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8

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION
12

13 **CHARLES NICHOLS,**

14 Plaintiff,

15 v.

16 **EDMUND G. BROWN, Jr., in his
official capacity as Governor of
17 California, KAMALA D. HARRIS,
Attorney General, in her official
18 capacity as Attorney General of
California, CITY OF REDONDO
19 BEACH, CITY OF REDONDO
BEACH POLICE DEPARTMENT,
20 CITY OF REDONDO BEACH
POLICE CHIEF JOSEPH
21 LEONARDI and DOES 1 to 10,**

22 Defendants.
23

CV-11-09916 SJO (SS)

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
MOTION AND MOTION TO
DISMISS ACTION UNDER FED. R.
CIV. P. 12(B)(1)**

Date: July 31, 2012
Time: 10:00 a.m.
Crtrm.: 23 – 3rd Flr.
Judge: Hon. Suzanne H.
Segal
Trial Date: Not Yet Set
Action Filed: Nov. 30, 2011

24 Under Federal Rule of Evidence 201, Defendant Kamala D. Harris, Attorney
25 General of California (“the Attorney General”), by and through her counsel of
26 record, Jonathan M. Eisenberg, Esq., requests that the Court take judicial notice of
27 the following facts:
28

1 1. The City of Redondo Beach has a municipal code charter, including
2 charter article XI, and its section 11-2, and its sub-section (c). A true and correct
3 copy of this section of this article of the charter of the municipal code is attached
4 hereto as Exhibit A.

5 2. The Los Angeles County District Attorney (the "DA") has an Internet
6 website that gives information about the DA's activities within Los Angeles
7 County. A true and correct copy of one page of this website, the page concerning
8 state-law misdemeanor prosecutions, is attached hereto as Exhibit B.

9 3. Exhibits A and B are publicly-accessible information sources whose
10 accuracy cannot reasonably be questioned. Exhibits A and B give information that
11 is generally known within the Central District of California. This information is
12 that the City of Redondo Beach has a City Prosecutor who prosecutes state-law
13 misdemeanors that occur in Redondo Beach.

14 Dated: June 29, 2012

Respectfully submitted,

15 KAMALA D. HARRIS
16 Attorney General of California
17 PETER K. SOUTHWORTH
Supervising Deputy Attorney General

18
19 */s/ Jonathan M. Eisenberg*
JONATHAN M. EISENBERG
20 Deputy Attorney General
21 *Attorneys for Defendant California*
22 *Attorney General Kamala D. Harris*
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Redondo Beach Municipal Code

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CHARTER

Article XI. Elective Officers, Powers and Duties

Sec. 11.2. City Attorney.

No person shall be eligible for the office of City Attorney unless he shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the active practice of law in the State of California for at least five (5) years preceding his appointment or election.

The City Attorney shall devote his full time to the duties of office and shall not engage in private legal practice during his term of office, except to carry to conclusion any matters for which he has been retained prior to taking office.

The City Attorney shall have the power and shall be required to:

(a) Represent and advise the City Council and all city officers in all matters of law pertaining to the respective offices/duties.

(b) Represent and appear for the city and any city officer, employee or former city officer or employee, in any and all actions or proceedings in which the city or such officer or employee, in or by reason of his official capacity is concerned or is a party. The City Council, at the request of the City Attorney, may employ other attorneys to assist in any litigation or other matter of interest to the city.

(c) Prosecute on behalf of the People any and all criminal cases arising from violations of this Charter or city ordinances; he shall prosecute violations of State misdemeanors, unless otherwise directed by the City Council.

(d) Attend all meetings of the City Council, unless excused, and give his advice or opinion orally or in writing whenever requested to do so by the City Council or by any boards or officers of the city.

(e) Approve the form of all bonds given to, and all contracts made by, the city, endorsing his approval thereon in writing.

(f) Prepare any and all proposed ordinances or resolutions for the city and amendments thereto.

