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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11
 12 B & L PRODUCTIONS, INC., d/b/a
 CROSSROADS OF THE WEST, et al.,
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 Plaintiffs,
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 v.
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 16 22nd DISTRICT AGRICULTURAL
 ASSOCIATION, et al.,
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 Defendants.

19-cv-0134-CAB-NLS

**REQUEST FOR JUDICIAL
 NOTICE IN SUPPORT OF
 MOTION TO DISMISS**

Date: May 1, 2019
 Judge: The Honorable Cathy Ann
 Bencivengo
 Action Filed: January 21, 2019

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1 Under Federal Rule of Evidence 201, Defendants 22nd District Agricultural
2 Association; Steve Shewmaker, President of 22nd District Agricultural Association,
3 in his official and individual capacity; Richard Valdez, Vice President of 22nd
4 District Agricultural Association, in his official and individual capacity; and Karen
5 Ross, Secretary of California Department of Food & Agriculture, in her official
6 capacity (collectively, “Defendants”), respectfully request the Court to take judicial
7 notice of the following documents in support of Defendants’ motion to dismiss:

8 1. Contract Manual for District Agricultural Associations, prepared and
9 maintained by the California Department of Food & Agriculture, Division of Fairs
10 and Expositions (Revised January 2010). A true and correct copy of this document
11 is attached hereto as **Exhibit A**. **Exhibit A** is an excerpt from a public record of the
12 California Department of Food and Agriculture that is available for review by the
13 general public.

14 2. Facility and Rental Use Policies adopted and maintained by Defendant
15 22nd District Agricultural Association’s (“District”). A true and correct copy of
16 this document is attached hereto as **Exhibit B**. The District’s Facility and Rental
17 Use Policies, attached as **Exhibit B**, were accessed on March 21, 2019, from the
18 District’s website, [http://www.delmarfairgrounds.com/index.php?fuseaction=
19 about.rules](http://www.delmarfairgrounds.com/index.php?fuseaction=about.rules).

20 3. PowerPoint Presentation prepared by the District’s Contracts Oversight
21 Committee (the “Contract Oversight Committee”) and presented by the Contracts
22 Oversight Committee during the District’s September 11, 2018 public Board
23 meeting. A true and correct copy of this document is attached hereto as **Exhibit C**.
24 **Exhibit C** is a public record of the District that is available for review by the
25 general public. *A portion of Exhibit C was also attached as Exhibit 7 to Plaintiffs’
26 complaint in this action.*

27 4. Transcript from the District’s September 11, 2018 public Board meeting.
28 A true and correct copy of this document is attached hereto as **Exhibit D**. **Exhibit**

1 **D** is a public record of the District and was prepared by Kathryn L. Edwards, a
2 certified shorthand reporter (CSR No. 7288.) **Exhibit D** is a public record of the
3 District that is available for review by the general public.

4 5. Excerpts from Transcript from the District's January 9, 2018 public
5 Board meeting. A true and correct copy of this document is attached hereto as
6 **Exhibit E**. **Exhibit E** is a public record of the District and was prepared by
7 Kathryn L. Edwards, a certified shorthand reporter (CSR No. 7288.) **Exhibit E** is a
8 public record of the District that is available for review by the general public.

9 6. Excerpts of Transcript from the District's February 13, 2018 public
10 Board meeting and meeting minutes from the District's February 13, 2018 public
11 Board meeting, approved by the District's Board of Directors during its March 13,
12 2018 public Board meeting. A true and correct copy of these documents are
13 attached collectively hereto as **Exhibit F**. The transcript attached as part of **Exhibit**
14 **F** is a public record of the District and was prepared by Kathryn L. Edwards, a
15 certified shorthand reporter (CSR No. 7288). The meeting minutes from the
16 District's February 13, 2018 public Board meeting, attached as part of **Exhibit F**,
17 were accessed on March 18, 2019, from the District's website:

18 http://www.delmarfairgrounds.com/pdf/2018/2018_03_13_DMF-packet.pdf.

