

1 CITY OF SANTA MONICA  
LANE DILG, SBN 277220  
2 City Attorney  
Lane.Dilg@smgov.net  
3 GEORGE CARDONA, SBN 135439  
Special Counsel  
4 George.Cardona@smgov.net  
SUSAN COLA, SBN 178360  
5 Deputy City Attorney  
Susan.Cola@smgov.net  
6 1685 Main Street, Room 310  
Santa Monica, CA 90401  
7 Telephone: 310.458-8336.

8 GIBSON, DUNN & CRUTCHER LLP  
THEODORE J. BOUTROUS JR., SBN 132099  
9 tboutrous@gibsondunn.com  
MARCELLUS MCRAE, SBN 140308  
10 mmcrae@gibsondunn.com  
WILLIAM E. THOMSON, SBN 187912  
11 wthomson@gibsondunn.com  
KAHN SCOLNICK, SBN 228686  
12 kscolnick@gibsondunn.com  
TIAUNIA HENRY, SBN 254323  
13 333 South Grand Avenue  
Los Angeles, CA 90071-3197  
14 Telephone: 213.229.7000  
Facsimile: 213.229.7520

15 Attorneys for Defendant  
16 CITY OF SANTA MONICA

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

20 PICO NEIGHBORHOOD ASSOCIATION;  
21 MARIA LOYA; and ADVOCATES FOR  
MALIBU PUBLIC SCHOOLS,

22 Plaintiffs,

23 v.

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

26 Defendants.

CASE NO.: BC 616804

**CITY OF SANTA MONICA'S REQUEST  
FOR JUDICIAL NOTICE IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT  
OR, IN THE ALTERNATIVE, SUMMARY  
ADJUDICATION; DECLARATION OF  
DANIEL R. ADLER**

Complaint Filed: April 12, 2016  
Hearing Date: June 14, 2018, 8:45 am  
Reservation ID: 170614226861  
Trial Date: July 30, 2018

*Assigned to Judge Yvette Palazuelos, Dep't 28*

**CONFORMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court**

**MAR 29 2018**

*Sherri R. Carter, Executive Officer/Clerk  
By Shaunya Bolden, Deputy*

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 respectfully requests that the Court take judicial notice of the below-listed documents, true  
5 and correct copies of which are attached to the Declaration of Daniel R. Adler, filed concurrently as  
6 Exhibits A through H, in ruling upon the City's Motion for Summary Judgment or, in the Alternative,  
7 Summary Adjudication. The hearing to which this request pertains is set for June 14, at 8:45 a.m., in  
8 Department 28 of the above-entitled Court, located at 111 North Hill Street, Los Angeles, California.

9

<u>Exhibit</u>	<u>Description</u>
A	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 Biographies of Tony Vazquez and Gleam Davis.
B	Excerpts from the Official Canvass Certificates and Official Statements of Votes Cast by Precinct for the City of Santa Monica Elections
C	Order Overruling City's Demurrer to the First Amended Complaint
D	Order on Legal Issue Regarding Cumulative Voting, filed on October 30, 2015, from <i>Soliz v. City of Santa Clarita</i> , Case No. BC512735 in the Superior Court of California, Los Angeles County
E	Letter from Shenkman & Hughes, dated December 15, 2015, to Santa Monica City Council Members entitled "Violation of the California Voting Rights Act and Intentional Discrimination in the 1946 Adoption of At-Large Elections for the Santa Monica City Council"
F	US Census Bureau, American Community Survey 3- and 5-year files, available at <a href="https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml">https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml</a> ; 2010 Decennial Full Count Data by Census Block
G	Excerpts from the 1948 Charter of the City of Santa Monica and 1941 Charter of the City of Santa Monica
H	Exhibit 2 attached to Declaration of Kevin Shenkman in Opposition to Defendant's Motion for Judgment on the Pleadings

