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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF LOS ANGELES**

19 PICO NEIGHBORHOOD ASSOCIATION and
20 MARIA LOYA;

21 Plaintiffs,

22 v.

23 CITY OF SANTA MONICA; and DOES 1-100,
24 inclusive,

25 Defendants.

CASE NO. BC 616804 (filed Apr. 12, 2016)

**DEFENDANT CITY OF SANTA
MONICA'S REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF DEMURRER
TO PLAINTIFFS' FIRST AMENDED
COMPLAINT; DECLARATION OF
DANIEL R. ADLER**

*[Notice of Demurrer and Demurrer,
Declaration of George H. Brown, and
[Proposed] Order Filed Concurrently]*

Cal. Gov. Code § 6103

HEARING:

Date/Time: May 22, 2017, at 8:45 a.m.
Dept.: 28
Res ID: 170203193236
Trial Date: October 30, 2017
Assigned to Hon. Yvette M. Palazuelos

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD**

2 **PLEASE TAKE NOTICE** that on May 22, 2017, at 8:45 a.m., or as soon thereafter as the
3 matter may be heard in Department 28 of the above-captioned court, located at 111 N. Hill St., Los
4 Angeles, CA 90012, Defendant City of Santa Monica will, and hereby does, request, pursuant to
5 California Evidence Code Sections 452 and 453, that the Court take judicial notice of the documents
6 listed below and attached as exhibits to the declaration of Daniel R. Adler.

7

| <u>Exhibit</u> | <u>Description</u> |
|----------------|--|
| A | Current Roster of Officeholders, City of Santa Monica (Santa Monica City Council, Santa Monica-Malibu Unified School District Board of Education, Board of Trustees for Santa Monica College, and Santa Monica Rent Control Board); Santa Monica City Council Biography of Tony Vazquez. |
| B | Excerpts from the Official Canvass Certificates and Official Statements of Votes Cast by Precinct for the City of Santa Monica Elections, 1975 & 1994–2016. ¹ |
| C | 2016 Election Precincts Map for the City of Santa Monica. |
| D | Santa Monica Planning Commission Report (June 1, 2016), Agenda Item 9-A. |
| E | Excerpts from the 1948 Charter of the City of Santa Monica and 1941 Charter of the City of Santa Monica. |
| F | 2010 Census data (for all Santa Monica Census tracts) and map (of those same tracts). |

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27 ¹ For the Court’s convenience, the City directs its attention to www.smvote.org, which reports
28 election results from 1975 to the present in a format more visually appealing than that of the Official Canvass Certificates. This website is maintained by the City of Santa Monica City Clerk.

1 **THIS COURT MAY TAKE JUDICIAL NOTICE OF EXHIBITS A THROUGH E**

2 In ruling on the City’s demurrer, this Court may consider matters subject to judicial notice under
3 Evidence Code Sections 452 and 453. (Code Civ. Proc., § 430.30, subd. (a); see also *Evans v. City of*
4 *Berkeley* (2006) 38 Cal.4th 1, 6.)

5 Under Section 452, courts may take judicial notice of “[f]acts and propositions that are not
6 reasonably subject to dispute and are capable of immediate and accurate determination by resort to
7 sources of reasonably indisputable accuracy.” (Evid. Code, § 452, subd. (h).) In other words, “[a]
8 court may take judicial notice of something that cannot reasonably be controverted, even if it negates
9 an express allegation of the pleading.” (*Poseidon Dev., Inc. v. Woodland Lane Estates, LLC* (2007)
10 152 Cal.App.4th 1106, 1117; see also *Lockley v. Law Office of Cantrell, Green, Pekich, Cruz & McCort*
11 (2001) 91 Cal.App.4th 875, 882 [“The underlying theory of judicial notice is that the matter being
12 judicially noticed is a law or fact that is *not reasonably subject to dispute*,” italics in original].)

13 **A. Exhibits A and D – Published Lists of City Officeholders and Published City**
14 **Report**

15 This Court should take judicial notice of published lists of City officeholders (Exhibit A) and a
16 report published by the City Planning Commission (Exhibit D).

