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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 ESPANOLA JACKSON, PAUL COLVIN,) **CASE NO.: CV-09-2143-RS**
THOMAS BOYER,)
13 LARRY BARSETTI, DAVID GOLDEN,) **REQUEST FOR JUDICIAL NOTICE**
NOEMI MARGARET ROBINSON,) **IN SUPPORT OF PLAINTIFFS'**
14 NATIONAL RIFLE ASSOCIATION OF) **OPPOSITION TO DEFENDANTS'**
AMERICA, INC. SAN FRANCISCO) **MOTION TO CONSOLIDATE**
15 VETERAN POLICE OFFICERS)
ASSOCIATION,)

16)
17)
17 Plaintiffs)

18 vs.)

19 CITY AND COUNTY OF SAN)
FRANCISCO, MAYOR GAVIN)
20 NEWSOM, IN HIS OFFICIAL CAPACITY;))
POLICE CHIEF GEORGE GASCÓN, in his)
21 official capacity, and Does 1-10,)

22 Defendants.)
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26)
27)
28)

1 TO THE CLERK AND ALL PARTIES OF RECORD AND THEIR COUNSEL HEREIN:

2 In support of their Opposition to Defendants’ Motion to Consolidate, Plaintiffs Espanola
3 Jackson, et al., through their attorneys of record, hereby request the Court take judicial notice of
4 the following facts pursuant to Federal Rule of Evidence 201:

5 1. On September 23, 2009, Therese Marie Pizzo filed a Complaint for Monetary
6 Damages, Declaratory and Injunctive Relief in the United States District Court for the Northern
7 District of California, a true and accurate copy of which is attached hereto and marked as Exhibit
8 “A”.

9 2. The *Pizzo* Complaint seeks both monetary damages and declaratory and injunctive
10 relief. (Ex. A 30-31, ¶¶ 1-14.)

11 3. The *Pizzo* Complaint names as defendants the following individuals: Mayor Gavin
12 Newsom, former Chief of Police Heather Fong, and Chief of Police George Gascón, in both their
13 individual and official capacities, and Sheriff Mike Hennessey and California Attorney General
14 Edmund G. Brown, in their official capacities only. The *Pizzo* Complaint also names the City and
15 County of San Francisco. (Ex. A. 6-7, ¶¶ 45, 49, 53, 56-59, 62.)

16 4. The *Pizzo* Complaint challenges San Francisco Police Code (SFPC) sections
17 613.10(g), 1290, and 4512, California Penal Code sections 12050 et seq. and 12031, the federal
18 Law Enforcement Officers Safety Act (LEOSA), codified at 18 U.S.C. §§ 926B, 926C. (Ex. A 7,
19 ¶¶ 64-66.)

20 5. The *Pizzo* Complaint asserts the following causes of action: (1) SFPC section 4512
21 violates the Second Amendment; (2) SFPC section 1290 violates the Second Amendment; (3)
22 California Penal Code section 12050 et seq. violates the Second Amendment; (4) Defendants’
23 application and enforcement of California Penal Code section 12050 et seq. violates the
24 Fourteenth Amendment right to equal protection under the law; (5) California Penal Code section
25 12031(b) violates the Fourteenth Amendment right to equal protection under the law; (6)
26 Defendants’ enforcement of LEOSA violates the Fourteenth Amendment right to equal protection
27 under the law; (7) SFPC section 613.10(g) violates the Second Amendment; (8) SFPC section
28 613.10(g) violates the Fifth Amendment right to due process; (9) SFPC sections 613.10(g), 1290,

1 and 4512 and California Penal Code section 12050 et seq. violate the Constitution and laws of the
2 State of California; (10) Defendants' enforcement and application of all code sections challenged
3 violate the right to travel under Article IV, Section 2 of the United States Constitution and the
4 Privileges and Immunities Clause of the Fourteenth Amendment; and (11) Defendants'
5 enforcement and application of all code sections challenged violate the Due Process Clause of the
6 Fourteenth Amendment. (Ex. A 30-31, ¶¶ 1-11.)

7 6. The *Pizzo* Complaint demands a jury trial. (Ex. A 30, ¶ 268.)

8 Dated: November 18, 2010

MICHEL & ASSOCIATES, P. C.

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C. D. Michel
Attorney for Plaintiffs