19 7. Excerpts of Transcript from the District's March 13, 2018 public Board
20 meeting and meeting minutes from the District's March 13, 2018 public Board
21 meeting, approved by the District's Board of Directors during its April 24, 2018
22 public Board meeting. A true and correct copy of these documents are attached
23 collectively hereto as **Exhibit G**. The transcript attached as part of **Exhibit G** is a
24 public record of the District and was prepared by Kathryn L. Edwards, a certified
25 shorthand reporter (CSR No. 7288). The meeting minutes from the District's
26 March 13, 2018 public Board meeting, attached as part of **Exhibit G**, were
27 accessed on March 18, 2019, from the District's website:

28 http://www.delmarfairgrounds.com/pdf/2018/2018_04_24_DMF-packet.pdf.

1 8. Excerpts of Transcript from the District’s April 24, 2018 public Board
2 meeting and meeting minutes from the District’s April 24, 2018 public Board
3 meeting, approved by the District’s Board of Directors during its May 22, 2018
4 public Board meeting. A true and correct copy of these documents are attached
5 collectively hereto as **Exhibit H**. The transcript attached as part of **Exhibit H** is a
6 public record of the District and was prepared by Kathryn L. Edwards, a certified
7 shorthand reporter (CSR No. 7288). The meeting minutes from the District’s April
8 24, 2018 public Board meeting, attached as part of **Exhibit H**, were accessed on
9 March 18, 2019, from the District’s website:

10 http://www.delmarfairgrounds.com/pdf/2018/2018_05_22_DMF-packet.pdf.

11 9. Excerpts of Transcript from the District’s May 22, 2018 public Board
12 meeting and meeting minutes from the District’s May 22, 2018 public Board
13 meeting, approved by the District’s Board of Directors during its August 14, 2018
14 public Board meeting. A true and correct copy of these documents are attached
15 collectively hereto as **Exhibit I**. The transcript attached as part of **Exhibit I** is a
16 public record of the District and was prepared by Kathryn L. Edwards, a certified
17 shorthand reporter (CSR No. 7288). The meeting minutes from the District’s May
18 22, 2018 public Board meeting, attached as part of **Exhibit I**, were accessed on
19 March 18, 2019, from the District’s website:

20 http://www.delmarfairgrounds.com/pdf/2018/2018_08_14_DMF-packet.pdf.

21 10. Meeting Minutes from the District’s January 9, 2018 public Board
22 meeting, approved by the District’s Board of Directors during its February 13, 2018
23 public Board meeting. A true and correct copy of this document is attached hereto
24 as **Exhibit J**. **Exhibit J** is a public record of the District that was accessed on
25 March 18, 2019, from the District’s website:

26 http://www.delmarfairgrounds.com/pdf/2018/2018_02_13_DMF-packet.pdf.

27 The Court may take judicial notice of any fact that is “not subject to
28 reasonable dispute in that it is either (1) generally known within the territorial

1 jurisdiction of the trial court or (2) capable of accurate and ready determination by
2 resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid.
3 201(b). A court shall take judicial notice of such a fact if requested by a party and
4 supplied with the necessary information. *Id.* 201(d). “A trial court may presume
5 that public records are authentic and trustworthy.” *Gilbrook v. City of Westminster*,
6 177 F.3d 839, 858 (9th Cir. 1999) (taking judicial notice of agency report).

7 The accuracy of all these public records, consisting of agency policies, agency
8 reports presented during a public meeting, public meeting agenda, and public
9 meeting transcripts, cannot reasonably be questioned, and judicial notice of all these
10 public records is therefore appropriate.

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12 Dated: March 27, 2019

Respectfully Submitted,

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14 XAVIER BECERRA
Attorney General of California
15 PAUL STEIN
Supervising Deputy Attorney General
16 JOSHUA M. CAPLAN
Deputy Attorney General

17
18 *s/P. PATTY LI*

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Deputy Attorney General
20 *Attorneys for Defendants*
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