17 The Evidence Code authorizes the Court to take judicial notice of “[o]fficial acts of the
18 legislative, executive, and judicial departments of . . . any state of the United States,” including local
19 governments. (Evid. Code, § 452, subd. (c); see *Garcia v. Four Points Sheraton LAX* (2010) 188
20 Cal.App.4th 364, 376, fn. 8.) Courts regularly take judicial notice of the records of municipalities and
21 agencies akin to the City’s Planning Commission. (See, e.g., *Trinity Park, L.P. v. City of Sunnyvale*
22 (2011) 193 Cal.App.4th 1014, 1027 [“we may take notice of . . . the official resolutions, reports, and
23 other official acts of a city”], *overruled on others grounds, Sterling Park, L.P. v. City of Palo Alto*
24 (2013) 57 Cal.4th 1193; *Souza v. Westlands Water Dist.* (2006) 135 Cal.App.4th 879, 886, fn. 1 [water
25 district agenda]; *Agnostini v. Strycula* (1965) 231 Cal.App.2d 804, 806–07 [records of the San
26 Francisco Civil Service Commission]; *Watson v. Los Altos School Dist.* (1957) 149 Cal.App.2d 768,
27 772–73 [county planning commission records].)

1 Reports available on government websites are also judicially noticeable as “official acts and
2 public records.” (See *Shaw v. People ex rel. Chiang* (2009) 175 Cal.App.4th 577, 606, fn. 10; *In re*
3 *Sodersten* (2007) 146 Cal.App.4th 1163, 1171, fn. 1.)

4 The accuracy of these lists of officeholders and the City’s public report is not reasonably subject
5 to dispute, and it may be verified by visiting City-maintained websites. The Court should take notice
6 of Exhibits A and D pursuant to Evidence Code 452, subdivisions (c) and (h).

7 This Court previously took judicial notice of exhibits nearly identical to Exhibits A and D. (See
8 Order at 1.) Exhibits A and D contain two pages that were not included in the prior exhibits—page
9 A-8 (the official City biography of Tony Vazquez, included only to show that he served a term as
10 Mayor of the City) and page D-15 (Santa Monica’s 2016 Election Precincts Map, also presented as
11 Exhibit C, with the boundaries of the Pico neighborhood as set out in Exhibit D overlaid in black
12 highlighter).

13 **B. Exhibits B and C– Santa Monica Election Results and Precincts Map**

14 This Court should take judicial notice of excerpts from the Official Canvass Certificates and
15 Official Statements of Votes Cast by Precinct for the City of Santa Monica Elections held in the years
16 1975, 1994, 1996, 1998, 1999, 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, and 2016 (Exhibit B),
17 and the 2016 Election Precincts Map (Exhibit C).

18 The election results are certified as true and correct by the Registrar-Recorder/County Clerk of
19 the County of Los Angeles. The results, along with the map, are also readily accessible on a website,
20 www.smvote.org, maintained by the City Clerk for the City of Santa Monica. The facts contained in
21 Exhibits B and C are therefore “not reasonably subject to dispute and are capable of immediate and
22 accurate determination by resort to sources of reasonably indisputable accuracy.” (Evid. Code, § 452,
23 subd. (h).) This court should take judicial notice of these election results, as other courts have similarly
24 done. (See, e.g., *Huntington Beach City Council v. Superior Court* (2002) 94 Cal.App.4th 1417, 1424,
25 fn. 2; *Chambers v. Ashley* (1939) 33 Cal.App.2d 390, 391; see also *Dudum v. Arntz* (9th Cir. 2011) 640
26 F.3d 1098, 1101, fn. 6.)

27 The 2016 Election Precincts Map is also readily available on www.smvote.org, and courts
28 regularly take notice of similar publicly available government documents, including election-related

1 materials (see, e.g., *Vargas v. City of Salinas* (2009) 46 Cal.4th 1, 22 & fn. 10) and maps (see, e.g.,
2 *Planned Parenthood Shasta-Diablo, Inc. v. Williams* (1995) 10 Cal.4th 1009, 1021 & fn. 2). Plaintiffs
3 have also relied on precinct-level election data. (See FAC ¶ 24.)

4 This Court previously took judicial notice of an exhibit containing all the material contained in
5 Exhibit B. (See Order at 1.) I have reduced the volume of the exhibit for the Court’s convenience.

6 **C. Exhibit E – Santa Monica City Charters**

7 This Court should take judicial notice of excerpts from the 1948 Charter of the City of Santa
8 Monica and the 1941 Charter of the City of Santa Monica.

9 California courts regularly take judicial notice of the provisions of City Charters. (See, e.g., *St.*
10 *Croix v. Superior Court* (2014) 228 Cal.App.4th 434, 447–448 [taking judicial notice of the San
11 Francisco Charter]; *Edgerly v. City of Oakland* (2012) 211 Cal.App.4th 1191, 1194 fn. 1 [taking judicial
12 notice of Oakland Charter]; *Johanson v. City Council of Santa Cruz* (1963) 222 Cal.App.2d 68, 71 [“It
13 is well established that this court may take judicial notice of the charter as a public statute.”].)