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

2                   In ruling on a motion for summary judgment or summary adjudication, the Court shall consider  
3 not only “affidavits, declarations, admissions, answers to interrogatories, [and] depositions,” but also  
4 all “matters of which judicial notice shall or may be taken.” (Code Civ. Proc., § 437c, subd. (b)(1).)  
5 Section 452 of the Evidence Code establishes eight categories of matters for which judicial may be  
6 taken. Section 452 provides that it is appropriate for a court to take judicial notice of “[o]fficial acts of  
7 the legislative, executive, and judicial departments” of any state, “[r]ecords of . . . any court in this  
8 state,” as well as “[f]acts and propositions that are not reasonably subject to dispute and are capable of  
9 immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”  
10 (Evid. Code, § 452, subds. (c), (d), and (h).) Judicial notice is mandated for matters that comport with  
11 the requirements of Evidence Code sections 452 and 453, provided that the requesting party: (1) gives  
12 adequate notice to the adverse party, and (2) includes sufficient information to enable the Court to take  
13 judicial notice. (See Evid. Code, §§ 452, 453.)

14                   **A.     Exhibit A – Published Lists of City Officeholders**

15                   This Court should take judicial notice of published lists of City officeholders (Exhibit A).

16                   The Evidence Code authorizes the Court to take judicial notice of “[o]fficial acts of the  
17 legislative, executive, and judicial departments of . . . any state of the United States,” including local  
18 governments. (Evid. Code, § 452, subd. (c); see *Garcia v. Four Points Sheraton LAX* (2010) 188  
19 Cal.App.4th 364, 376, fn. 8.) Reports available on government websites are also judicially noticeable  
20 as “official acts and public records.” (See *Shaw v. People ex rel. Chiang* (2009) 175 Cal.App.4th 577,  
21 606, fn. 10; *In re Sodersten* (2007) 146 Cal.App.4th 1163, 1171, fn. 1.)

22                   The accuracy of these lists of officeholders and the City’s public report is not reasonably subject  
23 to dispute, and it may be verified by visiting City-maintained websites. The Court should take notice  
24 of Exhibit B pursuant to Evidence Code 452, subdivisions (c) and (h).

25                   This Court previously took judicial notice of exhibits nearly identical to Exhibit A. (See Ex. C  
26 at 1.)

1           **B.       Exhibit B – Santa Monica Election Results**

2           This Court should take judicial notice of excerpts from the Official Canvass Certificates and  
3 Official Statements of Votes Cast by Precinct for the City of Santa Monica Elections held in the years  
4 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, and 2016 (Exhibit B).

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

14           This Court previously took judicial notice of an exhibit containing all the material contained in  
15 Exhibit B. (See Ex. C at 1.)

16           **C.       Exhibits C and D – Court Orders**

17           California Evidence Code section 452 provides that “[j]udicial notice may be taken  
18 of . . . [r]ecords of (1) any court of this state or (2) any court of record of the United States.” (Evid.  
19 Code, § 452, subd. (d)(2); see also *Kilroy v. State* (2004) 119 Cal.App.4th 140, 145 [upholding that  
20 taking judicial notice of pleading and documents filed in a state court action is proper].) This includes  
21 any orders, findings of facts and conclusions of law, and judgments within court records. (See *Kilroy*,  
22 119 Cal.App.4th at p. 145; *Palmer v. Truck Ins. Exchange* (1999) 21 Cal.4th 1109, 1113, fn.1 [taking  
23 judicial notice of various pleadings and documents contained in the record of a separate federal court  
24 action].) The document attached hereto as Exhibit C is a court record—this Court’s order overruling  
25 City’s Demurrer to the First Amended Complaint. The document attached as Exhibit D is also a court  
26 record—a court order in another CVRA case filed in the Superior Court for the County of Los Angeles,  
27 *Soliz v. City of Santa Clarita*. This document falls within the category of documents required to be  
28

1 judicially noticed upon a party’s request pursuant to section 452, subdivision (d), and section 453 of  
2 the Evidence Code. The City is not asking the court to consider the order of another trial court as  
3 authority, but only to note that the issue has arisen in other CVRA litigation.

4 California Evidence Code section 452 further provides that “[j]udicial notice may be taken  
5 of . . . [f]acts and propositions that are not reasonably subject to dispute and are capable of immediate  
6 and accurate determination by resort to sources of reasonably indisputable accuracy.” Exhibits C and  
7 D to this Request for Judicial Notice cannot be reasonably disputed by Plaintiffs. Exhibits C and D are  
8 court orders from the present case, and another CVRA case, *Soliz v. City of Santa Clarita*, neither of  
9 which is reasonably subject to dispute as both can be verified through state court records.

