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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
04/03/2023 at 08:00:00 AM
Clerk of the Superior Court
By E- Filing, Deputy Clerk

5 Attorney for Defendant Abhay Schweitzer, individually and doing business as TECHNE
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO, CENTRAL DIVISION

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

12 Plaintiffs,)

13 v.)

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

25 Defendants.)
26)
27)
28)

CASE NO.: 37-2021-00050889-CU-AT-CTL
OBJECTION RE: PLAINTIFFS' FAILURE
TO FILE PAPERS IN OPPOSITION TO
MOTION FOR ATTORNEY FEES
SUBMITTED BY DEFENDANT ABHAY
SCHWEITZER, INDIVIDUALLY AND
DOING BUSINESS AS TECHNE

IMAGED FILE

UNLIMITED CIVIL CASE

Complaint Filed: 12/3/2021

Date: April 7, 2023
Time: 9:00 A.M.
Dept.: C-75
Judge: Honorable James A Mangione

1 Defendant ABHAY SCHWEITZER, individually and doing business as TECHNE
2 (“Schweitzer”), hereby objects to any oral argument, and any opposition papers which may be tardily
3 filed, by Plaintiffs Amy Sherlock, an individual and on behalf of her minor children, T.S. and S.S.,
4 and Andrew Flores, an individual (“Plaintiffs”), to Schweitzer’s Motion for Attorney Fees.

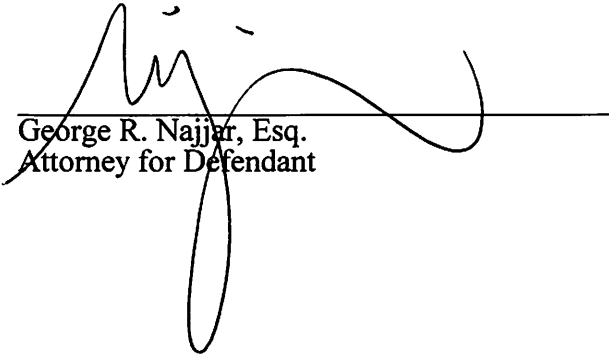
5 Plaintiffs’ opposition papers to Schweitzer’s attorney fees motion were due filed and served
6 on or before March 24, 2023. As of Friday, March 31, 2023, Plaintiffs failed to file or serve any
7 opposition papers to Schweitzer’s motion.

8 Some courts treat a party’s failure to file opposition papers as an admission that the motion
9 is meritorious, and therefore refuse to hear oral argument from such party. *Weil & Brown et al., Cal.*
10 *Prac. Guide: Civ. Pro. Before Trial* (The Rutter Group 2022), 9:105.10. The purpose is to prevent
11 introduction of legal theories without notice to opposing counsel and the court. *Sexton v. Superior*
12 *Court (Mullikin Medical Center)* (1997) 58 Cal. App. 4th 1403, 1410.

13 Respectfully submitted,

14 THE NAJJAR LAW FIRM

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16 Dated: March 28, 2023

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18 _____
19 George R. Najjar, Esq.
20 Attorney for Defendant

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