

COPY

FILED

AUG 23 2016

CLERK OF THE SUPERIOR COURT
BY: G. HOYT, DEPUTY CLERK

1 KENNETH B. ARTHOFER, SBN: 142859
ARTHOFFER & TONKIN
2 1267 Willis Street
Redding, CA 96001
3 Telephone: (530)722-9002
Facsimile: (530)722-9003
4

5 Attorneys for Plaintiff and Cross-Defendant
BRITTANY COULLAHAN

6
7 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF SHASTA
9

10 BRITTANY COULLAHAN,
11 Plaintiff,

12 vs.

13 JIMMY L. GETTINGS, individually
14 and as Trustee of the JIMMY L.
GETTINGS REVOCABLE LIVING
15 TRUST dated June 6, 2006 and;
DOES 1 through 50, Inclusive,
16 Defendants. /

17 AND RELATED CROSS ACTION.
18

Case No. 178525

**PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION TO CERTIFY
CONTRACT AS ORIGINAL; REQUEST
FOR SANCTIONS PURSUANT TO CCP
SECTION 128.5; AND DECLARATION
OF KENNETH B. ARTHOFER**

**Date: September 6, 2016
Time: 8:30 a.m.
Dept: Three (3)
Judge: Hon. Stephen H. Baker**

19 COMES NOW Plaintiff, BRITTANY COULLAHAN, and hereby submits the
20 following memorandum of points and authorities in opposition to defendant's motion
21 to certify contract as original.
22

23 **I.**

24 **PRELIMINARY COMMENT**

25 This is the fourth demurrer/petition/motion defendant has served on plaintiff
26 and has required a response in the form of an opposition. In order to reduce the
27 length of this opposition, plaintiff respectfully refers this court to her opposition to
28 defendant's demurrer, which was filed simultaneously herewith, including the
procedural history section.

**COPY
FILED**

16

1 KENNETH B. ARTHOFER, SBN: 142859
2 ARTHOFER & TONKIN
3 1267 Willis Street
4 Redding, CA 96001
5 Telephone:(530)722-9002
6 Facsimile: (530)722-9003

AUG 23 2016

CLERK OF THE SUPERIOR COURT
BY: G. HOYT, DEPUTY CLERK

Attorneys for Plaintiff and Cross-Defendant
BRITTANY COULLAHAN

7 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF SHASTA

10 BRITTANY COULLAHAN,
11 Plaintiff,
12 vs.
13 JIMMY L. GETTINGS, individually
14 and as Trustee of the JIMMY L.
15 GETTINGS REVOCABLE LIVING
16 TRUST dated June 6, 2006 and;
17 DOES 1 through 50, Inclusive,
18 Defendants. /
19 AND RELATED CROSS ACTION.

Case No. 178525

**PLAINTIFF'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
OPPOSITION TO DEFENDANT'S
DEMURRER; REQUEST FOR
SANCTIONS PURSUANT TO CCP
SECTION 128.5; AND DECLARATION
OF KENNETH B. ARTHOFER**

Date: September 6, 2016
Time: 8:30 a.m.
Dept: Three (3)
Judge: Hon. Stephen H. Baker

20 COMES NOW Plaintiff, BRITTANY COULLAHAN, and hereby submits the
21 following memorandum of points and authorities in opposition to defendant's
22 demurrer.

23 I.
24 PROCEDURAL HISTORY

25 Plaintiff BRITTANY COULLAHAN (hereafter "COULLAHAN") filed her original
26 complaint on October 22, 2013. As a result of difficulty serving the summons and
27 complaint on defendant JIMMY GETTINGS (hereinafter "GETTINGS") as a result of
28 his residence being in the Philippines, defendant was not served in this case until
June 22, 2016. Since that time, defendant has filed the following motions or other
pleadings with this court:

COPY
FILED

AUG 23 2016

CLERK OF THE SUPERIOR COURT
BY: G. HOYT, DEPUTY CLERK

1 KENNETH B. ARTHOFER, SBN: 142859
2 ARTHOFER & TONKIN
3 1267 Willis Street
4 Redding, CA 96001
5 Telephone: (530)722-9002
6 Facsimile: (530)722-9003

7 Attorneys for Plaintiff and Cross-Defendant
8 BRITTANY COULLAHAN

9
10 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
11
12 IN AND FOR THE COUNTY OF SHASTA

13 BRITTANY COULLAHAN,
14 Plaintiff,

15 vs.

16 JIMMY L. GETTINGS, individually
17 and as Trustee of the JIMMY L.
18 GETTINGS REVOCABLE LIVING
19 TRUST dated June 6, 2006 and;
20 DOES 1 through 50, Inclusive,
21 Defendants. /

Case No. 178525

PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE IN OPPOSITION
TO DEFENDANT'S DEMURRER AND
MOTION TO CERTIFY CONTRACT AS
ORIGINAL AND IN SUPPORT OF
PLAINTIFF'S REQUEST FOR
MONETARY SANCTIONS PURSUANT
TO CCP SECTION 128.5

Date: September 6, 2016
Time: 8:30 a.m.
Dept: Three (3)
Judge: Hon. Stephen H. Baker

22 AND RELATED CROSS ACTION.

23 Plaintiff, BRITTANY COULLAHAN, hereby requests that the court take judicial
24 notice of the following pursuant to Evidence Code sections 452 and 453:

25 1. The contents of the California Vexatious Litigant List showing defendant
26 JIMMY GETTINGS listed as a vexatious litigant, a true and correct copy of which is
27 attached as **Exhibit A** to the Declaration of Kenneth B. Arthofer filed in connection
28 with plaintiff's opposition to defendant's demurrer;

2. The records of the United States District Court, District of Nevada, Case
No. 2:15-cv-02174-GMN-NJK, true and correct copies of which have been attached
as **Exhibit B** to the Declaration of Kenneth B. Arthofer filed in connection with
plaintiff's opposition to defendant's demurrer; and