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5

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

6 Attorneys for Defendant/Respondent  
CITY OF SAN DIEGO  
7

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

8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**  
9

10 DARRYL COTTON, an individual,	)	Case No. 25CU017134C
	)	
11 Plaintiff and Petitioner,	)	<b>DEFENDANT AND RESPONDENT</b>
	)	<b>CITY OF SAN DIEGO'S REPLY</b>
12 v.	)	<b>MEMORANDUM IN SUPPORT OF</b>
	)	<b>DEMURRER TO COMPLAINT</b>
13 CITY OF SAN DIEGO, a Municipal	)	
Corporation; and DOES 1-100,	)	Date: January 23, 2026
	)	Time: 9:00 a.m.
14 Defendants and Respondents.	)	Dept.: C-60
	)	Judge: Hon. Matthew C. Braner
	)	
	)	Complaint Filed: March 28, 2025
	)	Trial: Not Set
17	)	

18 Defendant and Respondent City of San Diego (City) respectfully submits this reply  
19 memorandum in support of demurrer to complaint:

20 **A. Opposition is Non-Responsive.**

21 Mr. Cotton's Opposition is non-responsive to the Demurrer because it does not address  
22 the non-request for records that he is suing on. The City understands California Public Records  
23 Act law but all the caselaw cited by Mr. Cotton is not relevant here because there is no pending  
24 request for public records.

25 Again, the request that Mr. Cotton is suing upon is a request for information – not  
26 records. See Complaint at Exhibit A (PRA Request No. 25-1809): "Accordingly I wish to modify  
27 my request and ask that no records be provided. . ."


28 ///

1 Accordingly, because there is no statutory or caselaw authority that can authorize this  
2 lawsuit a demurrer is warranted.

3  
4 Dated: January 15, 2026

HEATHER FERBERT, City Attorney

5  
6 By



Chance C. Hawkins  
Deputy City Attorney

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8 Attorneys for Defendant and Respondent  
CITY OF SAN DIEGO  
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7

8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**  
9

10 **DECLARATION OF**  
11 **SERVICE**

**Case Name: Darryl Cotton v. City of San Diego**  
**Case No. 25CU017134C**  
**Judge: Hon. Matthew C. Braner**  
**Department C-60**

12  
13 *[IMAGED]*

14 I, the undersigned declare that I am and was at the time of service of the papers herein  
referred to, over the age of eighteen years and not a party to the action; and I am employed in  
15 the County of San Diego, California, in which county the within-mentioned service occurred.  
My business address is 1200 Third Avenue, Suite 1100, San Diego, California, 92101.

16 On January 15, 2026, I served the following document(s):

- 17 • **DEFENDANT AND RESPONDENT CITY OF SAN DIEGO'S REPLY**  
18 **MEMORANDUM IN SUPPORT OF DEMURRER TO COMPLAINT**

19 on the following parties in this action:

20 Darryl Cotton  
6176 Federal Boulevard  
21 San Diego, CA 92114  
Telephone: (619) 954-4444  
22 E-mail: [151Darrylcotton@gmail.com](mailto:151Darrylcotton@gmail.com)  
23

*In Pro Per*

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1 [ ] **(BY U.S. MAIL)** I served the individual(s) named by placing a true and correct copy  
2 of the documents in a sealed envelope and placed it for collection and mailing with the  
3 United States Postal Service this same day, at my address shown above, following  
4 ordinary business practices. [CCP § 1013(a)]

5 I further declare that I am readily familiar with the business' practice for collection and  
6 processing of correspondence for mailing with the United States Postal Service; and  
7 that the correspondence shall be deposited with the United States Postal Service this  
8 same day in the ordinary course of business.

9 [ ] **(BY FAX)** On January 15, 2026, I transmitted the above-described document(s) by  
10 facsimile machine to the fax number(s) set forth above or as stated on the attached  
11 service list. The transmission originated from facsimile phone number (619) 533-5856  
12 and was reported as complete and without error. The facsimile machine properly  
13 issued a transmission report, a copy of which is attached hereto. [CCP § 1013(e); CRC  
14 Rule 2008]

15 [XX] **(BY ELECTRONIC SERVICE)** Based upon a court order, local rule, an agreement  
16 of the parties to accept service by email or electronic transmission, and/or pursuant to  
17 California Rule of Court 2.251, I caused the documents to be sent to the persons at the e-  
18 mail address(es) listed and/or by submitting an electronic version of the document(s) to  
19 One Legal, LLC through the user interface at [www.onelegal.com](http://www.onelegal.com). [CCP § 1010.6; CRC  
20 Rule 2.251(c)]

21 [ ] **(BY OVERNIGHT DELIVERY)** I served the individual(s) named by placing a true  
22 and correct copy of the documents in a sealed envelope(s) to be delivered overnight via  
23 an overnight delivery service in lieu of delivery by mail to the addressee(s) listed  
24 above, or as stated on the attached service list: [CCP § 1013]

25 [ ] **(BY PERSONAL SERVICE)** I provided copies to Nationwide Legal for personal  
26 service on this date, \_\_\_\_\_, **as to the law office of** \_\_\_\_\_ at the  
27 address indicated above. A certificate of service signed by Nationwide Legal will be  
28 filed with the Court upon request. [CCP § 1011]

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct. Executed on January 15, 2026, at San Diego, California.

\_\_\_\_\_  
Marci Bailey  
[baileym@sandiego.gov](mailto:baileym@sandiego.gov)