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6 Attorneys for Defendant,
OLGA MARCELA ESCOBAR-ECK

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
03/26/2021 at 10:24:00 AM
Clerk of the Superior Court
By Lee McAlister, Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 JOSHUA BILLAUER,) CASE NO. 37-2021-00006367-CU-DF-CTL
11)
Plaintiff,) [Assigned to Hon. Kenneth J. Medel,
12) Dept. C-66]
vs.)
13 OLGA MARCELA ESCOBAR-ECK; and) **DECLARATION OF SCOTT W.**
DOES 1 through 1,000,) **MCCASKILL RE: AUTOMATIC 30-DAY**
14) **EXTENSION TO FILE DEMURRER**
Defendants.) **AND MOTION TO STRIKE**
15)
16) [C.C.P. § 430.41(a)(2)]
17)
Complaint Filed: February 16, 2021
18) Trial Date: None Set
19)

20 **DECLARATION OF SCOTT MCCASKILL**

21 I, Scott McCaskill, declare as follows:

22 1. I am an attorney at law licensed to practice in the State of California. I am a
23 partner with the law firm of Gordon Rees Scully Mansukhani, LLP, attorneys for Olga Marcela
24 Escobar-Eck (“Defendant”) in the above-captioned matter. I have personal knowledge of the
25 following facts and, if called upon to testify, I could and would competently testify to their truth
26 and accuracy. I do not intend to waive the attorney-client privilege by any statement made
27 herein.
28

1 2. This declaration is being submitted pursuant to Code of Civil Procedure §§
2 430.41(a)(2) and 435.5(a)(2). While my office’s meet and confer efforts with opposing counsel
3 are ongoing, we have not been able to complete the meet and confer requirements before the
4 March 24, 2021 deadline to meet and confer pursuant to Code of Civil Procedure §§ 430.41(a)
5 and 435.5(a)(2).

6 3. Plaintiff Joshua Billauer (“plaintiff”) filed the operative Complaint in the above-
7 captioned matter on February 16, 2021. We understand Defendant was later served with the
8 Complaint on or about February 25, 2021.

9 4. Our office was retained to represent the interests of Defendant on or about March
10 8, 2021.

11 5. On March 25, 2021, my office sent a meet and confer letter to Cory J. Briggs,
12 Esq. and Janna M. Ferraro, Esq., counsel for plaintiff Joshua Billauer. My letter outlined the
13 deficiencies evident on the face of the Complaint.

14 6. I anticipate contacting plaintiff’s counsel, Cory J. Briggs, Esq. by telephone next
15 week to discuss Defendant’s March 25, 2021 meet and confer letter.

16 7. By virtue of the above, the parties were unable to meet and confer telephonically
17 before the March 24, 2021 deadline.

18 8. Based on the foregoing, the parties have not been able to meet and confer
19 pursuant to Code of Civil Procedure §§ 430.41 (a)(2) and 435.5(a)(2) and are unable to do so at
20 least five days before the March 24, 2021 deadline for Defendant to meet and confer pursuant to
21 Code of Civil Procedure §§ 430.41(a) and 435.5(a)(2). Accordingly, Defendant submits this
22 Declaration to trigger the automatic 30-day extension of time for Defendant to file a demurrer
23 and motion to strike plaintiff’s Complaint in order to allow the parties to engage in good faith
24 meet and confer efforts pertaining to substantive deficiencies in the Complaint.

25 9. The responsive pleading deadline for Defendant Olga Marcela Escobar-Eck is
26 now April 28, 2021.

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

Executed this 26th day of March, 2021.



Scott McCaskill