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15 Attorneys for Plaintiffs

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **COUNTY OF LOS ANGELES**

18 PICO NEIGHBORHOOD ASSOCIATION and
19 MARIA LOYA,

20 Plaintiffs,

21 v.

22 CITY OF SANTA MONICA, and DOES 1
through 100, inclusive,

23 Defendants.

CASE NO. BC616804

**PLAINTIFFS' OBJECTION TO
DEFENDANT'S POST-TRIAL REQUEST
FOR JUDICIAL NOTICE**

Dept.: 28

[Assigned to the Honorable Yvette Palazuelos]

1 While election results may, as a general matter, be subject to judicial notice, it is far too late for
2 Defendant to introduce evidence, through judicial notice or otherwise. The trial of this case concluded
3 more than four months ago, and the Court has already indicated its intention to enter judgment in favor
4 of Plaintiffs. There is no reason to reopen the case to take further evidence at this stage, and
5 Defendant has not even bothered to request that relief. (See *Rosenfeld, Meyer & Susman v. Cohen*
6 (1987) 191 Cal. App. 3d 1035, 1052-53 [affirming trial court's refusal to reopen case to take additional
7 evidence, after trial was completed and a tentative decision was announced]; *Vangel v. Vangel* (1953)
8 116 Cal. App. 2d 615, 626-67 [affirming trial court's refusal to reopen case to take additional
9 evidence, after trial was completed and a decision was reached])

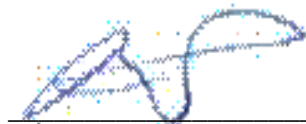
10 Moreover, Defendant provides no explanation of how the raw election results of the November
11 2018 election could be relevant to this case. For that reason also, Defendant's request for judicial
12 notice should be denied. (See *People v. Rowland* (1992) 4 Cal.4th 238, fn. 6 quoting Jefferson, Cal.
13 Evidence Benchbook (2d ed. 1982) Judicial Notice, § 47.1, p. 1749 ["judicial notice, which is a
14 substitute for formal proof of a matter by evidence, cannot be taken of any matter that is irrelevant."].)
15

16
17 Respectfully submitted:

18 DATED: January 22, 2019

19 **SHENKMAN & HUGHES PC**
20 **R. REX PARRIS LAW FIRM, and**
21 **LAW OFFICES OF MILTON C. GRIMES**
22 **LAW OFFICE OF ROBERT RUBIN**

23 By:




24 Kevin Shenkman
25 Attorneys for Plaintiffs
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BY ELECTRONIC SERVICE as follows: Based on a court order, or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addressed listed on the attached Service List.

Executed on January 25, 2019, at Lancaster, California.

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


Cheryl Cinnater

1 **SERVICE LIST**

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