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5 Attorney for Plaintiff

6 THE UNITED STATES DISTRICT COURT

7 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 THERESE MARIE PIZZO, )

Case No. 09-cv-04493-CW

9 Plaintiff, )

10 vs. )

PLAINTIFF'S REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF MOTION AND  
MOTION FOR SUMMARY JUDGMENT  
AND/OR ADJUDICATION OF ISSUES,  
AND MEMORANDUM OF POINTS AND  
AUTHORITIES (Federal Rules of Evidence,  
Rule 201); CONCURRENTLY FILE WITH  
DECLARATION OF GARY W. GORSKI

11 CITY AND COUNTY OF SAN FRANCISCO )  
MAYOR GAVIN NEWSOM, in both his )  
12 individual and official capacities; FORMER )  
SAN FRANCISCO POLICE DEPARTMENT; )  
13 CHIEF OF POLICE HEATHER FONG, in both )  
her individual and official capacities; SAN )  
14 FRANCISCO POLICE DEPARTMENT CHIEF )  
OF POLICE GEORGE GASCON, in his )  
15 official capacity; SAN FRANCISCO SHERIFF )  
MICHAEL HENNESSEY, in both his )  
16 individual and official capacities; CITY AND )  
COUNTY OF SAN FRANCISCO; and STATE )  
17 OF CALIFORNIA ATTORNEY GENERAL )  
EDMUND G. BROWN, in his official capacity, )

Hearing Date: July 26, 2012  
Time: 2:00 p.m.  
Place:  
Oakland Courthouse, Courtroom 2 - 4th Floor  
1301 Clay Street, Oakland, CA 94612  
Judge: Hon. Claudia Wilken

18 Defendants. )  
19 \_\_\_\_\_ )

20 PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT  
21 OF MOTION AND MOTION FOR SUMMARY JUDGMENT  
22 AND/OR ADJUDICATION OF ISSUES, AND MEMORANDUM  
OF POINTS AND AUTHORITIES (Federal Rule of Civil Procedure  
23 Rule 56)

24 **PLEASE TAKE NOTICE** that Plaintiff requests the Court to take judicial notice of the  
25 following documents and facts pursuant to Federal Rules of Evidence, Rule 201:

- 26 1. COMPLAINT Docket Entry #1
- 27 2. Attorney Jerry W Akins CCW - relevant portions of official records from CCW file of Jerry  
28 Akins, attorney for San Francisco Police Department, produced by Defendants in response to request

1 for production of documents

2 3. Attorney James Harrigan CCW - relevant portions of official records from CCW file of  
3 James Harrigan, attorney for San Francisco Sheriff's, produced by Defendants in response to request  
4 for production of documents

5 4. Attorney Hachaela Hctor - relevant portions of official records from CCW file of Hachaela  
6 Hctor, attorney for San Francisco City Attorney's office, produced by Defendants in response to  
7 request for production of documents

8 5. PLAINTIFF'S REQUEST FOR INSPECTION AND PRODUCTION OF DOCUMENTS  
9 AND THINGS, SET ONE, served on RESPONDING PARTY Defendant CITY AND COUNTY OF  
10 SAN FRANCISCO, served and dated November 10, 2011.

11 6. PLAINTIFF'S REQUEST FOR ADMISSIONS, SET ONE, served on RESPONDING  
12 PARTY Defendant SAN FRANCISCO POLICE DEPARTMENT CHIEF OF POLICE GEORGE  
13 GASCON, served and dated November 10, 2011.

14 7. PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE, served on RESPONDING  
15 PARTY Defendant HEATHER FONG, served and dated November 10, 2011.

16 8. PLAINTIFF'S REQUEST FOR ADMISSIONS, SET ONE, served on RESPONDING  
17 PARTY Defendant SAN FRANCISCO SHERIFF MICHAEL HENNESSEY, in both his individual  
18 and official capacities, served and dated November 10, 2011.

19 9. PLAINTIFF'S REQUEST FOR ADMISSIONS, SET ONE, served on RESPONDING  
20 PARTY Defendant STATE OF CALIFORNIA ATTORNEY GENERAL EDMUND G. BROWN  
21 (now Kamala D. Harris), in his/her official capacity, served and dated November 10, 2011.

