

1 ANDREW FLORES (State Bar Number 272958)  
2 Law Office of Andrew Flores  
3 945 4<sup>th</sup> Avenue, Suite 412  
4 San Diego, CA 92101  
5 Telephone: 619.256.1556  
6 Facsimile: 619.274.8253  
7 Andrew@FloresLegal.Pro

8 Plaintiff *in Propria Persona*  
9 and Attorney for Plaintiffs  
10 Amy Sherlock, Minors T.S.

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**10/20/2022** at 12:12:00 PM  
Clerk of the Superior Court  
By Elizabeth Reyes, Deputy Clerk

11 SUPRIOR COURT OF CALIFORNIA  
12 COUNTY OF SAN DIEGO, HALL OF JUSTICE

13 AMY SHERLOCK, an individual, et. al.

14 vs.

15 GINA M. AUSTIN, an individual; et. al.

16 Defendants.  
17  
18  
19

Case No.: 37-2021-00050889-CU-AT-CTL

PLAINTIFFS' STATEMENT OF  
OPPOSITION TO HEARING ON  
DEFENDANTS LARRY GERACI AND  
REBBECA BERRY'S (1) DEMURRER  
TO FIRST AMENDED COMPLAINT, (2)  
MOTION TO STRIKE FIRST  
AMENDED COMPLAINT PURSUANT  
TO CIVIL PROCEDURE § 425.16, AND  
(3) MOTION TO STRIKE PORTIONS  
OF PLAINTIFFS' FIRST AMENDED  
COMPLAINT

20 DATE: October 21, 2022  
21 TIME: 9:00 a.m.  
22 DEPT. C-75  
23 JUDGE: The Hon. James A. Mangione

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Complaint filed: December 3, 2021

1 Plaintiffs' hereby request the Court stay or postpone the hearing on the above captioned motions.  
2 On August 12, 2022, this Court granted defendants Gina Austin (Austin) and the Austin Legal Group's  
3 (ALG) motion to strike Plaintiffs' First Amended Complaint pursuant to § 425.16 (the "anti-SLAPP  
4 motion"). On September 1, 2022, Plaintiffs filed a notice of appeal from this Court's ruling granting the  
5 anti-SLAPP motion. (Attached hereto as Exhibit 1.) On September 22, 2022, Plaintiffs designated the  
6 record for the appeal of the granting of the anti-SLAPP motion. (Attached hereto as Exhibit 2.) On  
7 September 28, 2022, defendant Austin and ALG filed their designation of record for the anti-SLAPP  
8 motion. (Attached hereto as Exhibit 3.)

9  
10 "[T]he perfecting of an appeal stays proceedings in the trial court upon the judgment or order  
11 appealed from or upon the matters embraced therein or affected thereby ...." (Cal. Civ. Proc. Code Sec.  
12 916.) "[T]he Supreme Court determined that an appeal from the denial of an anti-SLAPP motion  
13 **automatically** stays, under section 916, all further trial court proceedings on the merits." (*Young v. Tri-*  
14 *CHy Healthcare Disi.* (2012) 210 Cal.App.4th 35, 49, 148 Cal. Rptr. 3d 119, citing *Variat Med Sys.*  
15 *Inc. v. Delft no* (2005) 35 Cal.4th 180, 188 (emphasis added).)

16 The pending motions on the merits are necessarily "embraced" or "affected" by the pending  
17 appeal of the anti-SLAPP motion. Plaintiffs respectfully request that the Court not rule on the merits of  
18 the pending motions and stay the action pending resolution of the pending appeal. Alternatively, if  
19 counsel for Plaintiffs has misunderstood the law cited above, Plaintiffs request that in the interest of  
20 justice that the Court grant a continuance so that Plaintiffs may file oppositions to the pending motions.  
21 (*See Slusher v. Durrer* (1977) 69 Cal.App.3d 747, 753 (stating "[t]he policy of the law favors, wherever  
22 possible, a hearing on the merits...").)

23 Dated: October 20, 2022

Respectfully submitted,

24 LAW OFFICE OF ANDREW FLORES

25  
26 By: /s/ Andrew Flores  
27 Plaintiff *In Propria Persona*, and  
28 Attorney for Plaintiffs  
AMY SHERLOCK, and Minors  
T.S. and S.S.

# EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Andrew Flores FIRM NAME: Law Office of Andrew Flores STREET ADDRESS: 427 C Street, Suite 220 CITY: San Diego TELEPHONE NO. 619.356.1556 E-MAIL ADDRESS: andrew@floreslegal.pro ATTORNEY FOR (name): Amy Sherlock, minors T.S. and S.S., and Andrew Flores (pro se)	STATE BAR NO. 272958  STATE: CA ZIP CODE 92101 FAX NO 619.274.8053	FOR COURT USE ONLY  <b>FILED</b> Clerk of the Superior Court SEP -1 2022 By: A. Santiago, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 W Broadway MAILING ADDRESS: 330 W Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Hall of Justice		
PLAINTIFF/PETITIONER: Amy Sherlock, minors T.S. and S.S., and Andrew Flores DEFENDANT/RESPONDENT: Gina M. Austin and Austin Legal Group		
<input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE)		CASE NUMBER 37-2021-00050889-CU-AT-CTL

**Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.**

1. NOTICE IS HEREBY GIVEN that (name): Amy Sherlock, minors T.S. and S.S., and Andrew Flores appeals from the following judgment or order in this case, which was entered on (date): 8/12/2022

- Judgment after jury trial  
 Judgment after court trial  
 Default judgment  
 Judgment after an order granting a summary judgment motion  
 Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430  
 Judgment of dismissal after an order sustaining a demurrer  
 An order after judgment under Code of Civil Procedure, § 904.1(a)(2)  
 An order or judgment under Code of Civil Procedure, § 904.1(a)(3)-(13)  
 Other (describe and specify code section that authorizes this appeal):

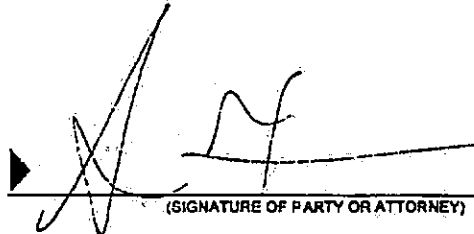
2. For cross-appeals only:

- a. Date notice of appeal was filed in original appeal:  
 b. Date superior court clerk mailed notice of original appeal:  
 c. Court of Appeal case number (if known):

Date: 8/16/2022

Andrew Flores

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF PARTY OR ATTORNEY)

1 ANDREW FLORES, ESQ (SBN:272958)  
2 LAW OFFICE OF ANDREW FLORES  
3 427 C Street, Suite 220  
4 San Diego CA, 92101  
5 P:619.356.1556  
6 F:619.274.8053  
7 Andrew@FloresLegal.Pro

8 Plaintiff *in Propria Persona*  
9 and Attorney for Plaintiffs  
10 Amy Sherlock, Minors T.S.  
11 and S.S.

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

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

17 Plaintiffs,

18 v.

19 GINA M. AUSTIN, an individual; AUSTIN  
20 LEGALGROUP, a professional corporation,  
21 LARRY GERACI, an individual, REBECCA  
22 BERRY, an individual; JESSICA MCELFRISH, an  
23 individual; SALAM RAZUKI, an individual;  
24 NINUS MALAN, an individual; FINCH,  
25 THORTON, AND BARID, a limited liability  
26 partnership; ABHAY SCHWEITZER, an individual  
27 and dba TECHNE; JAMES (AKA JIM) BARTELL,  
28 an individual; NATALIE TRANG-MY NGUYEN,  
an individual, AARON MAGAGNA, an individual;  
BRADFORD HARCOURT, an individual; SHAWN  
MILLER, an individual; LOGAN  
STELLMACHER, an individual; EULENTIAS  
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.

**FILED**  
Clerk of the Superior Court

SEP -1 2022

By: A. Santiago, Deputy

Case No. 37-2021-00050889-CU-AT-CTL

**PROOF OF SERVICE RE: NOTICE OF  
APPEAL OF RULING 8/12/2022**

SEP 11 2022

**PROOF OF SERVICE**

By: A. Santiago, Deputy

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. I am employed in the County of San Diego, California and my business address is 427 C Street, Suite 220, San Diego CA 92101

1. NOTICE OF APPEAL OF RULING ON 8/12/22

MAIL – by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California.

PERSONAL DELIVERY – by personally delivery the documents listed above to the person(s) at the address set forth below.

**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 [andrew@floreslegal.pro](mailto:andrew@floreslegal.pro). 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.

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.