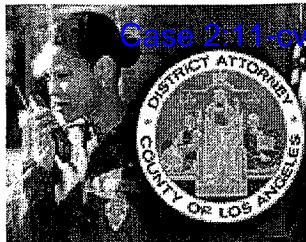
(g) On vacating office, surrender to his successor all books, papers, files, and documents pertaining to the city's affairs.

The City Attorney may appoint such assistant city attorneys or deputy city attorneys who shall serve him. Such assistant city attorneys or deputy city attorneys shall not be included in the classified service and shall be subject to removal by the city attorney.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as provided by the Constitution and general laws of the State.

*11.2—as amended by election 4-15-75 and 6-5-84.

Ex H. A



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Cities Within Los Angeles County

The District Attorney's Office prosecutes felony and misdemeanor crimes in the following areas:

- Agoura Hills
- Alhambra
- Arcadia
- Artesia
- Avalon
- Azusa
- Baldwin Park
- Bell
- Bell Gardens
- Bellflower
- Beverly Hills
- Bradbury
- Burbank*
- Calabasas
- Carson
- Cerritos
- Claremont
- Commerce
- Compton
- Covina
- Cudahy
- Culver City
- Diamond Bar
- Downey
- Duarte
- El Monte
- El Segundo
- Gardena
- Glendale
- Glendora
- Hawaiian Gardens
- Hawthorne*
- Hermosa Beach*
- Hidden Hills
- Huntington Park
- Industry
- Inglewood*
- Irwindale
- La Canada-Flintridge
- La Habra Heights
- Lakewood
- La Verne
- Lawndale
- Lomita
- Long Beach*
- Los Angeles*
- Lynwood
- Malibu
- Manhattan Beach
- Maywood
- Monrovia
- Montebello
- Monterey Park
- Norwalk
- Palmdale
- Palos Verdes Estates
- Paramount
- Pasadena*
- Pico Rivera
- Pomona
- Rancho Palos Verdes
- Redondo Beach*
- Rolling Hills
- Rolling Hills Estates
- Rosemead
- San Dimas
- San Fernando
- San Gabriel
- San Marino
- Santa Clarita
- Santa Fe Springs
- Santa Monica*
- Sierra Madre
- Signal Hill
- South El Monte
- South Gate
- South Pasadena
- Temple City
- Torrance*
- Vernon
- Walnut
- West Covina

Ex. B

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- La Mirada
- Lancaster
- La Puente
- West Hollywood
- Westlake Village
- Whittier

* Note: cities with their own city prosecuting agency to prosecute misdemeanor crimes

Please read our [Privacy Policy](#).

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CERTIFICATE OF E-FILING AND SERVICE

Case Name: Nichols v. Brown No. U.S.D.C., C.D. Cal., 11-cv-09916-SJO-SS

I hereby certify that, on June 29, 2012, I caused to be electronically filed with the U.S. District Court, Central District of California, Clerk of the Court, through the CM/ECF system, the document(s) with the following title(s):

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS
ACTION UNDER FED. R. CIV. P. 12(B)(1)**

I certify that at least some of the participants in the above-entitled case are registered CM/ECF users.

I am employed in Los Angeles, California, in the Office of the Attorney General, Department of Justice, State of California ("OACG"), which is the office of a member of the California State Bar, at which member's direction the following service is made.

I am 18 years of age or older and not a party to this matter. I am familiar with the business practices at the OACG for collection and processing of correspondence for mailing with the U.S. Postal Service. In accordance with those practices, correspondence placed in the internal mail collection system at the OACG is deposited with the U.S. Postal Service, with postage thereon fully prepaid, that same day, in the ordinary course of business.

I further certify that at least some of the participants in the case are not registered CM/ECF users.

On June 29, 2012, I caused to be mailed, in the OACG's internal mail system, by First-Class Mail, postage prepaid, the foregoing document(s) to the following person(s) at the following address(es):

Charles Nichols
P.O. Box 1302
Redondo Beach, CA 90278

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 29, 2012, at Los Angeles, California.

R. Velasco
Declarant

/s/ R. Velasco
Signature