

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: Douglas A. Pettit, Esq., SBN 160371/Kayla R. Sealey, Esq. SBN 341956 FIRM NAME: PETTIT KOHN INGRASSIA LUTZ & DOLIN PC STREET ADDRESS: 11622 El Camino Real, Suite 300 CITY: San Diego STATE: CA ZIP CODE: 92130 TELEPHONE NO.: (858) 755-8500 FAX NO.: (858) 755-8504 E-MAIL ADDRESS: dpettit@pettitkohn.com; ksealey@pettitkohn.com ATTORNEY FOR (name): Defendants GINA M. AUSTIN and AUSTIN LEGAL GROUP	FOR COURT USE ONLY  <b>ELECTRONICALLY FILED</b> Superior Court of California, County of San Diego  <b>09/28/2022 at 05:17:00 PM</b> Clerk of the Superior Court By Annie Yim, Deputy Clerk
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: San Diego, 92101	
PLAINTIFF/PETITIONER: Amy Sherlock, et al. DEFENDANT/RESPONDENT: Gina M. Austin, et al. OTHER PARENT/PARTY:	
<b>RESPONDENT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)</b>	SUPERIOR COURT CASE NUMBER: 37-2021-00050889-CU-AT-CTL
Re: Appeal filed on (date): September 1, 2022	COURT OF APPEAL CASE NUMBER (if known):
<b>Notice: Please read <i>Information on Appeal Procedures for Unlimited Civil Cases</i> (form APP-001-INFO) 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

The appellant has chosen to use a clerk's transcript under rule 8.122.

- a.  **Additional documents.** (If you want any documents from the superior court proceedings in addition to the documents designated by the appellant to be included in the clerk's transcript, you must identify those documents here.)

In addition to the documents designated by the appellant, I request that the clerk include in the transcript the following documents from the superior court proceedings. (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
(1)	ROA # 119 Notice of Entry of Judgment	09/21/2022
(2)	ROA # 74 Defendants Gina M. Austin and Austin Legal Group's Reply to Plaintiffs' Opposition to Motion to Strike Plaintiffs' First Amended Complaint	07/29/2022
(3)		
(4)		
(5)		
(6)		
(7)		

See additional pages. (Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 1(a)," and start with number (8).)

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1. b.  **Additional exhibits.** (If you want any exhibits from the superior court proceedings in addition to those designated by the appellant to be included in the clerk's transcript, you must identify those exhibits here.)

In addition to the exhibits designated by the appellant, 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. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Rule 8.122(a)(3).))

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

See additional pages. (Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 1(b)," and start with number (5).)

- c.  **Copy of clerk's transcript.** I request a copy of the clerk's transcript. (Check (1) or (2).)
- (1)  I will pay the superior court clerk for this transcript when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, I will not receive a copy.
- (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 submitted the following document with this notice designating the record (check (a) or (b)):
- (a)  An order granting a waiver of court fees and costs under rules 3.50–3.58; or
- (b)  An application for a waiver of court fees and costs under rules 3.50–3.58. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)

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

The appellant has chosen to use a reporter's transcript under rule 8.130.

- a.  **Designation of additional proceedings.** (If you want any oral proceedings in addition to the proceedings designated by the appellant to be included in the reporter's transcript, you must identify those proceedings here.)
- (1) In addition to the proceedings designated by the appellant, 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 (if known), and whether a certified transcript of the designated proceeding was previously prepared.)

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2. a. (1) *(continued)*

	Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(a)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(b)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(c)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(d)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(e)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(f)						<input type="checkbox"/> Yes <input type="checkbox"/> No
(g)						<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages. *(Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 2a(1)," and start with letter (h).)*

**(2) Deposit for additional proceedings.**I have *(check a, b, c, or d)*:

- (a)  Deposited with the superior court clerk the approximate cost of preparing the additional proceedings by including the deposit 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 under rule 8.130(b)(3)(A) 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)(C).