///  
///  
///

James D. Crosby, Esq.  
Attorney at Law

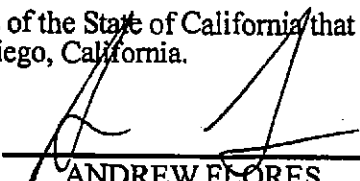
1 550 West C Street, Suite 620  
San Diego, CA 92101  
Tel: (619) 450-4149  
2 Email: crosby@crosbyattorney.com Attorney for Defendants  
LARRY GERACI and REBECCA BERRY  
3

4 Scott H. Toothacre, Esq.  
Michael R. Weinstein, Esq.  
FERRIS & BRITTON  
5 501 West Broadway, Suite 1450 San Diego, CA 92101  
Tel: (619) 233-3131  
6 Email: [stoothacre@ferrisbritton.com](mailto:stoothacre@ferrisbritton.com)  
[dbarker@ferrisbritton.com](mailto:dbarker@ferrisbritton.com)  
7 [mweirstein@ferrisbritton.com](mailto:mweirstein@ferrisbritton.com)  
Attorney for Defendants  
8 LARRY GERACI and REBECCA BERRY  
9

10 Steven W. Blake, Esq.  
Andrew E. Hall, Esq.  
BLAKE LAW FIRM  
11 533 2nd Street, Suite 250 Encinitas, CA 92024  
Tel: (858) 232-1290  
12 Email: [steve@blakelawca.com](mailto:steve@blakelawca.com)  
[andrew@blakelawca.com](mailto:andrew@blakelawca.com)  
13 [eservice@blakelawca.com](mailto:eservice@blakelawca.com)  
Attorneys for Defendant STEPHEN LAKE  
14

15 Natalie T. Nguyen, Esq.  
NGUYEN LAW CORPORATION  
2260 Avenida de la Playa  
16 La Jolla, CA 92037  
Tel: (858) 757-8577  
17 Email: [natalie@nguyenlawcorp.com](mailto:natalie@nguyenlawcorp.com)  
Defendant NATALIE TRANG-MY NGUYEN PRO SE  
18

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and  
20 correct. Executed on August 23, 2022, at San Diego, California.

21   
22 \_\_\_\_\_  
ANDREW FLORES  
ATTORNEY FOR PLAINTIFF'S  
23  
24  
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27  
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# EXHIBIT B



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Andrew Flores, Esq. (SBN:272958) 427 C Street, Suite 220 San Diego CA 92101  TELEPHONE NO. 619.356.1556 FAX NO. (optional) E-MAIL ADDRESS (optional) andrew@floreslegal.pro ATTORNEY FOR (Name): Amy Sherlock	<div style="text-align: center;"> <b>F I L E D</b>          Clerk of the Superior Court   <b>SEP 22 2022</b>           By: A. Barragan       </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS 330 W Broadway MAILING ADDRESS 330 W Broadway CITY AND ZIP CODE San Diego CA 92101 BRANCH NAME: Hall of Justice	
Plaintiff/Petitioner: Amy Sherlock Defendant/Respondent: Gina Austin, et. al.	Superior Court Case Number: 37-2021-00050889-CU-AT-CTL
<b>APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)</b>	Court of Appeal Case Number (if known):
RE: Appeal filed on (date) 09/01/2022	
<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.

Case Name: Sherlock v. Austin	Superior Court Case Number: 37-2021-00050889-CU-AT-CTL
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- b.  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
------------------------------------	---------------

### 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	9/1/22
(2) Notice designating record on appeal (this document)	9/16/2022
(3) Judgment or order appealed from	9/9/2022
(4) Notice of entry of judgment (if any)	
(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)	
(6) Ruling on one or more of the items listed in (5).	
(7) Register of actions or docket (if any)	

Case Name: Sherlock v. Austin

Superior Court Case Number:  
37-2021-00050889-CU-AT-CTL**4. NOTICE DESIGNATING CLERK'S TRANSCRIPT**

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)	Notice of Ruling (ROA 98)	8/12/2022
(9)	Minute Order (ROA 94)	8/12/2022
(10)	Tentative Ruling (ROA 91)	8/11/2022
(11)	Motion to Strike (ROA 45)	6/16/22
(12)	Opposition to Motion to Strike (ROA 72)	7/25/22

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.

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

Case Name: Sherlock v. Austin	Superior Court Case Number: 37-2021-00050889-CU-AT-CTL
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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) 8/12/22	61	Partial	Transcript of Hearing on Anti-Slapp	Darla Kmety CSR12956	<input checked="" 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: 9/16/2022

Andrew Flores  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

  
 \_\_\_\_\_  
 (SIGNATURE OF APPELLANT OR ATTORNEY)

# EXHIBIT C

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).)

CASE NAME:

Amy Sherlock, et al. v. Gina M. Austin, et al.

SUPERIOR COURT CASE NUMBER:

37-2021-00050889-CU-AT-CTL

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.)

CASE NAME: <p style="text-align: center;">Amy Sherlock, et al. v. Gina M. Austin, et al.</p>	SUPERIOR COURT CASE NUMBER: <p style="text-align: center;">37-2021-00050889-CU-AT-CTL</p>
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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