10 **E. Exhibits E and H – Letter from Plaintiffs’ Counsel and Exhibit 2 to Declaration of**  
11 **Plaintiffs’ Counsel in Opposition to Defendant’s Motion for Judgment on the Pleadings**

12 This Court should take judicial notice of the letter from Plaintiff’s counsel sent to members of  
13 the Santa Monica City Council on December 15, 2015 (Exhibit E), as well as an exhibit attached a  
14 declaration of plaintiffs’ counsel in support of an opposition to a motion filed by the City (Exhibit H).

15 California Evidence Code section 452 provides that “[j]udicial notice may be taken  
16 of . . . [f]acts and propositions that are not reasonably subject to dispute and are capable of immediate  
17 and accurate determination by resort to sources of reasonably indisputable accuracy.” Plaintiffs have  
18 referenced this letter in their pleadings. (See FAC ¶ 5.) As this letter was drafted by Plaintiffs’ counsel  
19 and sent to the City Council members, the facts and propositions it contains are “not reasonably subject  
20 to dispute” and are “capable of immediate and accurate determination.” Exhibit H is cited only for the  
21 proposition that the City was incorporated in 1886—a fact that is similarly “not reasonably subject to  
22 dispute.”

23 **F. Exhibit F – Census Data**

24 This Court should also take judicial notice of Exhibit F, which contains 2010 Census data  
25 related to Santa Monica, as wells as American Community Survey 3- and 5-year files for the United  
26 States Census Bureau.

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

7 The facts contained in Exhibit F “are not reasonably subject to dispute and are capable of  
8 immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”  
9 (Evid. Code, § 452, subd. (h).) These Census data are readily accessible on the website of the Census.  
10 Plaintiffs have also relied on Census data. (See Compl. ¶ 16.)

11 **G. Exhibit G – Santa Monica City Charters**

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

14 California courts regularly take judicial notice of the provisions of City Charters. (See, e.g.,  
15 *St. Croix v. Superior Court* (2014) 228 Cal.App.4th 434, 447–448 [taking judicial notice of the San  
16 Francisco Charter]; *Edgerly v. City of Oakland* (2012) 211 Cal.App.4th 1191, 1194 fn. 1 [taking  
17 judicial notice of Oakland Charter]; *Johanson v. City Council of Santa Cruz* (1963) 222 Cal.App.2d  
18 68, 71 [“It is well established that this court may take judicial notice of the charter as a public  
19 statute.”].)

20 This Court previously took judicial notice of an exhibit containing all but one of the pages  
21 contained in Exhibit E. (See Ex. C at 1.)  
22  
23  
24  
25  
26  
27  
28

1 **CONCLUSION**

2 For these reasons, the City of Santa Monica respectfully requests that this Court take judicial  
3 notice of the documents identified above and attached to the Declaration of Daniel Adler.  
4

5  
6  
7 DATED: March 29, 2018

GIBSON DUNN & CRUTCHER LLP

8  
9 By:   
10 William E. Thomson

11  
12 Attorney for Defendant  
13 *City of Santa Monica*  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 motion for summary judgment.

8 Attached as **Exhibit AA** is the expert declaration of Dr. Peter Morrison, along with supporting  
9 appendices setting out Dr. Morrison's credentials, peer-reviewed publications, and testifying  
10 experience.

11 2. Attached as **Exhibit A** are true and correct copies of City webpages listing those who  
12 have recently won at-large elections to the Santa Monica City Council, Santa Monica-Malibu Unified  
13 School District Board of Education, Santa Monica College Board of Trustees, and Santa Monica Rent  
14 Control Board.

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

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

21 c) These webpages also show that Gleam Davis currently holds the position of Mayor Pro  
22 Tempore (pp. A-1, A-9).

