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Clerk of the Superior Court
By J. Rael ,Deputy Clerk

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **COUNTY OF SAN DIEGO — CENTRAL DIVISION**

8 DARRYL COTTON, an individual,
9 Plaintiff and Petitioner

10 v.

11 CITY OF SAN DIEGO, a municipal corporation; and
12 DOES 1 through 100, inclusive,

13 Defendants and Respondents.

Case No. 26CU043242C

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME;
DECLARATION OF DARRYL
COTTON IN SUPPORT**

[Cal. Rules of Court, rules 3.1200–3.1207; Code
Civ. Proc. §§ 1005, 1085]

14 Petitioner DARRYL COTTON (“Cotton”) applies ex parte for an order shortening time as
15 follows:

16 **I. APPLICATION**

17 1. Petitioner applies ex parte, pursuant to California Rules of Court, rules 3.1200 through 3.1207,
18 and Code of Civil Procedure section 1085, for an order shortening time so that the Court’s issuance of
19 an alternative writ of mandate or an order to show cause on the concurrently filed Verified Petition for
20 Writ of Mandate may be heard and determined at the earliest date available to the Court.

21 2. This application is made on the ground that the condition that is the subject of the Petition — an
22 unpermitted, above-ground bulk-storage operation holding commercial septage at 6144 Federal
23 Boulevard, immediately adjacent to Petitioner’s property — presents an ongoing and imminent danger
24 to public health and safety, generating hydrogen sulfide and other toxic, corrosive, and potentially
25 explosive conditions in a commercial/residential neighborhood, and worsens each day it remains
26 unaddressed.

27 3. Petitioner does not seek to compel any particular substantive outcome. He seeks only that the
28 Court take up, on shortened time, whether to issue its alternative writ or an order to show cause

1 directing Respondent City of San Diego to act upon its own opened Priority-I complaint (Code
2 Enforcement Case No. CE-0541944), which the City has left wholly unaddressed since June 22, 2026.

3 4. This application is based upon this Application, the accompanying Declaration of Darryl
4 Cotton, the concurrently filed Verified Petition and its Exhibits 1 through 4, and all papers and records
5 on file in this action.
6

7 **II. NOTICE**

8 5. Notice of this ex parte application was given to Respondent City of San Diego in the manner
9 and within the time required by California Rules of Court, rule 3.1204. [Before filing, state the date,
10 time, and manner of notice and the name and office of the person notified, and whether the City
11 indicated it would appear or oppose.]
12

13 **III. POINTS AND AUTHORITIES**

14 6. A court may shorten the time for the hearing of a matter upon a showing of good cause. (Code
15 Civ. Proc., § 1005, subd. (b); Cal. Rules of Court, rule 3.1300, subd. (b).) Good cause exists where the
16 subject matter presents an urgent condition that will be aggravated by delay. The Verified Petition and
17 the accompanying Declaration establish a present and continuing hazard to public health and safety —
18 toxic, corrosive, and potentially explosive conditions in a commercial/residential neighborhood — that
19 worsens each day it is not addressed, and for which there is no plain, speedy, or adequate remedy at
20 law. Shortening time to permit the Court’s prompt consideration of an alternative writ or order to show
21 cause is warranted.
22

23 Dated: August 7, 2026

Respectfully submitted,

24 
25

26 _____
27 Darryl Cotton, Petitioner In pro se
28

DECLARATION OF DARRYL COTTON

1 I, Darryl Cotton, declare:

2 1. I am the Petitioner in this action. I have personal knowledge of the facts stated in this
3 declaration, except those stated on information and belief, and if called as a witness I could and would
4 competently testify to them.

5 2. I own the real property at 6176 Federal Boulevard, San Diego, California, which is
6 immediately adjacent to the yard at 6144 Federal Boulevard where the operation described in the
7 Petition is conducted.

8 3. At the 6144 Federal Boulevard yard, United Rentals (North America), Inc., doing business as
9 Reliable Onsite Services, operates a fixed, above-ground bulk tank of approximately 40,000 gallons
10 into which it stores commercial septage and portable-toilet waste. I have observed that vacuum trucks
11 add fresh waste to the tank daily, that it is drawn down only in comparatively small volumes at a time,
12 and that it is never completely emptied, so that a settled, fully-septic residue is permanently retained.
13 For all practical purposes, the tank operates as an above-ground septic tank — an anaerobic vessel in
14 which stored human waste is continuously broken down, with new waste added daily to material that is
15 never completely removed.

16 4. Septage held in this manner turns septic and generates hydrogen sulfide — a toxic, corrosive,
17 and flammable gas — together with acidic and potentially explosive conditions, as set out in the
18 scientific summary attached to the Petition as Exhibit 2. The condition presents a present and
19 continuing danger in this commercial/residential neighborhood.

20 5. On June 22, 2026, I placed the City of San Diego on formal notice of this condition through its
21 Code Enforcement complaint process. The City opened the matter as Case No. CE-0541944. A true
22 and correct copy of the complaint is attached to the Petition as Exhibit 1.

23 6. As of August 7, 2026, the City's own public record for Case No. CE-0541944 continues to
24 show the matter with a status of "New," with no inspection conducted and no action taken. A true and
25 correct copy of that record, which I retrieved on August 7, 2026, is included within Exhibit 1 (at
26 COTTON-007).

27 7. The condition is ongoing and worsens each day it is not addressed. I am informed and believe
28 that the continued storage of this material increases the danger of toxic exposure, corrosion, and fire or

1 explosion in the vicinity of my property, and that no other adequate or timely remedy is available to
2 me.

3 8. On _____, 2026, at _____.m., I gave notice to _____ of
4 Respondent City of San Diego of this ex parte application and of the relief requested, in the manner
5 required by California Rules of Court, rule 3.1204. [Complete before filing.]

6 9. I therefore respectfully request that the Court shorten time so that the issuance of an alternative
7 writ or an order to show cause may be heard at the earliest date available to the Court.

8
9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Executed on August 7, 2026, at San Diego, California.

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15 Darryl Cotton
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