

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael R. Weinstein (106464) /Scott H. Toothacre (146530) Ferris & Britton, APC 501 West Broadway, Suite 1450 San Diego, California 92101 TELEPHONE NO.: (619) 233-3131 FAX NO. (Optional) (619) 232-9316 E-MAIL ADDRESS (Optional): mweinstein@ferrisbritton.com ATTORNEY FOR (Name): Larry Geraci and Rebecca Berry	<p>2018 MAR 14 P 2:20</p> <p>CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA</p> <p>18 MAR 14 2:20</p> <p>FILED Clerk of the Superior Court MAR 14 2018</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: 330 W. Broadway CITY AND ZIP CODE: San Diego, California 92101 BRANCH NAME: Hall of Justice	CASE NUMBER: 37-2017-37675-CU-WM-CTL
PLAINTIFF/PETITIONER: Darryl Cotton DEFENDANT/RESPONDENT: City of San Diego	
<p style="text-align: center;">NOTICE OF ENTRY OF JUDGMENT OR ORDER</p> <p>(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeded \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded was \$25,000 or less)</p>	

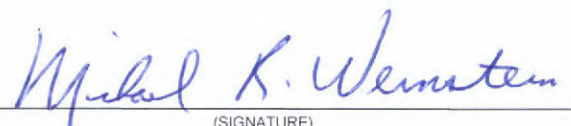
TO ALL PARTIES :

1. A judgment, decree, or order was entered in this action on (date): March 7, 2018
2. A copy of the judgment, decree, or order is attached to this notice.

Date: March 13, 2018

Michael R. Weinstein

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

▶  (SIGNATURE)

PLAINTIFF/PETITIONER: Darryl Cotton	CASE NUMBER: 37-2017-00037675-CU-WM-CTL
DEFENDANT/RESPONDENT: City of San Diego	

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*):

501 W. Broadway, Suite 1450
San Diego, CA 92101

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):

- a. deposited the sealed envelope with the United States Postal Service.
- b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on (*date*): March 13, 2018
- b. from (*city and state*): San Diego, California

4. The envelope was addressed and mailed as follows:

- | | |
|--|--|
| a. Name of person served:
Darryl Cotton
Street address: 6176 Federal Boulevard
City: San Diego
State and zip code: CA, 92114 | c. Name of person served:
Gina Austin, Esq.
Street address: 3990 Old Town Ave., Suite A112
City: San Diego
State and zip code: CA, 92110 |
| b. Name of person served:
M. Travis Phelps, Esq.
Street address: 1200 Third Avenue, Suite 1100
City: San Diego
State and zip code: CA, 92101 | d. Name of person served:

Street address:
City:
State and zip code: |

Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

5. Number of pages attached 0.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 13, 2018

Anna K. Lizano

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

F I L E D
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.

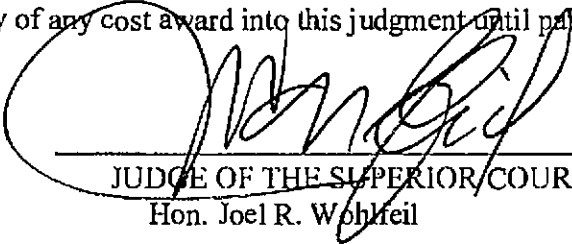
On or about December 28, 2017, Respondent/Defendant, City of San Diego, answered the petition by the filing of Respondent/Defendant City of San Diego's Answer to Petitioner's Verified Petition for Alternative Writ of Mandate.

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 (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.

19
20 Dated: 3-7, 2018



JUDGE OF THE SUPERIOR COURT
Hon. Joel R. Wohlheil