23 3. Attached as **Exhibit B** are true and correct copies of excerpts from the Official Canvass  
24 Certificates and Official Statements of Votes Cast by Precinct for the City of Santa Monica Elections  
25 held in 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, and 2016. I have prepared tables for the  
26 court's convenience listing the candidates and vote totals for each Council election held between 2000  
27 and 2016. These tables are attached to this declaration as Appendix A.

28 These election returns demonstrate several things:



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

3 b) Glean Davis won a Council seat in 2010, 2012, and 2016 (See pp. B-73, B-84,  
4 B-85–87, B-101, B-104.)

5 c) Santa Monica City Council races attract many candidates, and voting is  
6 consistently fragmented. Over the last seven election cycles (2004, 2006, 2008, 2010, 2012, 2014, and  
7 2016), there have been, on average, thirteen candidates per Council race, and successful candidates  
8 have won full-term Council seats with, on average, 15.27% of the vote, with only 13% of the vote  
9 being necessary, on average, to secure a seat. (See pp. B-35, B-49, B-65, B-75, B-85–87, B-92–93, B-  
10 101, B-104.) Several candidates won with approximately 10% of the vote. (See pp. B-35 [Genser won  
11 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];  
12 B-92–93 [O’Connor won a seat with 10.23% of the vote in 2014].) Voting is often so fragmented that  
13 over half the field secures at least 5% of votes. (See, e.g., pp. B-36–41 [nine of sixteen candidates won  
14 more than 5% of the vote in 2004]; B-85–87 [eight of fifteen candidates won more than 5% of the vote  
15 in 2012]; B-92–93 [eight of fourteen candidates won more than 5% of the vote in 2014]; B-101, B-104  
16 [seven of eleven candidates won more than 5% of the vote in 2016].) City Council candidates have  
17 won election even with fewer than 7,000 votes. (See pp. B-92–93 [showing that Councilmember Pam  
18 O’Connor won reelection with 6,696 votes].)

19 d) Latino-surnamed candidates have outperformed non-Latino-surnamed  
20 candidates in Santa Monica. Since 2004, Latino-surnamed candidates have won 65% of the races they  
21 have entered (15 out of 23), whereas non-Latino-surnamed candidates have won only 43% of the time  
22 (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.)  
23 The following table lists the names of the 23 Latino-surnamed candidates who have run for office since  
24 2004, with the 15 winners signified in bold.

Year	Name (representative body)
2004	<b>Maria Leon-Vazquez</b> (Santa Monica-Malibu Unified School District Board)

Year	Name (representative body)
	<p><b>Jose Escarce</b> (Santa Monica-Malibu Unified School District Board)</p> <p><b>Margaret R. Quinones</b> (Santa Monica College Board)</p> <p>Maria Loya (Santa Monica City council)</p> <p>Ana M. Jara (Santa Monica-Malibu Unified School District Board)</p>
2006	<p><b>Oscar de la Torre</b> (Santa Monica-Malibu Unified School District Board)</p>
2008	<p><b>Maria Leon-Vazquez</b> (Santa Monica-Malibu Unified School District Board)</p> <p><b>Jose Escarce</b> (Santa Monica-Malibu Unified School District Board)</p> <p><b>Margaret R. Quinones</b> (Santa Monica College Board)</p> <p>Linda Piera-Avila (Santa Monica City Council)</p>
2010 <sup>1</sup>	<p><b>Oscar de la Torre</b> (Santa Monica-Malibu Unified School District Board)</p>
2012	<p><b>Tony Vazquez</b> (Santa Monica City Council)</p> <p><b>Maria Leon-Vazquez</b> (Santa Monica-Malibu Unified School District Board)</p> <p><b>Jose Escarce</b> (Santa Monica-Malibu Unified School District Board)</p> <p>Roberto Gomez (Santa Monica City Council)</p> <p>Steve Duron (Santa Monica City Council)</p>
2014	<p><b>Oscar de la Torre</b> (Santa Monica-Malibu Unified School District Board)</p> <p><b>Steve Duron</b> (Santa Monica Rent Control Board)</p> <p>Maria Loya (Santa Monica College Board)</p> <p>Zoe Muntaner (Santa Monica City Council)</p>
2016	<p><b>Tony Vazquez</b> (Santa Monica City Council)</p> <p><b>Margaret Quinones-Perez</b> (Santa Monica College Board)</p> <p>Oscar de la Torre (Santa Monica City Council)</p>

4. Attached as **Exhibit C** is a true and correct copy of this Court's Order overruling the

<sup>1</sup> One of the current councilmembers, Gleam 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.