14 This Court previously took judicial notice of an exhibit containing all but one of the pages
15 contained in Exhibit E. (See Order at 1.) I have reduced the volume of previous submission for the
16 Court’s convenience. I have also included a City webpage entitled “A Brief History of Santa Monica
17 and its Charters,” which summarizes relevant portions of Santa Monica’s electoral history. (See pp.
18 E-23–25.)

19 **D. Exhibit F – 2010 United States Census Materials**

20 This Court should also take judicial notice of Exhibit F, which contains 2010 Census data
21 related to Santa Monica and a map of Census tract .

22 The courts of this State have taken judicial notice of Census data for well over a century.
23 (*Moehring v. Thomas* (2005) 126 Cal.App.4th 1515, 1523 fn. 4; *People v. Howard* (1990) 1 Cal.4th
24 1132, 1160 & fn. 6 [taking judicial notice of Hispanic share of county population]; *People v. Harris*
25 (1984) 36 Cal.3d 36, 47, fn. 3; *People v. Wong Wang* (1891) 92 Cal. 277, 280; *People ex rel. Stoddard*
26 *v. Williams* (1883) 64 Cal. 87, 91.) Courts have also taken judicial notice of racial demographic data
27 in CVRA cases. (See *Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660, 666, fn. 1.)

1 The facts contained in Exhibit F “are not reasonably subject to dispute and are capable of
2 immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”
3 (Evid. Code, § 452, subd. (h).) These Census data are readily accessible on the website of the Census
4 Bureau. Plaintiffs have also relied on Census data. (See FAC ¶ 15.)

5 This Court previously took judicial notice of an exhibit nearly identical to Exhibit F. (See Order
6 at 1.) Exhibit F contains one new page—page F-8, a map showing all of Santa Monica’s Census tracts.
7 This map, produced by the Census Bureau, corresponds to the Census tract data of which this Court
8 previously took judicial notice.

9 **CONCLUSION**

10 For these reasons, the City of Santa Monica respectfully requests that this Court take judicial
11 notice of the four categories of documents identified above and attached to the declaration of Daniel R.
12 Adler.

13
14 DATED: March 30, 2017

15
16 GIBSON, DUNN & CRUTCHER LLP

17
18 By: 
19 William E. Thomson

20 Attorneys for Defendant
21 *City of Santa Monica*

1 **DECLARATION OF DANIEL R. ADLER**

2 I, Daniel R. Adler, declare as follows:

3 1. I am an attorney duly admitted to practice law before all Courts of the State of
4 California. I am an associate at Gibson, Dunn & Crutcher LLP, and counsel for the City of Santa
5 Monica. Unless otherwise stated, I have personal knowledge of the matters stated in this Declaration,
6 about which I could and would testify competently if called as a witness. I make this declaration in
7 support of the City of Santa Monica’s demurrer to plaintiffs’ first amended complaint.

8 2. Attached as **Exhibit A** are true and correct copies of City webpages listing those
9 currently serving on the Santa Monica City Council, Santa Monica-Malibu Unified School District
10 Board of Education, Santa Monica College Board of Trustees, and Santa Monica Rent Control Board.

11 a) These webpages show that Latino-surnamed people hold roughly one in five
12 City offices, including Councilmember Tony Vazquez (p. A-1); Board of Education members Oscar
13 de la Torre (Plaintiff PNA’s representative) and Maria Leon-Vazquez (p. A-3); Santa Monica College
14 Trustee Margaret Quinones-Perez (p. A-5); and Rent Control Board member Steve Duron (p. A-6).

15 b) Councilmember Vazquez’s official biography (p. A-8) notes that he served as
16 Mayor Pro Tempore in 2015 and as Mayor in 2016.

17 3. Attached as **Exhibit B** are true and correct copies of excerpts from the Official Canvass
18 Certificates and Official Statements of Votes Cast by Precinct for the City of Santa Monica Elections
19 held in 1975, 1994, 1996, 1998, 1999, 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, and 2016. I
20 have prepared tables for the court’s convenience listing the candidates and vote totals for each Council
21 election held between 1994 and 2016. These tables are attached to this declaration as Appendix A.

