

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 01/23/2026

TIME: 9:00 AM

DEPT: C-60

JUDICIAL OFFICER: MATTHEW C. BRANER

CLERK: Jose Hernandez

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **25CU017134C** CASE INIT.DATE: 03/28/2025

CASE TITLE: **Cotton vs City of San Diego**

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

HEARING TYPE: Demurrer/Motion to Strike / Case Management Conference

MOVING PARTY:

APPEARANCES

Chance C Hawkins, Attorney for Defendant City of San Diego, present in person.

Darryl Cotton, self-represented Plaintiff, present in person.

Demurrer/Motion to Strike:

The Court hears argument of Plaintiff on the Demurrer.

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.

Accordingly, Defendant's demurrer is sustained.

The court was tentatively inclined to sustain the demurrer without leave to amend, because it did not believe Plaintiff could allege new facts to cure the fundamental issue with his complaint. However, Plaintiff pointed out that PRA Request No. 25-1809 references an earlier request (PRA Request No. 25-1455), which does request documents, and Plaintiff represented he could amend the petition to clarify that both requests are relevant to the petition. Consequently, the demurrer is sustained with leave to amend.

Plaintiff has 30 days from entry of this order to file and serve an amended complaint.

The minute order is the order of the court.

Case Management Conference:

The Court continues the Case Management Conference as follows:

The Case Management Conference is continued to 4/17/2026 at 10:15 AM before Judge BRANER, MATTHEW C..

Notice is waived.

Matthew C. Braner

Judge Matthew C. Braner