22 10. PLAINTIFF'S REQUEST FOR ADMISSIONS, SET ONE, served on RESPONDING  
23 PARTY Defendant CITY AND COUNT OF SAN FRANCISCO, , served and dated November 10,  
24 2011.

25 11. PLAINTIFF'S REQUEST FOR INSPECTION AND PRODUCTION OF DOCUMENTS  
26 AND THINGS, SET ONE, served on Defendant SAN FRANCISCO SHERIFF MICHAEL  
27 HENNESSEY, served and dated November 10, 2011.

28 12. PLAINTIFF'S REQUEST FOR INSPECTION AND PRODUCTION OF DOCUMENTS

1 AND THINGS, SET ONE, served on Defendant STATE OF CALIFORNIA ATTORNEY  
2 GENERAL EDMUND G. BROWN (now Kamala D. Harris), in his/her official capacity, served and  
3 dated November 10, 2011.

4 13. PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE, served on RESPONDING  
5 PARTY Defendant SAN FRANCISCO SHERIFF MICHAEL HENNESSEY, in both his individual  
6 and official capacities, served and dated November 10, 2011.

7 14. PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE, served on RESPONDING  
8 PARTY Defendant SAN FRANCISCO POLICE DEPARTMENT CHIEF OF POLICE GEORGE  
9 GASCON, served and dated November 10, 2011.

10 15. PLAINTIFF'S REQUEST FOR INSPECTION AND PRODUCTION OF DOCUMENTS  
11 AND THINGS, SET ONE, served on RESPONDING PARTY Defendant SAN FRANCISCO  
12 POLICE DEPARTMENT CHIEF OF POLICE, GEORGE GASCON, served and dated November  
13 10, 2011.

14 16. PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE, served on RESPONDING  
15 PARTY Defendant CITY AND COUNTY OF SAN FRANCISCO, served and dated November 10,  
16 2011.

17 17. PLAINTIFF'S SPECIAL INTERROGATORIES, SET ONE, served on RESPONDING  
18 PARTY Defendant STATE OF CALIFORNIA ATTORNEY GENERAL EDMUND G. BROWN  
19 (now Kamala D. Harris), in his/her official capacity, served and dated November 10, 2011.

20 18. PLAINTIFF'S REQUEST FOR ADMISSIONS, SET ONE, served on RESPONDING  
21 PARTY Defendant HEATHER FONG, served and dated November 10, 2011.

22 19. Defendant CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFF'S  
23 FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS, by Sherri Sokeland  
24 Kaiser, Deputy City Attorney for the City of San Francisco, served and dated January 17, 2012.

25 20. Defendant CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFF'S  
26 FIRST REQUEST FOR ADMISSIONS, submitted to Gary W. Gorski, Attorney for Plaintiff, by  
27 Sherri Sokeland Kaiser, Deputy City Attorney for the City of San Francisco, served and dated  
28 January 17, 2012

1 21. Defendant SAN FRANCISCO POLICE CHIEF GREG SUHR'S RESPONSES TO  
2 PLAINTIFF'S FIRST SET OF INTERROGATORIES, submitted on January 17, 2012, to Gary W.  
3 Gorski, Attorney for Plaintiff, submitted to Gary W. Gorski, Attorney for Plaintiff, by Dennis J.  
4 Herrera, City Attorney; and Wayne Snodgrass and Sherri Kaiser, Deputy City Attorneys, Attorneys  
5 for Defendants CITY AND COUNTY OF SAN FRANCISCO AND ITS OFFICIALS, in  
6 substitution for former Chiefs Fong and Gascon.

7 22. Defendant DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES  
8 TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, submitted to Gary W. Gorski, Attorney  
9 for Plaintiff, by Dennis J. Herrera, City Attorney; and Wayne Snodgrass and Sherri Kaiser, Deputy  
10 City Attorneys for CITY AND COUNTY OF SAN FRANCISCO, verified and dated January 17,  
11 2012.

12 23. Defendant SHERIFF ROSS MIRKARIMI'S RESPONSES TO PLAINTIFF'S FIRST SET  
13 OF INTERROGATORIES, submitted to Gary W. Gorski, Attorney for Plaintiff, by Dennis J.  
14 Herrera, City Attorney; and Wayne Snodgrass and Sherri Kaiser, Deputy City Attorneys, Attorneys  
15 for Defendants CITY AND COUNTY OF SAN FRANCISCO AND ITS OFFICIALS, verified and  
16 dated January 17, 2012.