22 These election returns demonstrate several things:

23 a) Tony Vazquez won a Council seat in both 2012 and 2016. (See pp. B-85–87,
24 B-101, B-104.)

25 b) From the 1994 election through the 2016 election, 159 candidates have run for
26 a seat on the City Council. (See pp. B-9, B-11, B-15, B-18, B-22, B-24, B-33, B-47, B-63, B-66, B-73,
27 B-83, B-85–87, B-92–93, B-96, B-104.)

1 c) In 2004, sixteen candidates ran for four seats on the Council, and nine of these
2 candidates received at least 5% of the vote. (See pp. B-36–41.) Plaintiff Maria Loya came in seventh,
3 with 8.12% of the vote. (See *ibid.*) Bobby Shriver won the largest share of the vote—16.47%. (See
4 *ibid.*)

5 d) In 2016, there were eleven candidates for the Council, one of whom was a write-
6 in candidate. (See pp. B-96, B-104.) Seven of these eleven candidates won at least 5% of the vote.
7 (See *ibid.*) Tony Vazquez won the second-largest share of the votes, with 15.64% (18,456 votes, 807
8 shy of Terry O’Day). (See *ibid.*) The electorate was divided into 54 precincts containing 68,644
9 registered voters; of those registered voters, 51,662 cast ballots. (See pp. B-101.) Plaintiffs allege that
10 “[i]n the four precincts that lie entirely within the Pico Neighborhood, Mr. O’Day received 1238 votes
11 and Mr. de la Torre received 1317 votes.” (FAC ¶ 24.) The only four precincts that match that
12 description are precincts 6250071A, 6250061A, 6250062A, and 6250025B (see table below; see also
13 Ex. D, Adler Decl. ¶ 5(b) [showing that these four precincts lie within the Pico neighborhood as the
14 City’s Planning Commission report defines it]). In those four precincts, there were 4,727 registered
15 voters (6.89% of all registered voters), and 3,208 ballots were cast (6.21% of all ballots). (See pp. B-
16 97–98.). Vazquez won 1,310 votes in those same precincts. With the addition of another precinct, part
17 of which falls within the Pico neighborhood as defined by the Planning Commission report (see Ex. D,
18 Adler Decl. ¶ 5(b)), the vote totals become: Vazquez (1,580), de la Torre (1,559), O’Day (1,470).

19

| Precinct | O’Day | de la Torre | Vazquez |
|-------------------------------|-------|-------------|---------|
| 6250071A | 307 | 278 | 305 |
| 6250061A | 322 | 387 | 367 |
| 6250062A | 279 | 322 | 274 |
| 6250025B | 330 | 330 | 364 |
| Four-precinct subtotal | 1,238 | 1,317 | 1,310 |
| 6250060A | 232 | 242 | 270 |
| Five-precinct total | 1,470 | 1,559 | 1,580 |

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e) Santa Monica City Council races attract many candidates, and voting is consistently fragmented. Over the last seven election cycles (2004, 2006, 2008, 2010, 2012, 2014, and 2016), there have been, on average, thirteen candidates per Council race, and successful candidates have won full-term Council seats with, on average, 15.27% of the vote. (See pp. B-35, B-49, B-65, B-75, B-85–87, B-92–93, B-101, B-104.) Several candidates won with approximately 10% of the vote. (See pp. B-35 [Genser won a seat with 9.50% of the vote in 2004]; B-85–87 [Vazquez won a seat with 10.01% of the vote in 2012]; B-92–93 [O’Connor won a seat with 10.23% of the vote in 2014].) Voting is often so fragmented that over half the field secures at least 5% of votes. (See, e.g., pp. B-36–41 [nine of sixteen candidates won more than 5% of the vote in 2004]; B-85–87 [eight of fifteen candidates won more than 5% of the vote in 2012]; B-92–93 [eight of fourteen candidates won more than 5% of the vote in 2014]; B-101, B-104 [seven of eleven candidates won more than 5% of the vote in 2016].) City Council candidates have won election even with fewer than 7,000 votes. (See pp. B-92–93 [showing that Councilmember Pam O’Connor won reelection with 6,696 votes].)

f) Voters rejected two propositions to reinstitute district-based elections. (See pp. B-4–5 [69% of voters rejecting Proposition 3 in 1975]; p. B-31 [64% of voters rejecting Measure HH in 2002].)

