

COURT OF APPEAL - STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

Court of Appeal  
Fourth Appellate District  
FILED ELECTRONICALLY  
**02/04/2026**  
Brandon L. Henson, Clerk  
By: Lily Silva

DARRYL COTTON,  
Plaintiff and Appellant,  
v.  
LAWRENCE GERACI,  
Defendant and Respondent.

**D084992**

**San Diego County Super. Ct. No. 37-2022-00000023-CU-MC-CTL**

THE COURT:

This appeal is currently set for argument on Tuesday, March 10, 2026 at 9:00 a.m. To address a preliminary procedural matter, the court requests that the parties submit simultaneous supplemental letter-briefs answering the following questions:

- (1) On January 3, 2022, plaintiff/appellant initiated the underlying superior court case (No. 37-2022-00000023-CU-MC-CTL) by filing a “Verified Complaint in Equity to Set Aside Void Judgment.” Please confirm that no document labeled a final judgment has been filed and entered in this case.
- (2) In April 2022, plaintiff/appellant attempted to appeal from a February 25, 2022 minute order denying his motion to set aside a 2019 judgment in a different case, No. 37-2017-00010073-CU-BC-CTL. This court ultimately dismissed that appeal (D080460) on September 6, 2022 “on the ground that it is taken from a nonappealable order.” The current notice of appeal, filed October 9, 2024, purports to appeal from the superior court minute order dated July 12, 2024, which also denied plaintiff/appellant’s motion to set aside the same 2019 judgment. Is this order not appealable for similar reasons?
- (3) Alternatively, is the July 12, 2024 order appealable as a final judgment because it disposes of the only “cause[] of action framed by the pleadings, leaving no substantive issue for further determination . . .”? (*Griset v. Fair Political Practices Com'n* (2001) 25 Cal.4th 688, 700; see also *Canandaigua Wine Co., Inc. v. County of Madera* (2009) 177 Cal.App.4th 298, 303.)

The requested supplemental briefs, limited to three pages single-spaced, are due no later than Friday, February 13, 2026.

**MCCONNELL**  
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Presiding Justice

cc: All Parties