

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>JAN I. GOLDSMITH, City Attorney</b> <b>JOHN C. HEMMERLING, Assistant City Attorney</b> <b>ONU OMORDIA, Deputy City Attorney CA SBN: 231583</b> <b>1200 Third Avenue, Suite 700, San Diego, CA 92101</b> TELEPHONE NO.: 619 533-5655 FAX NO. (Optional): 619 533-5696 E-MAIL ADDRESS (Optional): oomordia@sandiego.gov ATTORNEY FOR (Name): Plaintiff City of San Diego	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: 330 W. BROADWAY MAILING ADDRESS: 330 W. BROADWAY CITY AND ZIP CODE: SAN DIEGO, CA 92101 BRANCH NAME: Hall of Justice / Central	
PLAINTIFF/PETITIONER: City of San Diego, a municipal corporation  DEFENDANT/RESPONDENT: Darryl Cotton, et al.	CASE NUMBER: 37-2016-00005526-CU-MC-CTL JUDGE RANDA TRAPP
<b>PROOF OF SERVICE OF SUMMONS</b>	Ref. No. or File No.: IMAGED FILE

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a.  summons
  - b.  complaint
  - c.  Alternative Dispute Resolution (ADR) package
  - d.  Civil Case Cover Sheet (served in complex cases only)
  - e.  cross-complaint
  - f.  other (specify documents): Notice of Case Assignment and Case Management Conference; Notice of Eligibility to eFile and Assignment to Imaging Department; and see attached list.
3.
  - a. Party served (specify name of party as shown on documents served):  
Darryl Cotton, an individual
  - b.  Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
5. I served the party (check proper box)
  - a.  by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): \_\_\_\_\_ (2) at (time): \_\_\_\_\_
  - b.  by substituted service. On (date): \_\_\_\_\_ at (time): \_\_\_\_\_ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
    - (1)  (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2)  (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3)  (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): \_\_\_\_\_ from (city): \_\_\_\_\_ or  a declaration of mailing is attached.
    - (5)  I attach a declaration of diligence stating actions taken first to attempt personal service.

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5. c.  **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): \_\_\_\_\_ (2) from (city): \_\_\_\_\_
- (3)  with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d.  **by other means** (*specify means of service and authorizing code section*):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a.  as an individual defendant.
- b.  as the person sued under the fictitious name of (*specify*):
- c.  as occupant.
- d.  On behalf of (*specify*):
- under the following Code of Civil Procedure section:
- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. **Person who served papers**
- a. Name:
- b. Address:
- c. Telephone number:
- d. **The fee for service was:** \$
- e. I am:
- (1)  not a registered California process server.
- (2)  exempt from registration under Business and Professions Code section 22350(b).
- (3)  a registered California process server:
- (i)  owner  employee  independent contractor.
- (ii) Registration No.:
- (iii) County:

8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or
9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

\_\_\_\_\_  
(SIGNATURE)

4.2

SHORT TITLE: City of San Diego v. Darryl Cotton, et al.	CASE NUMBER: 37-2016-00005526-CU-MC-CTL
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**ATTACHMENT TO PROOF OF PERSONAL SERVICE- CIVIL (DOCUMENTS SERVED)**

*(This Attachment is for use with form POS-020)*

**The documents that were personally served are as follows (describe each document specifically):**

Notice of Ex Parte Application by Plaintiff City of San Diego for Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Be Granted

Memorandum of Points and Authorities in Support of Ex Parte Application by Plaintiff, City of San Diego, for Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Be Granted

Declaration of Rowdy Sperry in Support Of Plaintiff City Of San Diego's Ex Parte Application For Temporary Restraining Order And Order To Show Cause Why A Preliminary Injunction Should Not Be Granted

Declaration of James Hunter in Support Of Ex Parte Application By Plaintiff City Of San Diego For Temporary Restraining Order And Order To Show Cause Why A Preliminary Injunction Should Not Be Granted

Notice of Lodgment in Support of Ex Parte Application by Plaintiff, City of San Diego, for Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not be Granted

Request For Judicial Notice In Support Of Ex Parte Application By Plaintiff, City Of San Diego, For Temporary Restraining Order And Order To Show Cause Why A Preliminary Injunction Should Not Be Granted

[Proposed] Order on Ex Parte Application by Plaintiff, City of San Diego, for Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should not be Granted