| Proposition 3 (1975) | | |
|----------------------|--------|--------|
| Yes | 5,060 | 31.16% |
| No | 11,179 | 68.84% |

| Measure HH (2002) | | |
|-------------------|--------|--------|
| Yes | 9,732 | 35.86% |
| No | 17,410 | 64.14% |

g) Latino-surnamed candidates have outperformed non-Latino-surnamed candidates in Santa Monica. Since 2004, Latino-surnamed candidates have won 65% of the races they have entered (15 out of 23), whereas non-Latino-surnamed candidates have won only 43% of the time (68 out of 158). (See pp. B-33–35, B-47–49, B-63–66, B-73–75, B-83, B-85–88, B-90–94, B-96–104.) The following table lists the names of the 23 Latino-surnamed candidates who have run for office since 2004, with the 15 winners signified in bold.

| Year | Name (representative body) |
|-------------------|---|
| 2004 | Maria Leon-Vazquez (Santa Monica-Malibu Unified School District Board) Jose Escarce (Santa Monica-Malibu Unified School District Board) Margaret R. Quinones (Santa Monica College Board) Maria Loya (Santa Monica City council) Ana M. Jara (Santa Monica-Malibu Unified School District Board) |
| 2006 | Oscar de la Torre (Santa Monica-Malibu Unified School District Board) |
| 2008 | Maria Leon-Vazquez (Santa Monica-Malibu Unified School District Board) Jose Escarce (Santa Monica-Malibu Unified School District Board) Margaret R. Quinones (Santa Monica College Board) Linda Piera-Avila (Santa Monica City Council) |
| 2010 ² | Oscar de la Torre (Santa Monica-Malibu Unified School District Board) |
| 2012 | Tony Vazquez (Santa Monica City Council) Maria Leon-Vazquez (Santa Monica-Malibu Unified School District Board) Jose Escarce (Santa Monica-Malibu Unified School District Board) Roberto Gomez (Santa Monica City Council) Steve Duron (Santa Monica City Council) |
| 2014 | Oscar de la Torre (Santa Monica-Malibu Unified School District Board) Steve Duron (Santa Monica Rent Control Board) Maria Loya (Santa Monica College Board) Zoe Muntaner (Santa Monica City Council) |
| 2016 | Tony Vazquez (Santa Monica City Council) Margaret Quinones-Perez (Santa Monica College Board) Oscar de la Torre (Santa Monica City Council) |

² One of the current councilmembers, Glean Olivia Davis—who won election in 2010 (partial term), 2012, and 2016—does not have a Latino surname, but has Latino heritage. Plaintiffs dispute this fact, and so the City makes no other specific references to Councilmember Davis here or in its demurrer.

1 4. Attached as **Exhibit C** is a true and correct copy of the 2016 Election Precincts Map
2 for the City of Santa Monica, which shows the boundaries of all fifty-four of the City’s precincts for
3 the November 2016 election.

4 5. Attached as **Exhibit D** is a true and correct copy of a City of Santa Monica Planning
5 Commission Report (dated June 1, 2016).

6 a) This report reveals that approximately 3,200 Latinos live in the Pico
7 neighborhood (that is, 39% of the 8,265 total residents), and that Latinos represent a minority of that
8 neighborhood’s residents. (See p. D-9.)

9 b) This report also features a map outlining the boundaries of the Pico
10 neighborhood. (See p. D-2.) For the Court’s convenience, I have attached to Exhibit D a copy of the
11 2016 Election Precincts Map (Exhibit C), with the boundaries of the Pico neighborhood, as identified
12 in the Planning Commission report, superimposed in black. (See p. D-15.)

13 c) More than four precincts lie within the Planning Commission report’s narrative
14 description and map of the Pico neighborhood. (See pp. D-1 [narrative description]; D-2 [map]; D-15
15 [map of Pico Neighborhood Plan, as shown on page 2, superimposed on 2016 Election Precincts Map].)

16 6. Attached as **Exhibit E** are true and correct copies of the 1948 Charter of the City of
17 Santa Monica and the 1941 Charter of the City of Santa Monica.³ The former demonstrates that City
18 Councilmembers are elected on an at-large basis. (See p. E-8 [“The City Council shall consist of seven
19 members elected from the City at large”].) The latter demonstrates that City Commissioners for public
20 safety, public works, and finance—those vested with legislative authority under the system of
21 government that was replaced by the City Charter reform of 1946—were each elected separately, and
22 also on an at-large basis. (See pp. E-20–21 [“There shall be elected by the electors of the City of Santa
23 Monica at large three commissioners, a commissioner of the department of public safety, [a
24 commissioner of] the department of public works, and a commissioner of the department of finance, at
25 the municipal election to be held in December, 1915, when the commissioner of the department of
26 public safety shall be elected for a term of four years, the commissioner of the department of public

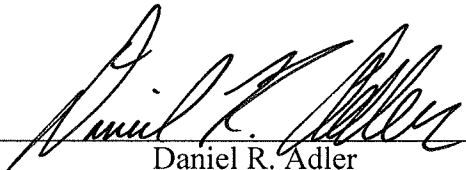
27 _____
28 ³ These versions of the Charter, unlike the original 1914 charter, were readily accessible. They demonstrate the differences between the 1914–1946 regime and the post-1946 regime.

