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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br>Andrew Flores, Esq. (SBN:272958)<br>427 C Street, Suite 220,<br>San Diego CA 92101                                       |                                  | <b>ELECTRONICALLY FILED</b><br>Superior Court of California,<br>County of San Diego<br><b>02/28/2023 at 11:45:00 AM</b><br>Clerk of the Superior Court<br>By Michelle Wolf, Deputy Clerk |
| TELEPHONE NO.: 619.356.1556<br>E-MAIL ADDRESS (optional): afloreslaw@gmail.com<br>ATTORNEY FOR (Name): Amy Sherlock   | FAX NO. (optional): 619.274.8053 |  |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego</b><br>STREET ADDRESS: 330 W. Broadway<br>MAILING ADDRESS: 330 W. Broadway<br>CITY AND ZIP CODE: San Diego 92101<br>BRANCH NAME: Hall of Justice |                                  |  |
| Plaintiff/Petitioner: Amy Sherlock<br>Defendant/Respondent: Gina Austin   |                                  |  |
| <b>APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL<br/>         (UNLIMITED CIVIL CASE)</b>  |                                  | Superior Court Case Number:<br>37-2021-00050889-CU-AT-CTL  |
| RE: Appeal filed on (date):1/30/2023  |                                  | Court of Appeal Case Number (if known):  |
| <b>Notice: Please read form APP-001 before completing this form. This form must be filed in the superior court, not in the Court of Appeal.</b>   |                                  |  |

## 1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I elect to use the following method of providing the Court of Appeal with a record of the documents filed in the superior (check a, b, c, d, or e and fill in any required information):

- a.  A clerk's transcript under rule 8.122. (You must check (1) or (2) and fill out the clerk's transcript section on page 2 of this form.)
- (1)  I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
- (2)  I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have attached the following document (check (a) or (b)):
- (a)  An order granting a waiver of court fees and costs under rule 3.50 et seq.; or
- (b)  An application for a waiver of court fees and costs under rule 3.50 et seq. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)
- b.  An appendix under rule 8.124.
- c.  The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, Fourth, and Fifth Appellate Districts, permit parties to stipulate to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)
- d.  An agreed statement under rule 8.134. (You must complete item 2b(2) below and attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.134(a).)
- e.  A settled statement under rule 8.137. (You must complete item 2b(3) below and attach to your proposed statement on appeal copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.137(b)(3).)

## 2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I elect to proceed:

- a.  WITHOUT a record of the oral proceedings in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in determining whether an error was made in the superior court proceedings.

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37-2021-00050889-CU-AT-CTLb.  WITH the following record of the oral proceedings in the superior court:

- (1)  A reporter's transcript under rule 8.130. (You must fill out the reporter's transcript section on page 3 of this form.) I have (check all that apply):
- (a)  Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).
- (b)  Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
- (c)  Attached the reporter's written waiver of a deposit for (check either (i) or (ii)):
- (i)  all of the designated proceedings.
- (ii)  part of the designated proceedings.
- (d)  Attached a certified transcript under rule 8.130(b)(3).
- (2)  An agreed statement. (Check and complete either (a) or (b) below.)
- (a)  I have attached an agreed statement to this notice.
- (b)  All the parties have agreed in writing (stipulated) to try to agree on a statement. (You must attach a copy of this stipulation to this notice.) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.
- (3)  A settled statement under rule 8.137. (You must attach the motion required under rule 8.137(a) to this form.)

**3. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT**

- I request that the clerk transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (give the title and date or dates of the administrative proceeding):

| Title of Administrative Proceeding | Date or Dates |
|------------------------------------|---------------|
| Hearing on Anti-SLAPP motion       | 12/2/2022     |

**4. NOTICE DESIGNATING CLERK'S TRANSCRIPT**

(You must complete this section if you checked item 1a. above indicating that you elect to use a clerk's transcript as the record of the documents filed in the superior court.)

