

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael R. Weinstein (SBN 106464) FIRM NAME: FERRIS & BRITTON, APC STREET ADDRESS: 501 West Broadway, Suite 1450 CITY: San Diego TELEPHONE NO.: 619-233-3131 E-MAIL ADDRESS: mweinstein@ferrisbritton.com ATTORNEY FOR (name): Larry Geraci and Rebecca Berry	STATE BAR NUMBER: STATE: CA ZIP CODE: 92101 FAX NO.: 619-232-9316	<i>FOR COURT USE ONLY</i> ELECTRONICALLY FILED Superior Court of California, County of San Diego 03/02/2023 at 10:55:00 AM Clerk of the Superior Court By Michelle Wolf, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, California 92101 BRANCH NAME: HALL OF JUSTICE		
PLAINTIFF/PETITIONER: AMY SHERLOCK, et al. DEFENDANT/RESPONDENT: GINA M. AUSTIN, et al. OTHER PARENT/PARTY:		
RESPONDENT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)		SUPERIOR COURT CASE NUMBER: 37-2021-00050889-CU-AT-CTL
Re: Appeal filed on (date): January 30, 2023		COURT OF APPEAL CASE NUMBER (if known):
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.		

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)	Motion to Strike (ROA #57)	7/22/22
(2)	Memorandum of Point & Authorities (ROA #58)	7/22/22
(3)	Declaration of Michael R. Weinstein (ROA #59)	7/22/22
(4)	Request for Judicial Notice (ROA #60)	7/22/22
(5)	Proof of Service by Mail (ROA #61)	7/22/22
(6)	Notice of Lodgment re Anti-SLAPP Motion (ROA #67)	7/22/22
(7)	Reply to Opposition to Anti-SLAPP Motion (ROA #136)	10/14/22

- 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) Respondents #1	Judgment on Jury Verdict, entered August 19, 2019 in SD Superior Case No. 37-2017-00010073-CU-BC-CTL	
(2) Respondents #2	First Amended Complaint, filed 7/9/20 in USDC Southern District, Case No. 3:20-cv-000656-DAS-DEB	
(3) Respondents #3	Order Dismissing First Amended Complaint Against Defs Judge Wohlfeil and F&B Defs, entered 3/23/22, USDC Case No. 3:20-cv-000656-DAS-DEB	
(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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	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: March 2, 2023

MICHAEL R. WEINSTEIN
(TYPE OR PRINT NAME)


(SIGNATURE OF RESPONDENT OR ATTORNEY)

Attachment 1(a)

DOCUMENT	ROA #	DATE OF FILING
8. Proof of Electronic Service	#137	10/14/22
9. Opposition	#152	10/20/22
10. Minutes	#162	10/21/22
11. Minutes	#179	10/27/22
12. Omnibus Opposition of Amy Sherlock	#195	11/17/22
13. Reply to Opposition	#197	11/21/22
14. Proof of Service	#199	11/22/22
15. Minute Order Appealed From	#229	12/2/22
16. Notice of Ruling	#230	12/5/22
17. Proof of Electronic Service	#231	12/5/22
18. Notice of Appeal	#258	1/30/23
19. Judgment	#272	2/2/23
20. Notice of Entry of Judgment	#279	2/14/23