1 works shall be elected for a term of two years, and the commissioner of the department of finance shall
2 be elected for a term of two years, and thereafter their successors shall be elected for a term of four
3 years at the municipal election held in December preceding the expiration of their respective terms of
4 office.”].)

5 The transition from the commissioner system to the present council system expanded the voting
6 power of cohesive voting groups. Under the commissioner system, a bare majority was enough to
7 guarantee victory—and guarantee defeat for any candidate backed by a cohesive minority of voters. A
8 cohesive minority group of 25% of voters could never elect its preferred candidate in the face of white
9 bloc voting under such a system. But under the current first-past-the-post council system, a bare
10 majority is no longer enough to foreclose victory for a cohesive minority voting bloc. In an election
11 with four open seats, 25% of the votes would be enough to guarantee victory for a cohesive voting
12 group’s preferred candidate; put differently, only a supermajority of 75%+ could necessarily defeat
13 such a candidate.

14 7. Attached as **Exhibit F** is a true and correct copy of 2010 Census data (“American
15 FactFinder,” reporting population of Hispanic or Latino origin) broken out by Santa Monica Census
16 tract, along with a map of these same Census tracts (p. F-8). These materials were produced by the
17 United States Census Bureau, and the data they contain show that Latinos do not constitute a majority
18 in any Santa Monica 2010 Census tract (see pp. F-4–7; see also p. F-8 [showing that the tracts listed
19 on pages 4 through 7 are all the Census tracts within the boundaries of Santa Monica]).

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is
21 true and correct. Executed this 30th day of March, 2017, in Los Angeles, California.

22
23
24 
25 Daniel R. Adler

APPENDIX A
City Council Election Results, 1994–2016

| 1994 | | |
|---------------------------------|---------------|----------------------------|
| Candidates | Votes | Percentage of Votes |
| Bob Holbrook⁴ | 13,331 | 16.55% |
| Ruth Ebner | 12,944 | 16.07% |
| Pam O'Connor | 12,399 | 15.40% |
| Tony Vazquez | 11,433 | 14.20% |
| Bruria Finkel | 11,259 | 13.98% |
| Matthew Kanny | 9,024 | 11.20% |
| Bob Kronovet | 3,229 | 4.01% |
| Ron Taylor | 2,092 | 2.60% |
| Jon Stevens | 1,872 | 2.32% |
| Wallace Peoples | 1,856 | 2.30% |
| Joe Sole | 1,099 | 1.36% |
| Total | 80,538 | 100% |

| 1996 | | |
|--------------------------|----------------|----------------------------|
| Candidates | Votes | Percentage of Votes |
| Asha Greenberg | 14,599 | 13.04% |
| Michael Feinstein | 13,681 | 12.22% |
| Ken Genser | 13,212 | 11.80% |
| Paul Rosenstein | 12,713 | 11.35% |
| Frank Schwengel | 12,129 | 10.83% |
| Kelly Olsen | 11,913 | 10.64% |
| Shari Davis | 10,275 | 9.18% |
| Donna Alvarez | 8,693 | 7.76% |
| Richard Bloom | 5,016 | 4.48% |
| Susan Mearns | 3,856 | 3.44% |
| Jeffrey Hughes | 2,693 | 2.41% |
| Jonathan Metzger | 2,034 | 1.82% |
| Larry Swieboda | 1,161 | 1.04% |
| Total | 111,975 | 100% |

⁴ Winners are signified in bold.

