

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
CENTRAL COURTHOUSE

TENTATIVE RULINGS - January 22, 2026

HEARING DATE: 1/23/26

HEARING TIME: 9:00am

DEPT.: 60

JUDICIAL OFFICER:

CASE NO.:25CU017134C

CASE TITLE: Cotton vs City of San Diego

CASE TYPE: (U)Writ of Mandate: Writ of Mandamus - Prohibit

HEARING TYPE:

Defendant/Respondent City of San Diego's demurrer is **SUSTAINED**.

A demurrer shall be sustained if the complaint "does not state facts sufficient to constitute a cause of action." (Code Civ. Proc., § 430.10(e).) To test the sufficiency of a cause of action, the court treats as true "all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law." (*Centinela Freeman Emergency Medical Associates v. Health Net of California, Inc.* (2016) 1 Cal.5th 994, 1010.) The court may also consider matters that have been judicially noticed. (*Id.*) The court shall give the complaint a "reasonable interpretation, reading it as a whole and its parts in their context." (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.)

Defendant demurs to the entire complaint/petition for writ of mandate on the basis that Plaintiff/Petitioner Darryl Cotton did not make an actual request for "public records" within the meaning of the California Public Records Act. The court agrees.

Pursuant to Government Code section 7920.530, "public records" are defined as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." (Gov. Code, § 7920.530, subd. (a).) Here, according to the request Plaintiff incorporated into the complaint, Plaintiff made a request for records (PRA 25-1455) and received a response that documents would be withheld pursuant to Government Code sections 7925-000, 7922.000, and San Diego Municipal Code section 34.0113(e). As a result, Plaintiff made a second modified request (PRA 25-1809), which is the subject of the instant complaint, and requested:

[T]hat no records be provided but instead respond to whether or not the October 5, 2023, Adam Knopf, GSG PL post audit tax deficiency in the amount of \$542,727.07 has been collected in full or in part by the City. And, if it has not been paid in full or in part, where on the City's Annual Comprehensive Financial Report-FY2023 or any current City financials where this remains as lump sum value of all unpaid adult- use liabilities due the City can be found.

(Complaint, Ex. A [PRA Request No. 25-1809].) Thus, the public records request at issue did not request any records, and the CPRA contains no provision for requesting intangible information.

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Accordingly, Defendant's demurrer is sustained. As there are no facts Plaintiff could allege to cure the fundamental issue with his complaint, the demurrer is sustained without leave to amend, and judgment must be entered in favor of Defendant.

Defendant is directed to submit a proposed judgment consistent with this order.

If the tentative is confirmed, the minute order is otherwise the order of the court.