

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

MINUTE ORDER

DATE: 05/20/2016

TIME: 10:30:00 AM

DEPT: C-61

JUDICIAL OFFICER PRESIDING: John S. Meyer

CLERK: Herlinda Chavarin

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: J. Pedroza

CASE NO: **37-2016-00005526-CU-MC-CTL** CASE INIT.DATE: 02/18/2016

CASE TITLE: **City of San Diego vs Cotton [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Misc Complaints - Other

EVENT TYPE: Motion Hearing (Civil)

APPEARANCES

Onuoma O Omordia, counsel, present for Plaintiff(s).

Jeffrey A Lake, counsel, present for Defendant(s).

The Court hears oral argument and CONFIRMS the tentative ruling as follows:

Plaintiff City of San Diego seeks a preliminary injunction enjoining Defendant Darryl Cotton, his agents, servants, employees, partners, associates, officers, representatives, and all persons acting in concert or participating with or for him, from operating or maintaining a marijuana dispensary, collective or cooperative.

Defendant is the owner of the subject property located at 6166 Federal Blvd., San Diego. The property is located in a Commercial-Office (CO-2-1) zone in the City of San Diego. SDMC sections 131.0520, 131.0522, and Table 131-05B specify the permitted uses in the zone where the property is located. Operation or maintenance of a marijuana dispensary, collective or cooperative is not a permitted use.

Prior to January 14, 2016, the property was in a zoning area that allowed for a marijuana cooperative with a condition use permit. There is no evidence that any person associated with the property obtained a conditional use permit.

According to the evidence, the San Diego Police Department executed a search warrant on the subject property on April 6, 2016. Marijuana products were on display for sale. The police confiscated marijuana products, along with 30 marijuana plants. "Property Owner Darryl Cotton was located inside the office of the business and he admitted that the marijuana plants belonged to him." [Officer Marisela Cooper's Decl., ¶10]

Contrary to defendant's opposition, there is sufficient evidence demonstrating that Defendant Cotton is a

"responsible person" under SDMC §11.0210, and that he has caused and/or maintains the property in a manner that violates the San Diego Municipal Code.

THEREFORE, the City of San Diego's request for a preliminary injunction is **GRANTED**.

The Court adopts the proposed Preliminary Injunction Order submitted by the City.

IT IS SO ORDERED:



Judge John S. Meyer