APPENDIX A (page 2)

| 1998 | | |
|----------------------|---------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Pam O'Connor | 15,068 | 20.18% |
| Kevin McKeown | 12,169 | 16.30% |
| Bob Holbrook | 11,895 | 15.93% |
| Richard Bloom | 11,803 | 15.81% |
| Susan Cloke | 10,046 | 13.46% |
| Frank Schwengel | 8,271 | 11.08% |
| Edward Muzika | 1,762 | 2.36% |
| Sherif Hanna | 1,751 | 2.35% |
| Jon Stevens | 1,166 | 1.56% |
| Brian Hutchings | 723 | 0.97% |
| Total | 74,654 | 100% |

| 1999 (Special Election) | | |
|-------------------------|---------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Richard Bloom | 7,848 | 53.90% |
| Susan Cloke | 4,876 | 33.49% |
| Frank Juarez | 685 | 4.70% |
| Peter Kerndt | 449 | 3.08% |
| Marc Sanschagrín | 398 | 2.73% |
| Don Gray | 203 | 1.39% |
| Jon Stevens | 100 | 0.69% |
| Total | 14,559 | 100% |

| 2000 | | |
|--------------------------|----------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Michael Feinstein | 21,084 | 18.21% |
| Richard Bloom | 19,343 | 16.70% |
| Ken Genser | 17,596 | 15.20% |
| Herb Katz | 14,283 | 12.33% |
| Robert Ross | 10,266 | 8.87% |
| Donna Block | 9,015 | 7.78% |
| David Cole | 6,782 | 5.86% |
| Jerry Rubin | 5,006 | 4.32% |
| Chuck Allord | 3,351 | 2.89% |
| Don Gray | 3,344 | 2.89% |
| Edward Curnel | 2,336 | 2.02% |
| Jon Stevens | 1,953 | 1.69% |
| Richard Horner | 1,441 | 1.24% |
| Total | 125,800 | 100% |

APPENDIX A (page 3)

| 2002 | | |
|----------------------|---------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Pam O'Connor | 13,396 | 18.93% |
| Kevin McKeown | 13,200 | 18.65% |
| Bob Holbrook | 11,164 | 15.77% |
| Abby Arnold | 10,868 | 15.36% |
| Matteo Dinolfo | 8,356 | 11.81% |
| Josefina Aranda | 6,579 | 9.30% |
| Chuck Allord | 3,117 | 4.40% |
| Jerry Rubin | 2,420 | 3.42% |
| Pro Se | 1,677 | 2.37% |
| Total | 70,777 | 100% |

| 2004 | | |
|----------------------|----------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Bobby Shriver | 23,260 | 16.47% |
| Richard Bloom | 16,710 | 11.84% |
| Herb Katz | 14,475 | 10.25% |
| Ken Genser | 13,408 | 9.50% |
| Patricia Hoffman | 12,584 | 8.91% |
| Matt Dinolfo | 11,774 | 8.34% |
| Maria Loya | 11,460 | 8.12% |
| Kathryn Morea | 9,682 | 6.86% |
| Michael Feinstein | 8,023 | 5.68% |
| David Cole | 4,182 | 2.96% |
| Leticia Anderson | 3,380 | 2.39% |
| Bill Bauer | 3,364 | 2.38% |
| Lorene Medelsohn | 3,270 | 2.32% |
| Tom Viscount | 2,794 | 1.98% |
| Jonathan Mann | 1,798 | 1.27% |
| Linda Armstrong | 1,027 | 0.73% |
| Total | 141,191 | 100% |

APPENDIX A (page 4)

| 2006 | | |
|-----------------|---------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Kevin McKeown | 14,000 | 19.21% |
| Pam O'Connor | 13,315 | 18.27% |
| Bob Holbrook | 13,041 | 17.89% |
| Terry O'Day | 11,756 | 16.13% |
| Gleam Davis | 9,471 | 12.99% |
| Jenna Linnekens | 3,077 | 4.22% |
| Terence Later | 2,606 | 3.57% |
| Mark McLellan | 2,184 | 3.00% |
| Linda Armstrong | 1,815 | 2.49% |
| Jonathan Mann | 1,631 | 2.24% |
| Total | 72,896 | 100% |

| 2008 | | |
|---------------------|----------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Bobby Shriver | 24,298 | 18.53% |
| Richard Bloom | 20,232 | 15.43% |
| Ken Genser | 19,145 | 14.60% |
| Herb Katz | 17,202 | 13.12% |
| Ted Winterer | 12,047 | 9.19% |
| Susan Hartley | 9,924 | 7.57% |
| Michael Kovac | 6,345 | 4.84% |
| Jerry Rubin | 6,076 | 4.63% |
| Linda Piera-Avila | 4,623 | 3.53% |
| Herbert Silverstein | 3,449 | 2.63% |
| John Blakely | 2,784 | 2.12% |
| Linda Armstrong | 2,398 | 1.83% |
| Jon Mann | 2,378 | 1.81% |
| Terence Later | 238 | 0.18% |
| Total | 131,139 | 100% |

