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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

**STEVEN RUPP; STEVEN DEMBER;
CHERYL JOHNSON; MICHAEL
JONES; CHRISTOPHER SEIFERT;
ALFONSO VALENCIA; TROY
WILLIS; and CALIFORNIA RIFLE &
PISTOL ASSOCIATION,
INCORPORATED,**

Plaintiffs,

v.

**XAVIER BECERRA, in his official
capacity as Attorney General of the State
of California; and DOES 1-10,**

Defendants.

8:17-cv-00746-JLS-JDE

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
DEFENDANT'S PARTIAL
MOTION TO DISMISS
PLAINTIFFS' DUE PROCESS
CLAUSE AND TAKINGS
CLAUSE CLAIMS**

Date: December 1, 2017
Time: 2:30 p.m.
Courtroom: 10A
Judge: The Honorable
Josephine L. Staton
Trial Date: N/A
Action Filed: April 24, 2017

1 Pursuant to Federal Rule of Evidence 201, Defendant Xavier Becerra, in
2 his capacity as the Attorney General of the State of California (Defendant)
3 respectfully request that the Court take judicial notice of the following
4 documents in support of his partial motion to dismiss:

5 (1) The June 14, 2016, bill analysis report for Senate Bill 880 by the
6 California Assembly Committee on Public Safety. A true and correct copy of this
7 document is attached hereto as Exhibit 1. Exhibit 1 is a public record of the
8 California Legislature that was accessed on October 5, 2017, from the official
9 California Legislative Information website
10 ([https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=20152016](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160SB880)
11 [0SB880](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160SB880)).

12 (2) A press release issued by the United States Department of Justice on
13 December 17, 2015, titled *California Man Charged with Conspiring to Provide*
14 *Material Support to Terrorism and Being 'Straw Purchaser' of Assault Rifles*
15 *Ultimately Used in San Bernardino, California, Attack*. A true and correct copy of
16 this document is attached hereto as Exhibit 2. Exhibit 2 is a public record of the
17 United States government that was accessed on October 5, 2017, from the website
18 of the United States Department of Justice
19 ([https://www.justice.gov/opa/pr/california-man-charged-conspiring-provide-](https://www.justice.gov/opa/pr/california-man-charged-conspiring-provide-material-support-terrorism-and-being-straw)
20 [material-support-terrorism-and-being-straw](https://www.justice.gov/opa/pr/california-man-charged-conspiring-provide-material-support-terrorism-and-being-straw)).

21 The Court may take judicial notice of any fact that is “not subject to
22 reasonable dispute in that it is either (1) generally known within the territorial
23 jurisdiction of the trial court or (2) capable of accurate and ready determination by
24 resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid.
25 201(b). A court shall take judicial notice if requested by a party and supplied with
26 the necessary information. Fed. R. Evid. 201(d). “A trial court may presume that
27 public records are authentic and trustworthy.” *Gilbrook v. City of Westminster*, 177
28 F.3d 839, 858 (9th Cir. 1999) (taking judicial notice of agency report); *Bryant v.*

1 *Carleson*, 444 F.2d 353, 357 (9th Cir. 1981) (taking judicial notice of agency order).
 2 “Legislative history is properly a subject of judicial notice.” *Anderson v. Holder*,
 3 673 F.3d 1089, 1094 n.1 (9th Cir. 2012); *Chaker v. Crogan*, 428 F.3d 1215, 1223
 4 n.8 (9th Cir. 2005) (taking judicial notice of the legislative history of California
 5 statute).

6 The accuracy of these public records consisting of enacted legislation and
 7 agency records cannot reasonably be questioned, and judicial notice of these
 8 records is therefore appropriate. Fed. R. Evid. 201(b); *Gilbrook*, 177 F.3d at 858;
 9 *Bryant*, 444 F.2d at 357; *Anderson*, 673 F.3d at 1094 n.1; *Chaker*, 428 F.3d 1215 at
 10 1223 n.8.

11
 12 Dated: October 5, 2017

Respectfully submitted,

13 XAVIER BECERRA
 14 Attorney General of California
 15 THOMAS S. PATTERSON
 Senior Assistant Attorney General

16 /s/ Peter H. Chang

17 PETER H. CHANG
 Deputy Attorney General
 Attorneys for Defendant Xavier Becerra

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