1 City's Demurrer to the First Amended Complaint.

2  
3 5. Attached as **Exhibit D** is a true and correct copy of the court's Order on Legal Issue  
4 Regarding Cumulative Voting filed on October 30, 2015, from *Soliz v. City of Santa Clarita*, Case No.  
5 BC512735 in the Superior Court of California, Los Angeles County.

6 6. Attached as **Exhibit E** is a true and correct copy of a letter from Shenkman & Hughes,  
7 dated December 15, 2015, to Santa Monica City Council Members entitled "Violation of the California  
8 Voting Rights Act and Intentional Discrimination in the 1946 Adoption of At-Large Elections for the  
9 Santa Monica City Council."

10 7. Attached as **Exhibit F** are true and correct copies of data sets from the United States  
11 Census Bureau, including American Community Survey 3- and 5-year files for the years 2005 to 2015  
12 (F-30-F138), available at <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>, and 2010  
13 Decennial Full Count Data by Census Block (F-1-F-29). These data show the eligible voting-age  
14 population for Latinos and census-block-level minority demographic information for the City of Santa  
15 Monica.

16 8. Attached as **Exhibit G** 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.<sup>2</sup> 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 <sup>2</sup> These versions of the Charter, unlike the original 1914 charter, were readily accessible. They  
28 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.”].)

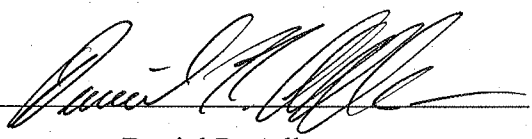
5 The transition from the commissioner system to the present council system expanded the voting  
6 power of cohesive voting groups. Under the commissioner system, a bare majority was enough to  
7 guarantee victory—and guarantee defeat for any candidate backed by a cohesive minority of voters. A  
8 small but cohesive minority group of voters could never elect its preferred candidate in the face of  
9 white 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

11 9. Attached as **Exhibit H** is a true and correct copy of Exhibit 2 attached to the Declaration  
12 of Kevin Shenkman in Opposition to Defendant’s Motion for Judgment on the Pleadings. The exhibit,  
13 printed from the official website of the City of Santa Monica, sets out “A Brief History of Santa Monica  
14 and its Charters.” It notes that the City was incorporated in 1886.

15 10. According to an article published on December 12, 2014, in the *Santa Monica Mirror*  
16 and available at [https://smmirror.com/2014/12/tony-vazquez-to-join-latino-santa-monica-history-  
17 with-mayor-appointment/](https://smmirror.com/2014/12/tony-vazquez-to-join-latino-santa-monica-history-with-mayor-appointment/), “Judge Juan José Carrillo was elected as a Santa Monica Trustee in 1888  
18 and held the position of President of the Board from 1890-1897, and was thus acting Mayor of Santa  
19 Monica. He is referred to as Santa Monica Mayor in both historical accounts of the time and in various  
20 news sources.” The article is entitled “Tony Vazquez to Join Latino Santa Monica History with Mayor  
21 Appointment.”

22 11. According to the website of the Pico Neighborhood Association, available at  
23 <https://pnasantamonica.com/>, “the PNA is a non-profit organization that has been involved in a wide  
24 variety of issues – crime & safety, housing, neighborhood conditions, commercial development, City  
25 Hall watch, youth activities, parks, and traffic control.”

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
2 and correct. Executed this 29th day of March, 2018, in Los Angeles, California.

