Name of court: Superior Court of California, County of San Diego
- (3) Case number: 37-2017-00010073-CU-BC-CTL
- (4) Status: Pending
- Additional cases are described in Attachment 13a.
- b. A motion to consolidate coordinate will be filed by (*name party*):

14. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
- Gina M. Austin and Austin Legal Group intend to file a Special Motion to Strike Pursuant to Code of Civil Procedure 425.16 (the anti-SLAPP statute)

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Defendant	Written Discovery	August 2022
Defendant	Depositions	October 2022
Defendant	Expert Testimony	December 2022

- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

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17. Economic litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):


20. Total number of pages attached (if any): 4

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: May 26, 2022

Kayla R. Sealey, Esq.
(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)


(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

Attachment

Attachment 13a

- (1) Name of Case: Cotton v. Geraci et al.
- (2) Name of court: U.S. District Court for the Sothern District of California
- (3) Case number: 3:18-cv-00325-JO-DEB
- (4) Status: Pending

- (5) Name of Case: Flores et al. v. Austin et al.
- (6) Name of court: U.S. District Court for the Sothern District of California
- (7) Case number: 3:20-cv-00656-JO-DEB
- (8) Status: Pending

1 Douglas A. Pettit, Esq., SBN 160371
2 Kayla R. Sealey, Esq., SBN 341956
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4 11622 El Camino Real, Suite 300
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6 Telephone: (858) 755-8500
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8 E-mail: dpettit@pettitkohn.com
9 ksealey@pettitkohn.com

10 Attorneys for Defendants
11 **GINA M. AUSTIN and AUSTIN LEGAL GROUP**

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF SAN DIEGO – CENTRAL DIVISION**

14 AMY SHERLOCK, an individual and on
15 behalf of her minor children, T.S. and S.S.,
16 ANDREW FLORES, an individual,

17 Plaintiffs,

18 v.

19 GINA M. AUSTIN, an individual; AUSTIN
20 LEGAL GROUP, a professional corporation,
21 LARRY GERACI, an individual, REBECCA
22 BERRY, an individual; JESSICA
23 MCELFRISH, an individual; SALAM
24 RAZUKI, an individual; NINUS MALAN,
25 an individual; FINCH, THORTON, AND
26 BARID, a limited liability partnership;
27 ABHAY SCHWEITZER, an individual and
28 dba TECHNE; JAMES (AKA JIM)
BARTELL, an individual; NATALIE
TRANG-MY NGUYEN, an individual,
AARON MAGAGNA, an individual;
BRADFORD HARCOURT, an individual;
SHAWN MILLER, an individual; LOGAN
STELLMACHER, an individual;
EULENTHIAS DUANE ALEXANDER, an
individual; STEPHEN LAKE, an individual,
ALLIED SPECTRUM, INC. a California
corporation, PRODIGIOUS
COLLECTIVES, LLC, a limited liability
company, and DOES 1 through 50, inclusive,

Defendants.

CASE NO.: 37-2021-00050889-CU-AT-CTL

PROOF OF SERVICE

Dept.: C-75
Judge: Hon. James A. Mangione
Filed: December 3, 2021
Trial: Not Set

1 I, the undersigned, declare that:

2 I am and was at the time of service of the papers herein, over the age of eighteen (18)
3 years and am not a party to the action. I am employed in the County of San Diego, California,
and my business address is 11622 El Camino Real, Suite 300, San Diego, California 92130.

4 On **May 26, 2022**, I caused to be served the following documents:

5 • **CASE MANAGEMENT STATEMENT**

6 **BY FACSIMILE TRANSMISSION (Code Civ. Proc. §§ 1013(e)-(f)):** From fax
7 number (858) 755-8504 to the fax numbers listed below. The facsimile machine I used
8 complied with Cal. Rules of Court, rule 2.306 and no error was reported by the machine.
I caused the machine to print a transmission record, a copy of which will be maintained
9 with the document(s) in our office.

10 **BY MAIL:** By placing a copy thereof for delivery in a separate envelope addressed to
each addressee, respectively, as follows:

11 **BY FIRST-CLASS MAIL (Code Civ. Proc. §§ 1013(a)-(b))**

12 **BY OVERNIGHT DELIVERY (Code Civ. Proc. §§ 1013(c)-(d))**

13 **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED (Code Civ.
Proc. §§ 1013(a)-(b))**

14 **BY ELECTRONIC DELIVERY (Code Civ. Proc. § 1010.6 and Cal. Rules of Court,
rule 2.251):** Based on an agreement between the parties to accept service by e-mail or
15 electronic transmission, I caused such document(s) to be electronically served to those
parties listed below from e-mail address izamora@pettitkohn.com. The file transmission
16 was reported as complete and a copy of the Service Receipt will be maintained with the
original document(s) in our office.

17 **BY ELECTRONIC SERVICE (California Rule of Court 2.251):** By submitting an
18 electronic version of the document(s) via file transfer protocol (FTP) to OneLegal Online
Court Services through the upload feature at www.onelegal.com.

19 **BY PERSONAL SERVICE:** I caused the above-described document to be personally
20 served on the parties listed on the service list below at their designated business addresses
pursuant to Code Civ. Proc. §1011.

21 Andrew Flores, Esq.
22 Law Office of Andrew Flores
954 4th Avenue, Suite 412
23 San Diego, CA 92101
Tel: (619) 256-1556
Fax: (619) 274-8253
24 Email: Andrew@FloresLegal.Pro
Plaintiff in Propria Persona
25 **and Attorney for Plaintiffs**
Amy Sherlock, Minors T.S.
26 **and S.S.**

27 I am readily familiar with the firm's practice of collection and processing correspondence
28 for mailing. Under that practice, it would be deposited with the United States Postal Service on
that same day with postage thereon fully prepaid at San Diego, California, in the ordinary course

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of business. I am aware that service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **May 26, 2022**, at San Diego, California.



Luis Zamora