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

18 PICO NEIGHBORHOOD ASSOCIATION
and MARIA LOYA;

19 Plaintiffs,

20 v.

21 CITY OF SANTA MONICA; and DOES 1–
100, inclusive,

22 Defendants.
23

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

**CITY OF SANTA MONICA'S
SUPPLEMENTAL REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF DEMURRER**

*[Reply Brief and Declaration of Tiaunia N. Henry
Filed Concurrently Herewith]*

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, pursuant to sections 452 and 453 of the California Evidence
3 Code and Rules 3.1113(l) and 3.1306(c) of the California Rules of Court, Defendant City of Santa
4 Monica (“the City”) respectfully requests that the Court take judicial notice of the below-listed
5 documents, true and correct copies of which are attached to the Declaration of Tiaunia N. Henry, filed
6 concurrently herewith, as Exhibits 1 through 5, in ruling upon the City’s Demurrer. The hearing to which
7 this request pertains is set for May 22, 2017, at 8:45 a.m., or as soon thereafter as they may be heard, in
8 Department 28 of the above-entitled Court, located at 111 North Hill Street, Los Angeles, California.

9 1. **Exhibit 1:** Plaintiffs’ Complaint for Violation of the California Voting Rights Act of
10 2001, filed on August 21, 2008 in the Superior Court of California, Madera County, Case No.
11 MCV043467.

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1 **REQUEST FOR JUDICIAL NOTICE**

2 Section 452 of the Evidence Code provides that it is appropriate for a court to take judicial notice
3 of “[f]acts and propositions that are of such common knowledge within the territorial jurisdiction of the
4 court that they cannot reasonably be the subject of dispute” and “[f]acts and propositions that are not
5 reasonably subject to dispute and are capable of immediate and accurate determination by resort to
6 sources of reasonably indisputable accuracy.” (Evid. Code, § 452, subs. (g) and (h).) Judicial notice is
7 mandated for matters that comport with the requirements of Evidence Code sections 452 and 453,
8 provided that the requesting party: (1) gives adequate notice to the adverse party; and (2) includes
9 sufficient information to enable the Court to take judicial notice. (See Evid. Code, §§ 452-453.)

10 **A. Judicial Notice May Be Properly Taken Of Exhibit 1, Which Is A Court Record**

11 California Evidence Code section 452 provides that “[j]udicial notice may be taken of . . .
12 [r]ecords of (1) any court of this state or (2) any court of record of the United States.” (Evid. Code,
13 § 452, subd. (d)(2); see also *Kilroy v. State* (2004) 119 Cal.App.4th 140, 145 [upholding that taking
14 judicial notice of pleading and documents filed in a state court action is proper].) This includes any
15 orders, findings of facts and conclusions of law, and judgments within court records. (See *Kilroy*, 119
16 Cal.App.4th at 145.); *Palmer v. Truck Ins. Exchange* (1999) 21 Cal.4th 1109, 1113, fn.1 [taking judicial
17 notice of various pleadings and documents contained in the record of a separate federal court action].)
18 The document attached hereto as Exhibit 1 is a court record—the original complaint in the CVRA case,
19 *Rey v. Madera*, a California state court case. This document falls within the category of documents
20 required to be judicially noticed upon a party’s request pursuant to section 452, subd. (d) and section
21 453 of the Evidence Code.

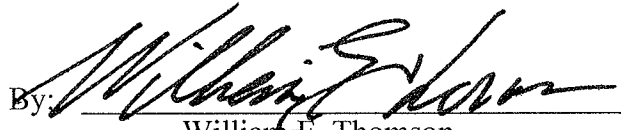
22 **B. Judicial Notice Is Properly Taken Of This Exhibit, Which Is Not Reasonably Subject To**
23 **Dispute**

24 California Evidence Code section 452 further provides that “[j]udicial notice may be taken of . . .
25 [f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and
26 accurate determination by resort to sources of reasonably indisputable accuracy.” The Exhibit to this
27 Supplemental Request for Judicial Notice cannot be reasonably disputed by Plaintiffs. Exhibits 1 is the
28 original complaint in the CVRA case, *Rey v. Madera*, which is not reasonably subject to dispute as it can

1 be verified through state court records.

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3 DATED: May 15, 2017

GIBSON, DUNN & CRUTCHER LLP

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5 By: 
6 William E. Thomson

7 Attorneys for Defendant *City of Santa Monica*

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Exhibit	Title
1	Plaintiffs' Complaint for Violation of the California Voting Rights Act of 2001, filed on August 21, 2008 in the Superior Court of California, Madera County, Case No. MCV043467.