APPENDIX A (page 5)

| 2010 (4-year term) | | |
|-----------------------|---------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Kevin McKeown | 16,337 | 21.76% |
| Pam O'Connor | 14,535 | 19.36% |
| Bob Holbrook | 12,775 | 17.01% |
| Ted Winterer | 12,719 | 16.94% |
| Jean Wyner | 4,015 | 5.35% |
| Jerry Rubin | 3,731 | 4.97% |
| Jon Mann | 3,528 | 4.70% |
| Terence Later | 2,931 | 3.90% |
| Daniel Cody | 2,764 | 3.68% |
| Linda Armstrong | 1,700 | 2.26% |
| Jeff Decker | 56 | 0.07% |
| Total | 75,091 | 100% |

| 2010 (2-year term) | | |
|-----------------------|---------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Terry O'Day | 15,948 | 33.19% |
| Gleam Davis | 13,370 | 27.83% |
| Robert Kronovet | 7,156 | 14.89% |
| Susan Hartley | 6,333 | 13.18% |
| David Ganezer | 5,240 | 10.91% |
| Total | 48,047 | 100% |

| 2012 | | |
|------------------|----------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Ted Winterer | 17,716 | 14.86% |
| Terry O'Day | 17,126 | 14.36% |
| Gleam Davis | 15,217 | 12.76% |
| Tony Vazquez | 11,939 | 10.01% |
| Shari Davis | 10,845 | 9.09% |
| Richard McKinnon | 8,041 | 6.74% |
| John Smith | 6,614 | 5.55% |
| Frank Gruber | 6,166 | 5.17% |
| Jonathan Mann | 5,135 | 4.31% |
| Bob Seldon | 4,281 | 3.59% |
| Armen Melkonians | 3,958 | 3.32% |
| Terence Later | 3,756 | 3.15% |
| Jerry Rubin | 3,069 | 2.57% |
| Roberto Gomez | 2,916 | 2.45% |
| Steve Duron | 2,465 | 2.07% |
| Total | 119,244 | 100% |

APPENDIX A (page 6)

| 2014 | | |
|-----------------------|---------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Kevin McKeown | 10,138 | 17.08% |
| Sue Himmelrich | 9,262 | 15.60% |
| Pam O'Connor | 6,696 | 11.28% |
| Phil Brock | 5,854 | 9.86% |
| Frank Gruber | 5,222 | 8.80% |
| Jennifer Kennedy | 5,037 | 8.48% |
| Richard McKinnon | 4,890 | 8.24% |
| Michael Feinstein | 3,729 | 6.28% |
| Terence Later | 1,874 | 3.16% |
| Jerry Rubin | 1,635 | 2.75% |
| Jon Mann | 1,594 | 2.68% |
| Nick Boles | 1,328 | 2.24% |
| Whitney Bain | 1,317 | 2.22% |
| Zoe Muntaner | 791 | 1.33% |
| Total | 65,452 | 100% |

| 2016 | | |
|---------------------|----------------|---------------------|
| Candidates | Votes | Percentage of Votes |
| Terry O'Day | 19,263 | 16.18% |
| Tony Vazquez | 18,456 | 15.50% |
| Ted Winterer | 18,156 | 15.25% |
| Gleam Davis | 17,842 | 14.98% |
| Armen Melkonians | 12,603 | 10.58% |
| Oscar de la Torre | 11,256 | 9.45% |
| James Watson | 6,170 | 5.18% |
| Mende Smith | 5,212 | 4.38% |
| Terence Later | 5,102 | 4.28% |
| Jon Mann | 3,959 | 3.32% |
| Phil Brock | 1,049 | 0.88% |
| Total | 119,068 | 100% |

**PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I, Cynthia Britt, declare:

I am employed in the County of Los Angeles, State of California. My business address is 333 South Grand Ave, Los Angeles, California 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On March 30, 2017, I served **DEFENDANT CITY OF SANTA MONICA'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEMURRER TO PLAINTIFFS' FIRST AMENDED COMPLAINT** and the **DECLARATION OF DANIEL R. ADLER** on the interested parties in this action by causing the service delivery of the above document as follows:

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Mary R. Hughes, Esq.
John L. Jones, Esq.
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- BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on March 30, 2017, in Los Angeles, California.


Cynthia Britt