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Clerk of the Superior Court
By T. Automation, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO - CENTRAL DIVISION

DARRYL COTTON, an individual,

Case No.: 25CU017134C

Plaintiff and Petitioner

v.

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

**DECLARATION OF DARRYL COTTON
IN SUPPORT OF PLAINTIFF AND
RESPONDENT DARRYL COTTON'S
OPPOSITION TO CITY OF SAN DIEGO'S
NOTICE OF DEMURRER AND
DEMURRER TO COMPLAINT**

Defendants and Respondents.

Hearing Date: January 23, 2026
Hearing Time: 9:00 a.m.
Judge: Hon. Matthew C. Braner
Courtroom: C-60
Complaint Filed: March 28, 2025
Trial: Not Set

Related Cases: 25CU016177C
25CU016185C

I, Darryl Cotton, declare as follows:

1. I am the Plaintiff and Petitioner in this matter. I provide this declaration based on my personal knowledge and if called to do so, I could and would competently testify to the contents of this declaration.

2. On May 2, 2025, I responded to an introductory email sent by City of San Diego ("CITY") Deputy City Attorney Chance C. Hawkins ("Hawkins") in which I have established that there exists an ongoing pattern of the CITY denying me responsive documents that they provide to others that would when sent to me would be potential evidence of unlawful activities in the CITY's adult-use application processing.

1 3. I did not include, but can provide, the documents that would support those allegations in
2 my Petition for Writ of Mandate (“PWOM”) as the nature of my request was strictly devoted to the CITY
3 providing me any evidence that the PWOM, as referenced in PRA 25-1455 and PRA 25-1809 would
4 prove that the tax liability of \$542,727.06 owed by adult-use licensee, GSG PL INC had been paid.

5 4. Through my own investigative research I have found other PRA requests, by parties other
6 than myself, have addressed the tax liabilities of certain licensees and the adult-use licensees as a whole
7 in terms of uncollected Cannabis Business Tax (“CBT”) revenues owed the CITY by adult-use licensees
8

9 5. In a separate but related PWOM matter, DARRYL COTTON v. CITY OF SAN DIEGO,
10 Case No. 25CU016177C, Deputy City Attorney (“DCA”) Benjamin P. Syz and I held meet and confer
11 communications in which I agreed to dismiss my complaint if the CITY was able to produce a single
12 example of an adult-use application that had required a CEQA approval prior to the application approval¹.

13 6. I allege that the CITY is violating my 5th and 14th Amendment rights by deliberately
14 denying me records which they are providing others with.

15 I declare under penalty of perjury under the laws of the State of the State of California that the
16 foregoing is true and correct.

17
18 Date: May 23, 2025.

18 Respectfully submitted,

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20 

21
22 Darryl Cotton, in propria persona
23 Plaintiff/Petitioner
24

25 ¹ The PRA 25-1287 CITY response to the Cotton request was issued by Mr. Eric Wilsker, Development Services, on February
26 28, 2025, who stated “The City of San Diego has no responsive documents.” During the meet and confer with COTTON,
27 DCA Syz, investigated the availability of these documents and along with City Attorney Investigator A. Hershkowitz, supplied
28 COTTON with 55 projects (118 files) all of which proved that documents did exist and that all the CEQA determinations were
issued as “Categorically Exempt”, “Mitigated Negative Declaration” or “Negative Declaration” meaning none of the projects
were subject to an environmental review prior to the CITY approving those Conditional Use Permits.