- a. **Required documents.** The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed or, if that is not available, the date the document was signed.

| Document Title and Description   | Date of Filing |
|--|----------------|
| (1) Notice of appeal   | 1/30/2023      |
| (2) Notice designating record on appeal (this document)  | 2/28/2023      |
| (3) Judgment or order appealed from  | 12/2/2022      |
| (4) Notice of entry of judgment (if any)   | 2/22/2023      |
| (5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (if any) | 12/2/2022      |
| (6) Ruling on one or more of the items listed in (5).  |                |
| (7) Register of actions or docket (if any)   |                |

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- b. **Additional documents.** (If you want any documents from the superior court proceeding in addition to the items listed in a. above to be included in the clerk's transcript, you must identify those documents here.)

I request that the clerk include the following documents from the superior court proceeding in the transcript. (You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed)

|      | Document Title and Description                 | Date of Filing |
|------|--|----------------|
| (8)  | Motion to Strike                               | 9/29/2022      |
| (9)  | Memorandum of Points and Authorities           | 9/29/2022      |
| (10) | Declaration (George R Najjar)                  | 9/29/2022      |
| (11) | Notice of Lodgment                             | 9/29/2022      |
| (12) | Notice of Entry of Judgment Filed by McElfresh | 2/11/2023      |

See additional pages.

c. **Exhibits to be included in clerk's transcript.**

I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court (for each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence):

|     | Exhibit Number | Description | Admitted (Yes/No) |
|-----|----------------|-------------|-------------------|
| (1) |                |             |                   |
| (2) |                |             |                   |
| (3) |                |             |                   |
| (4) |                |             |                   |
| (5) |                |             |                   |

See additional pages.

**5. NOTICE DESIGNATING REPORTER'S TRANSCRIPT**

(You must complete this section if you checked item 2b(1) above indicating that you elect to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.)

a. I request that the reporters provide (check one):

- (1)  My copy of the reporter's transcript in paper format.
- (2)  My copy of the reporter's transcript in computer-readable format.
- (3)  My copy of the reporter's transcript in paper format and a second copy in computer-readable format.

(Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)

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**b. Proceedings.**

I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions—the name of the court reporter who recorded the proceedings, and whether a certified transcript of the designated proceeding was previously prepared.)


|     | Date | Department | Full/Partial Day | Description | Reporter's Name | Prev. prepared?  |
|-----|------|------------|------------------|-------------|-----------------|--|
| (1) |      |            |                  |             |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (2) |      |            |                  |             |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (3) |      |            |                  |             |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (4) |      |            |                  |             |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (5) |      |            |                  |             |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (6) |      |            |                  |             |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (7) |      |            |                  |             |                 | <input type="checkbox"/> Yes <input type="checkbox"/> No |

c. The proceedings designated in 5b  include  do not include all of the testimony in the superior court.

If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal (rule 8.130(a)(2) provides that your appeal will be limited to these points unless, on motion, the reviewing court permits otherwise).

Date: 2/28/2023

Andrew Flores  
(TYPE OR PRINT NAME)

  
SIGNATURE OF APPELLANT OR ATTORNEY

| No. | DOCUMENT TITLE AND DISCRPTION   | DATE OF FILING |
|-----|---|----------------|
| 13. | Motion to Strike Filed by McElfresh, Jessica  | 09/07/2022     |
| 14. | Declaration – McElfresh, Jessica  | 09/07/2022     |
| 15. | Memorandum of Points and Authorities filed by McElfresh, Jessica                              | 09/07/2022     |
| 16. | Omnibus Opposition filed by Amy Sherlock  | 11/17/2022     |
| 17. | Reply to Opposition filed by McElfresh, Jessica   | 11/23/2022     |
| 18. | Reply to Opposition of Noticed Motion and Supporting Declarations filed by Schweitzer, Abhay. | 11/21/2023     |
| 19. | Notice of Entry of Judgment   | 2/22/2023      |