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9 Attorneys for Defendants  
10 LARRY GERACI and REBECCA BERRY

11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF SAN DIEGO, HALL OF JUSTICE BRANCH**

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

15 Plaintiffs,

16 vs.

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

26 Defendants.  
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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego

**06/22/2022** at 05:12:00 PM

Clerk of the Superior Court  
By Nora Lopez, Deputy Clerk

Case No. 37-2021-0050889-CU-AT-CTL

Judge: Hon. James A. Mangione  
Dept: C-75

**DECLARATION OF JAMES D. CROSBY  
UNDER CODE OF CIVIL PROCEDURE  
SECTION 430.41 RE: EFFORT TO MEET  
AND CONFER PRIOR TO DEMURRER.**

**[IMAGED FILE]**

Action Filed: December 3, 2021  
Trial Date: Not Yet Set

1 **DECLARATION OF JAMES D. CROSBY**

2 1. I am an attorney in good standing with the State Bar and licensed to practice law before  
3 all courts in the State of California. I, along with Michael R. Weinstein of Ferris & Britton, APC, am  
4 counsel of record for defendants Larry Geraci and Rebecca Berry in the above-referenced action. I have  
5 personal knowledge of the facts set forth herein.

6 2. On May 23, 2022, plaintiffs personally served defendant Geraci with the summons and  
7 original complaint filed December 3, 2021. Defendant Geraci has not been served with the operative  
8 first amended complaint filed December 22, 2021. That first amended complaint contains substantive  
9 changes to the original complaint. Defendant Berry has not been served with any process in the matter.

10 3. Given the above, no response to the first amended complaint is currently due from  
11 defendants Geraci and Berry.

12 4. Nevertheless, on June 21, I emailed correspondence to attorney and *in pro per* plaintiff  
13 Andrew Flores wherein I (1) offered to accept service, in behalf of my clients, of the summons and first  
14 amended complaint, (2) laid out in specific detail why the first amended complaint is properly subject  
15 to demurrer and motion to strike, and (3) offered to meet and confer on the first amended complaint and  
16 my proffered grounds for demurrer and motion to strike.

17 5. I have received no response to the above-referenced correspondence from attorney/*in*  
18 *pro per* plaintiff Andrew Flores.

19 6. After sending the above-referenced correspondence, I place two telephone calls to  
20 attorney/*in pro per* plaintiff Andrew Flores' office to attempt to meet and confer on my proffered  
21 grounds for demurrer and motion to strike, one on June 21 and one on June 22. In each instance,  
22 nobody took the call and I left a voicemail with my numbers and a request that Flores return my call. I  
23 have not received a return call from attorney/*in pro per* plaintiff Andrew Flores.

24 7. Given the above, the parties have not had the opportunity to meet and confer on my  
25 proffered grounds for a demurrer and motion to strike as to the first amended complaint.

26 8. As noted above, neither of my clients has been served with operative first amended  
27 complaint. As such, no response to the pleading is yet required from either of my clients. Nevertheless,  
28 in an abundance of caution, I file this declaration under Code of Civil Procedure Section 430.41

1 detailing my good faith effort to meet and confer on operative first amended complaint and my  
2 proffered grounds for demurrer and motion to strike

3 I declare, under penalty of perjury under the laws of the State of California, that the foregoing is  
4 true and correct, and that this declaration is executed on June 22, 2022, at San Diego, California.

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7 James D. Crosby  
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