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MICHAEL WEINSTEIN, SCOTT H. TOOTHACRE, ELYSSA KULAS, RACHEL M.
6 PRENDERGAST, and FERRIS & BRITTON, APC

7 **UNITED STATES DISTRICT COURT**

8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 ANDREW FLORES, an individual,)
10 AMY SHERLOCK, on her own)
behalf and on behalf of her minor)
11 children, T.S. and S.S., JANE DOE,)
12 an individual,)

13 Plaintiffs,)

14 vs.)

14 GINA M. AUSTIN, an individual;)
15 AUSTIN LEGAL GROUP APC, a)
California Corporation; JOEL R.)
16 WOHLFEIL, an individual;)
17 LAWRENCE (AKA LARRY))
GERACI, an individual; TAX &)
18 FINANCIAL CENTER, INC., a)
19 California Corporation; REBECCA)
BERRY, an individual; JESSICA)
20 MCELFRISH, an individual;)
21 SALAM RAZUKI, an individual;)
22 NINUS MALAN, an individual;)
MICHAEL ROBERT WEINSTEIN,)
23 an individual; SCOTT TOOTHACRE,)
24 an individual; ELYSSA KULAS, an)
individual; RACHEL M.)
25 PRENDERGAST, an individual;)
26 FERRIS & BRITTON APC, a)
California Corporation; DAVID S.)
27 DEMIAN, an individual, ADAM C.)
28 WITT, an individual, RISHI S.)

Case No.: 3:20-cv-00656-BAS-DEB

**NOTICE OF ERRATA TO
DEFENDANT MICHAEL
WEINSTEIN, SCOTT H.
TOOTHACRE, ELYSSA KULAS,
RACHEL M. PRENDERGAST, AND
FERRIS & BRITTON APC'S
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
DEFENDANT'S MOTION TO
DISMISS**

Hearing Date: Off-Calendar due to
Mootness

District Judge: Cynthia A. Bashant
Magistrate Judge: Daniel E. Butcher
Courtroom: 4B (4th Floor)

Complaint Filed: April 3, 2020
Trial Date: None

1 BHATT, an individual, FINCH,)
 2 THORTON, and BAIRD, a Limited)
 Liability Partnership, JAMES D.)
 3 CROSBY, an individual; ABHAY)
 4 SCHWEITZER, an individual and dba)
 5 TECHNE; JAMES (AKA JIM))
 6 BARTELL, an individual; BARTELL)
 & ASSOCIATES, a California)
 7 Corporation; MATTHEW WILLIAM)
 SHAPIRO, an individual;)
 8 MATTHEW W. SHAPIRO, APC, a)
 9 California corporation; NATALIE)
 10 TRANGMY NGUYEN, an individual,)
 AARON MAGAGNA, an individual;)
 11 A-M INDUSTRIES, INC., a)
 California Corporation; BRADFORD)
 12 HARCOURT, an individual; ALAN)
 13 CLAYBON, an individual; SHAWN)
 14 MILLER, an individual; LOGAN)
 STELLMACHER, an individual;)
 15 EULENTHIAS DUANE)
 ALEXANDER, an individual;)
 16 BIANCA MARTINEZ; an individual;)
 17 THE CITY OF SAN DIEGO, a)
 18 municipality; 2018FMO, LLC, a)
 California Limited Liability)
 19 Company; FIROUZEH TIRANDAZI,)
 20 an individual; STEPHEN G. CLINE,)
 an individual; JOHN DOE, an)
 21 individual; and DOES 2 through 50,)
 22 inclusive,)
 23 Defendants,)
 JOHN EK, an individual;)
 24 THE EK FAMILY TRUST, 1994)
 25 Trust,)
 26 Real Parties In Interest.)

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1 **NOTICE OF ERRATA**

2 Defendants, MICHAEL WEINSTEIN, SCOTT H. TOOTHACRE, ELYSSA
3 KULAS, RACHEL M. PRENDERGAST, and FERRIS & BRITTON (hereinafter
4 “Defendants”) respectfully submit this errata to its Memorandum of Points and
5 Authorities in support of Defendants’ motion to dismiss the initially filed complaint,
6 which was filed on June 30, 2020, at Docket No. 12, in order to correct an inadvertent
7 error. At page 12, under the introduction section at line 11, the Memorandum of Points
8 and authorities stated that Defendants “were involved in the representation of Cotton in
9 *Geraci v. Cotton*, Case No.: 37-2017-00010073-CU-BC-CTL in San Diego Superior
10 Court.” The sentence should read Defendants “were involved in the representation of
11 Larry Geraci and Rebecca Berry in *Geraci v. Cotton*, Case No.: 37-2017-00010073-CU-
12 BC-CTL in San Diego Superior Court.” This particular motion was deemed moot by
13 Plaintiffs’ filing of a first amended complaint. As such, no corrected motion will be
14 filed.
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21 Dated: July 15, 2020

KJAR, McKENNA & STOCKALPER LLP

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24 By: /s/ Gregory B. Emdee

JAMES J. KJAR

JON R. SCHWALBACH

GREGORY B. EMDEE

25 Attorneys for Defendants Michael Weinstein,
26 Scott H Toothacre, and Ferris & Britton
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CERTIFICATE OF SERVICE

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3 I hereby certify that on July 15, 2020, I electronically filed the foregoing
4 **NOTICE OF ERRATA TO DEFENDANT MICHAEL WEINSTEIN, SCOTT H.**
5 **TOOTHACRE, ELYSSA KULAS, RACHEL M. PRENDERGAST, AND FERRIS**
6 **& BRITTON APC’S MEMORANDUM OF POINTS AND AUTHORITIES IN**
7 **SUPPORT OF DEFENDANT’S MOTION TO DISMISS** with the Clerk of the Court
8 for the United States District Court, Southern District of California by using the
9 Southern District CM/ECF system.

10 Participants in the case who are registered CM/ECF users will be served by the
11 USDC-Southern District of California CM/ECF system.

12 I am employed in the County of Los Angeles, State of California; I am over the
13 age of eighteen years and not a party to the within action; my business address is 841
14 Apollo Street, Suite 100, El Segundo, California 90245. The envelope or package was
15 placed in the mail at El Segundo, California. I am readily familiar with this business’s
16 practice for collecting and processing correspondence for mailing. On the same day that
17 correspondence is placed for collection and mailing, it is deposited in the ordinary
18 course of business with the United States Postal Service, in a sealed envelope with
19 postage fully paid.
20

21 I further certify that participants in the case not registered as CM/ECF users have
22 been mailed the above described documents by First Class Mail, postage pre-paid, or
23 have dispatched it to a third party commercial carrier for delivery within three (3)
24 calendar days, to the following non-CM/ECF participants:

25 *NONE*

26 *///*

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1 I declare under penalty of perjury under the laws of the State of California the
2 foregoing is true and correct and that this declaration was executed on July 15, 2020 at
3 El Segundo, California.
4

5 /s/ Berta R. Howard

6 BERTA R. HOWARD, Declarant
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