**b. Copy of reporter's transcript.**

- (1)  I request a copy of the reporter's transcript.
- (2)  I request that the reporters provide *(check (a), (b), or (c))* :
- (a)  My copy of the reporter's transcript in electronic format.
- (b)  My copy of the reporter's transcript in paper format.
- (c)  My copy of the reporter's transcript in electronic format and a second copy of the reporter's transcript in paper format.

*(Code Civ. Proc., § 271.)*

Date: September 28, 2022

Kayla R. Sealey  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF RESPONDENT OR ATTORNEY)

**PROOF OF SERVICE**  
***Amy Sherlock, et al. v. Gina M. Austin, et al.***  
**San Diego Superior Court Case No. 37-2011-00051643-CU-PO-NC**

I, the undersigned, declare that:

I am and was at the time of service of the papers herein, over the age of eighteen (18) 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.

On **September 28, 2022**, I caused to be served the following documents:

• **RESPONDENT’S NOTICE DESIGNATING RECORD ON APPEAL**

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

- BY FIRST-CLASS MAIL (Code Civ. Proc. §§ 1013(a)-(b))**
- BY OVERNIGHT DELIVERY (Code Civ. Proc. §§ 1013(c)-(d))**
- BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED (Code Civ. Proc. §§ 1013(a)-(b))**

**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 electronic transmission, I caused such document(s) to be electronically served to those parties listed below from e-mail address [dbarton@pettitkohn.com](mailto:dbarton@pettitkohn.com). The file transmission was reported as complete and a copy of the Service Receipt will be maintained with the original document(s) in our office.


<p>Andrew Flores, Esq.          Law Office of Andrew Flores          427 C Street, Suite 220          San Diego, CA 92101          Tel: (619) 356-1556          Fax: (619) 274-8053          Email: <a href="mailto:Andrew@FloresLegal.Pro">Andrew@FloresLegal.Pro</a>  <b>Plaintiff in <i>Propria Persona</i>          and Attorney for Plaintiffs          Amy Sherlock, Minors T.S.          and S.S.</b></p>	<p>James D. Crosby, Esq.          Attorney at Law          550 West C Street, Suite 620          San Diego, CA 92101          Tel: (619) 450-4149          Email: <a href="mailto:crosby@crosbyattorney.com">crosby@crosbyattorney.com</a>  <b>Attorney for Defendants          LARRY GERACI and REBECCA BERRY</b></p>
<p>Scott H. Toothacre, Esq.          Michael R. Weinstein, Esq.          FERRIS &amp; BRITTON          501 West Broadway, Suite 1450          San Diego, CA 92101          Tel: (619) 233-3131          Email: <a href="mailto:stoothacre@ferrisbritton.com">stoothacre@ferrisbritton.com</a>  <a href="mailto:mweinstein@ferrisbritton.com">mweinstein@ferrisbritton.com</a>  <a href="mailto:dbarker@ferrisbritton.com">dbarker@ferrisbritton.com</a>  <b>Attorney for Defendants          LARRY GERACI and REBECCA BERRY</b></p>	<p>Steven W. Blake, Esq.          Andrew E. Hall, Esq.          BLAKE LAW FIRM          533 2nd Street, Suite 250          Encinitas, CA 92024          Tel: (858) 232-1290          Email: <a href="mailto:steve@blakelawca.com">steve@blakelawca.com</a>  <a href="mailto:andrew@blakelawca.com">andrew@blakelawca.com</a>  <a href="mailto:eservice@blakelawca.com">eservice@blakelawca.com</a>  <b>Attorney for Defendant          STEPHEN LAKE</b></p>

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Natalie T. Nguyen, Esq. NGUYEN LAW CORPORATION 2260 Avenida de la Playa La Jolla, CA 92037 Tel: (858) 757-8577 Email: <a href="mailto:natalie@nguyenlawcorp.com">natalie@nguyenlawcorp.com</a> <b>Defendant NATALIE TRANG-MY</b> <b>NGUYEN <i>PRO SE</i></b>	
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I am readily familiar with the firm’s practice of collection and processing correspondence 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 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 **September 28, 2022**, at San Diego, California.

  
Deborah L. Barton