17 24. Defendant ATTORNEY GENERAL'S RESPONSE TO PLAINTIFF'S SPECIAL  
18 INTERROGATORIES, SET ONE, submitted to Gary W. Gorski, Attorney for Plaintiff, by Kamala  
19 D. Harris, Peter A. Krause, and George Waters, Attorneys for Defendant Kamala Harris as Attorney  
20 General, unsigned and dated January \_\_, 2012.

21 25. Defendant ATTORNEY GENERAL'S RESPONSE TO PLAINTIFF'S REQUEST FOR  
22 ADMISSIONS, SET ONE, submitted to Gary W. Gorski, Attorney for Plaintiff, by Kamala D.  
23 Harris, Peter A. Krause, and George Waters, Attorneys for Defendant Kamala Harris as Attorney  
24 General.

25 26. Defendant ATTORNEY GENERAL'S RESPONSE TO PLAINTIFF'S REQUEST FOR  
26 INSPECTION AND PRODUCTION OF DOCUMENTS AND THINGS, SET ONE, submitted to  
27 Gary W. Gorski, Attorney for Plaintiff, by Kamala D. Harris, Peter A. Krause, and George Waters,  
28 Attorneys for Defendant Kamala Harris as Attorney General.

1 27. TABLE 37. "Homicide Crimes and Peace Officers Killed in the Line of Duty, 1996-2005."  
2 (A chart showing annual rates of homicides per capita vs. officers killed in line of duty.) per  
3 Defendant ATTORNEY GENERAL'S RESPONSE TO PLAINTIFF'S REQUEST FOR  
4 INSPECTION AND PRODUCTION OF DOCUMENTS AND THINGS, SET ONE, submitted to  
5 Gary W. Gorski, Attorney for Plaintiff, by Kamala D. Harris, Peter A. Krause, and George Waters,  
6 Attorneys for Defendant Kamala Harris as Attorney General

7 28. "Homicide in California 2006," Edmund G. Brown, Jr., Attorney General. (An analysis of  
8 homicide crimes, arrests, death penalty sentences, officers killed in the line of duty, and justifiable  
9 homicides; printed annually by the California. TABLE 37. "Homicide Crimes and Peace Officers  
10 Killed in the Line of Duty, 1996-2005." (A chart showing annual rates of homicides per capita vs.  
11 officers killed in line of duty.) per Defendant ATTORNEY GENERAL'S RESPONSE TO  
12 PLAINTIFF'S REQUEST FOR INSPECTION AND PRODUCTION OF DOCUMENTS AND  
13 THINGS, SET ONE, the only responsive documents are the crime data located on defendant's  
14 website at <http://oag.ca.gov/crime>.

15 29. Gascon, George, Chief of Police. "Officer Involved Shootings, a Five Year Study." January  
16 20, 2010. (A study examining San Francisco Police Department procedures followed in  
17 officer-involved shootings (OIS) for a five-year period, from January 1, 2005 to August 27, 2009.)

18 30. San Francisco Police Department. "General Order 5.01; Use of Force." Rev: October 4,  
19 1995. (Policy regarding minimal reliance upon the use of physical force.)

20 31. SEARCH WARRANT AFFIDAVIT; United States District Court Case No. 2:11-SW-0498  
21 EFB. (Order granted June 1, 2012, in the matter of the search of Roseville, Sacarmanto City,  
22 Sacramento County, and CHP officer abusing there right to buy, sell, and trade firarms that are not  
23 available to the public, including high capacity magazines.)

24 32. Declaration of Lt. Timothy J. Twomey, Retired; filed November 21, 2007, United States  
25 Eastern District Court Case No. CIV S 03 2682 MCE/KJM, in matter of *MEKL, v. BLANAS*.

26 33. *Report of the Committee on Hollow-Point Bullets*, New York City Police Department, July 8,  
27 1998.

28 34. San Francisco Sheriff's Department CCW Policy and Procedure, issued June 23, 2011

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Date: June 14, 2012

Respectfully submitted,  
LAW OFFICES OF GARY W. GORSKI  
/s/ Gary W. Gorski  
GARY W. GORSKI  
Attorney for Plaintiff