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January 10, 2019

Supreme Court of California
Earl Warren Building
350 McAllister Street
San Francisco, CA 94102

Attention Jorge E. Navarrete, Clerk and Executive Officer of the Supreme Court

SUPREME COURT
FILED

JAN 10 2019

Jorge Navarrete Clerk

Deputy

Re: *Black Sky Capital, LLC v. Michael A. Cobb and Kathleen S. Cobb*, California Supreme
Court Case No. S243294

Dear Honorable Justices:

Plaintiff/Appellant Black Sky Capital, LLC (“Black Sky”) submits this letter brief as directed by this Court’s December 20, 2018 letter and pursuant to California Rule of Court 8.520. The Court directed Black Sky and amicus curiae D-Day Capital, LLC (“D-Day”) to submit letter briefs to “clarify the relationship between counsel of record for Black Sky Capital and amicus curiae D-Day Capital as relevant to rule 8.520(f)(4) of the California Rules of Court.”

As stated in the Application for Leave to File Amicus Curiae Brief and Amicus Curiae Brief of D-Day Capital, LLC in Support of Plaintiff and Respondent Black Sky Capital, LLC (“D-Day Amicus Application/Brief”):

No party or counsel for a party in the pending appeal authored this proposed brief in whole or in part or made a monetary contribution intended to fund the preparation or submission of the proposed brief. No person or entity other than amicus, its members, or its counsel made a monetary contribution intended to fund the preparation or submission of the proposed brief.”

(D-Day Amicus Application/Brief at p. 6, fn. 1.) D-Day’s application for permission to file an amicus curiae brief in support of Black Sky was granted by Order of this Court dated May 2, 2018.

California Rule of Court 8.520(f)(4) requires the following information regarding applications for amicus curiae briefs:

- (4) The application must also identify:
 - (A) Any party or any counsel for a party in the pending appeal who:
 - (i) Authored the proposed amicus brief in whole or in part; or

- (ii) Made a monetary contribution intended to fund the preparation or submission of the brief; and
- (B) Every person or entity who made a monetary contribution intended to fund the preparation or submission of the brief, other than the amicus curiae, its members, or its counsel in the pending appeal.

Neither Black Sky nor any of the attorneys of record for Black Sky authored, in whole or in part, the D-Day Amicus Application/Brief nor did any attorney who works for the law firms of counsel of record for Black Sky.

Neither Black Sky nor any of the attorneys of record for Black Sky made any monetary contribution intended to fund the preparation or submission of the D-Day Amicus Application/Brief nor did any attorney who works for the law firms of counsel of record for Black Sky. Only D-Day, its members, and its counsel, Horvitz & Levy LLP, made a monetary contribution intended to fund the preparation or submission of the D-Day Amicus Application/Brief. (D-Day Amicus Application/Brief at p. 6, fn. 1.) Black Sky and D-Day maintain separate bank accounts and have never commingled funds nor jointly acquired any asset, promissory note, debt, guaranty or other security instrument. Black Sky and D-Day have never been involved in any lending transaction with each other and have never invested capital in each other.

This Court's December 20 letter specifically requests that Black Sky "clarify the relationship between counsel of record for Black Sky Capital and amicus curiae D-Day Capital as relevant to rule 8.520(f)(4) of the California Rules of Court." Ronald Richards, one of Black Sky's counsel of record, was previously an active manager of Black Sky up until the time Black Sky became the owner of the real estate that was foreclosed upon by Black Sky's first deed of trust and is currently the manager of D-Day, both of whom are manager-managed California limited liability companies. Ronald Richards, however, is not and never has been a member of either Black Sky or D-Day and he did not make any monetary contribution intended to fund the preparation or submission of the D-Day Amicus Application/Brief. Moreover, although Ronald Richards and Geoffrey Long, also counsel of record herein for Black Sky, have represented D-Day in other litigation, they did not author, in whole or in part, the D-Day Amicus Application/Brief.

January 10, 2019

Respectfully submitted,

/s/ Geoffrey S. Long

Geoffrey S. Long, Esq.

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CAPITAL, LLC

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **BLACK SKY CAPITAL v.
COBB**

Case Number: **S243294**

Lower Court Case Number: **E064482**

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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.

1/10/2019

Date

/s/Geoffrey Long

Signature

Long, Geoffrey (187429)

Last Name, First Name (PNum)

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