

DECLARATION OF COUNSEL

I, Paul V. Carelli, IV, declare:

1. I am an attorney at law duly admitted to practice before this Court, and am a member of the firm of Stutz Artiano Shinoff & Holtz, APC. I am a Certified Appellate Specialist (State Bar Board of Legal Specialization), and am responsible for the handling of the appellate briefing for our firm, which is proceeding as its own counsel in this litigation.

2. *Current Due Date and Prior Extension:* This is a non-priority civil appeal, in which the Respondent's brief is currently scheduled to be filed with this Court on April 22, 2013. The District has previously obtained one 45-day extension by way of application for extension. No further extensions are anticipated at this time.

3. *Diligence and Good Cause:* The primary need for this additional extension request is that, although I am working to complete the Respondent's Brief, I will need additional time to present the arguments and complete final record citations into the current draft of the Brief, and then to file the Brief with the Court. I have also been obligated to attend to other matters, including preparing for a two-week trial in the case of *Chambers v. Currigan*, Superior Court case number 37-2011-00096375-CU-PO-NC (an alleged assault and battery case scheduled to begin on April 26, 2013).

4. *Good Faith and Lack of Prejudice:* This Application is made in good faith for the reasons stated here and not for any other purpose. Furthermore, I know of no prejudice that will result to any party from a grant of the requested extension of time. However, significant prejudice may result to the Stutz firm if this Application is denied because we will not have sufficient time to responsibly complete an accurately referenced, concise

Respondent's Brief, which not only advances our firm's interests, but also assists this Court in deciding this appeal.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 17, 2013 in San Diego, California.

A handwritten signature in black ink, appearing to read "Paul V. Carelli, IV", written over a horizontal line.

Paul V. Carelli, IV

Stutz Artiano Shinoff & Holtz, APC v. Maura Larkins, et al.
Fourth District Case No. D062738
San Diego Superior Court Case No. 37-2007-00076218-CU-DF-CTL

PROOF OF SERVICE

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of San Diego in the office of a member of the bar of this court at whose direction the service was made. My business address is 2488 Historic Decatur Road, Suite 200, San Diego, California 92106-6113.

On April 17, 2013, I served the following document(s):

**RESPONDENT'S MOTION TO CONSOLIDATE APPEALS
AND SUPPORTING MEMORANDUM; REQUEST FOR
EXTENSION OF TIME TO FILE RESPONDENT'S BRIEF
IN THE ALTERNATIVE;
DECLARATION OF COUNSEL IN SUPPORT;
CERTIFICATE OF INTERESTED ENTITIES OR PERSONS –
SUPPLEMENTAL CERTIFICATE**

- ☒ **BY MAIL** by depositing in the United States Postal Service mail box at 2488 Historic Decatur Road, Suite 200, San Diego, California 92106, a true copy thereof in a sealed envelope with postage thereon fully prepaid and addressed as follows:

Maura Larkins
1935 Autocross Court
El Cajon, CA 92019
mauralarkins@gmail.com

Defendant In Pro Per

San Diego Superior Court
Appeals Division
220 W. Broadway, Rm. 3005
San Diego, CA 92101

- ☒ **BY HAND-DELIVERY** by delivery of a copy of said document(s) to the following addressee(s) as follows:

STUTZ ARTIANO SHINOFF
& HOLTZ, A.P.C.
James F. Holtz, Esq.
2488 Historic Decatur Road, Suite 200
San Diego, CA 92106

**Client:
Plaintiff/Respondent
STUTZ ARTIANO
SHINOFF & HOLTZ,
APC**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 17, 2013 at San Diego, California.

JENNIFER WOLBER