3  
4 

5 Daniel R. Adler  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**APPENDIX A**  
**City Council Election Results, 2000–2016**

<b>2000</b>		
<b>Candidates</b>	<b>Votes</b>	<b>Percentage of Votes</b>
<b>Michael Feinstein</b>	21,084	18.21%
<b>Richard Bloom</b>	19,343	16.70%
<b>Ken Genser</b>	17,596	15.20%
<b>Herb Katz</b>	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%
<b>Total</b>	<b>125,800</b>	<b>100%</b>

<b>2002</b>		
<b>Candidates</b>	<b>Votes</b>	<b>Percentage of Votes</b>
<b>Pam O'Connor</b>	13,396	18.93%
<b>Kevin McKeown</b>	13,200	18.65%
<b>Bob Holbrook</b>	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%
<b>Total</b>	<b>70,777</b>	<b>100%</b>

APPENDIX A (page 2)

<b>2004</b>		
<b>Candidates</b>	<b>Votes</b>	<b>Percentage of Votes</b>
<b>Bobby Shriver</b>	23,260	16.47%
<b>Richard Bloom</b>	16,710	11.84%
<b>Herb Katz</b>	14,475	10.25%
<b>Ken Genser</b>	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%
<b>Total</b>	<b>141,191</b>	<b>100%</b>

<b>2006</b>		
<b>Candidates</b>	<b>Votes</b>	<b>Percentage of Votes</b>
<b>Kevin McKeown</b>	14,000	19.21%
<b>Pam O'Connor</b>	13,315	18.27%
<b>Bob Holbrook</b>	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%
<b>Total</b>	<b>72,896</b>	<b>100%</b>

APPENDIX A (page 3)

2008		
Candidates	Votes	Percentage of Votes
<b>Bobby Shriver</b>	24,298	18.53%
<b>Richard Bloom</b>	20,232	15.43%
<b>Ken Genser</b>	19,145	14.60%
<b>Herb Katz</b>	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%
<b>Total</b>	<b>131,139</b>	<b>100%</b>

2010 (4-year term)		
Candidates	Votes	Percentage of Votes
<b>Kevin McKeown</b>	16,337	21.76%
<b>Pam O'Connor</b>	14,535	19.36%
<b>Bob Holbrook</b>	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%
<b>Total</b>	<b>75,091</b>	<b>100%</b>

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



<b>Total</b>	48,047	100%
--------------	--------	------

**APPENDIX A (page 4)**

<b>2012</b>		
<b>Candidates</b>	<b>Votes</b>	<b>Percentage of Votes</b>
<b>Ted Winterer</b>	17,716	14.86%
<b>Terry O'Day</b>	17,126	14.36%
<b>Gleam Davis</b>	15,217	12.76%
<b>Tony Vazquez</b>	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%
<b>Total</b>	<b>119,244</b>	<b>100%</b>

<b>2014</b>		
<b>Candidates</b>	<b>Votes</b>	<b>Percentage of Votes</b>
<b>Kevin McKeown</b>	10,138	17.08%
<b>Sue Himmelrich</b>	9,262	15.60%
<b>Pam O'Connor</b>	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%
<b>Total</b>	<b>65,452</b>	<b>100%</b>

APPENDIX A (page 5)

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%
<b>Total</b>	<b>119,068</b>	<b>100%</b>

<u>Exhibit</u>	<u>Description</u>
AA	Expert declaration of Dr. Peter A. Morrison and accompanying appendices.
A	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 Biographies of Tony Vazquez and Gleam Davis.
B	Excerpts from the Official Canvass Certificates and Official Statements of Votes Cast by Precinct for the City of Santa Monica Elections.
C	Order Overruling City's Demurrer to the First Amended Complaint
D	Order on Legal Issue Regarding Cumulative Voting, filed on October 30, 2015, from <i>Soliz v. City of Santa Clarita</i> , Case No. BC512735 in the Superior Court of California, Los Angeles County
E	Letter from Shenkman & Hughes, dated December 15, 2015, to Santa Monica City Council Members entitled "Violation of the California Voting Rights Act and Intentional Discrimination in the 1946 Adoption of At-Large Elections for the Santa Monica City Council"
F	United States Census Bureau, American Community Survey 3- and 5-year files, available at <a href="https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml">https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml</a> ; 2010 Decennial Full Count Data by Census Block.
G	Excerpts from the 1948 Charter of the City of Santa Monica and 1941 Charter of the City of Santa Monica.
H	Exhibit 2 attached to Declaration of Kevin Shenkman in Opposition to Defendant's Motion for Judgment on the Pleadings.