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FILED
Clerk of the Superior Court

MAR -7 2018

By: J. CERDA

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

DARRYL COTTON, an individual,
Petitioner/Plaintiff,

v.

CITY OF SAN DIEGO, a public entity; and
DOES 1 through 25,
Respondents/Defendants.

REBECCA BERRY, an individual; LARRY
GERACE, an individual, and ROES 1 through
25,
Real Parties in Interest.

Case No. 37-2017-00037675-CU-WM-CTL

Judge: Hon. Joel R. Wohlfeil
Dept.: C-73

**[PROPOSED] JUDGMENT AFTER
ORDER DENYING MOTION FOR
ISSUANCE OF PEREMPTORY WRIT OF
MANDATE**

[IMAGED FILE]

**DATE: January 25, 2018
TIME: 8:30 a.m.
DEPT: C-73**

Petition Filed: October 6, 2017

On October 6, 2017, Plaintiff/Petitioner initiated this action by filing his Verified Petition for Alternative Writ of Mandate (Code Civ. Proc. § 1085).

On November 30, 2017, Real Party in Interest, Larry Geraci, answered the petition by the filing of Real Party in Interest Larry Geraci's Verified Answer to Petition for Writ of Mandate.

On November 30, 2017, Real Party in Interest, Rebecca Berry, answered the petition by the filing of Real Party in Interest Rebecca Berry's Verified Answer to Petition for Writ of Mandate.

On or about December 28, 2017, Respondent/Defendant, City of San Diego, answered the petition by the filing of Respondent/Defendant City of San Diego's Answer to Petitioner's Verified Petition for Alternative Writ of Mandate.

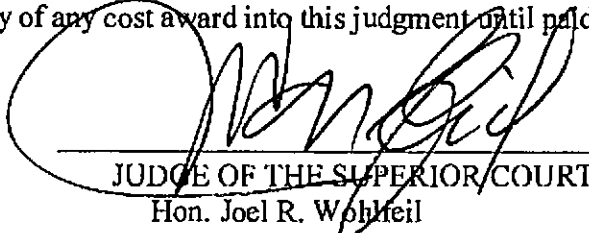
1 On January 25, 2018, the noticed motion by Petitioner/Plaintiff, Darryl Cotton, for issuance of a
2 peremptory writ of mandate came on for hearing. Petitioner/Plaintiff, Darryl Cotton, was represented
3 by Darryl Cotton, pro se. Respondent/Defendant, City of San Diego, was represented by M. Travis
4 Phelps, Chief Deputy City Attorney with the Office of the City Attorney. Real Parties in Interest, Larry
5 Geraci and Rebecca Berry, were represented by attorney Michael R. Weinstein of the law firm Ferris &
6 Britton, APC. After review of the written pleadings submitted by the parties and hearing oral
7 argument, the Court issued its order DENYING Petitioner/Plaintiff's motion for issuance of a
8 peremptory writ of mandate.

9 Based on the order denying Petitioner/Plaintiff's motion for issuance of a peremptory writ of
10 mandate, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

11 (1) Judgment be entered in favor of Respondent/Defendant, City of San Diego, and Real
12 Parties in Interest, Larry Geraci and Rebecca Berry, and against Petitioner/Plaintiff, Darryl
13 Cotton; and

14 (2) Respondent/Defendant, City of San Diego, and Real Parties in Interest, Larry Geraci and
15 Rebecca Berry, have and recover from Petitioner/Plaintiff costs of suit in the sums of
16 \$ TBD (City of San Diego), \$ TBD ^{4 1,037.95 costs added 6/12/18 @P} (Larry Geraci), and \$ TBD
17 (Rebecca Berry), respectively, with interest thereon at the rate of ten percent (10%) per
18 annum from the date of entry of any cost award into this judgment until paid.

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20 Dated: 3-7, 2018

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22 JUDGE OF THE SUPERIOR COURT
23 Hon. Joel R. Wohlfeil
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