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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

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Clerk of the Superior Court
By N. Lopez, Deputy Clerk

Attorneys for Defendant/Respondent, CITY OF SAN DIEGO

Exempt from fees per Gov't Code § 6103
To the benefit of the City of San Diego

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

DARRYL COTTON, an individual,

Plaintiff and Petitioner,

v.

CITY OF SAN DIEGO, a Municipal
Corporation; and DOES 1-100,

Defendants and Respondents.

) Case No. 25CU017134C

)

) **DEFENDANT AND RESPONDENT**
) **CITY OF SAN DIEGO'S NOTICE**
) **OF DEMURRER AND DEMURRER**
) **TO COMPLAINT**

)

) Date: January 23, 2026

) Time: 9:00 a.m.

) Dept.: C-60

) Judge: Hon. Matthew C. Braner

)

) Complaint Filed: March 28, 2025

) Trial: Not Set

**TO THE COURT AND TO PLAINTIFF AND PETITIONER, DARRYL
COTTON:**

PLEASE TAKE NOTICE that on January 23, 2026, at 9:00 a.m., or as soon
thereafter as the matter may be heard, in Department C-60 of the above-entitled Court,
located at 330 West Broadway, San Diego, CA 92101, Defendant and Respondent CITY
OF SAN DIEGO ("City") will and hereby does demur to the Complaint of Plaintiff and
Petitioner DARRYL COTTON ("Cotton").

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1 The City hereby demurs to the complaint and this demurrer is made on the
2 following grounds:

3 (A) This court lacks subject matter jurisdiction (Code Civ. Proc., §§ 430.10(a));
4 and,

5 (B) Plaintiff fails to state facts sufficient to constitute a cause of action, and
6 fails to plead with the required particularity for claims against a public entity (Code Civ.
7 Proc., § 430.10(e)).

8 Specifically, the California Public Records Act does not authorize a lawsuit for
9 public records if there is no actual written document requested by a claimant.

10 This demurrer is based on this notice of demurrer and demurrer; the declaration of
11 Deputy City Attorney Chance C. Hawkins, the City's supporting memorandum of points
12 and authorities; the complete files and records of this action; and such further and
13 additional documents, evidence, and arguments as may be properly before the Court at or
14 before the hearing in connection with this proceeding.

15 **PLEASE TAKE FURTHER NOTICE** that pursuant to California Rules of
16 Court, rule 3.1308, the San Diego Superior Court Rules, rule 2.1.19, and
17 Department C-60 Policies and Procedures, a tentative ruling may be accessed any time
18 after 4:00 p.m. on the date before the hearing at www.sdcourt.ca.gov and by clicking on
19 the Tentative Rulings link listed under the "Civil" tab

20 Dated: May 8, 2025

HEATHER FERBERT, City Attorney

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22 By:



23 Chance Colbert Hawkins
24 Deputy City Attorney

25 Attorneys for Defendant and Respondent,
26 CITY OF SAN DIEGO
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